

Petitioner's Demonstrative Exhibit

Early Warning Services, LLC

v.

Patent Owner Intellectual Ventures II LLC

IPR2024-01221 (U.S. Pat. No. 7,314,167)



Before Kevin F. Turner, John D. Hamann, and Iftikhar Ahmed,
Administrative Patent Judges

Table of Contents

- Overview and background
- Proper Claim Construction
- Motion to Exclude
- The challenged claims are invalid
 - The challenged claims are anticipated by Wang
 - The challenged claims are invalid over Wang in view of Drummond, Wang in view of Denso, and Wang in view of Raines
 - The challenged claims are invalid over TAO in view of PTM and Wang
- Conclusion

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Grounds

Ground	35 U.S.C.	Claims	Basis
I	§§ 102/103	1, 4, 5, 7, 12, 17, 23, 26, 27, 29, 34, 43	Anticipated by Wang. Obvious over Wang in view of Drummond
II	§ 102	1, 2, 4, 7, 12, 13, 17	Anticipated by Wang
III	§ 103	19-21, 39-41	Obvious over Wang in view of Drummond
IV	§ 103	8, 30	Obvious over Wang in view of Denso
V	§ 103	13	Obvious over Wang in view of Raines
VI	§ 103	1, 4, 5, 7, 23, 26, 27, 29, 43	Obvious over TAO in view of <u>PTM</u> and Wang.

Pet., 29-30.

Independent Claim 1

1. An apparatus for providing a secure transaction, the apparatus comprising:

- an image capture device configured to capture an image, the image having information embedded therein including information relating to a transaction;

- a memory configured to store predetermined information;

- an input unit configured to receive input information provided by a user;
- a processor configured to:

 - verify the user based on the input information to ensure that the user is authorized to use the apparatus; and

 - generate an output based on the information embedded in the image and the predetermined information; and

 - an output unit configured to forward the output generated by the processor, wherein the output includes a digital signature to be used to signify authorization by the user with respect to the transaction.

Ex. 1001, Claim 1

Independent Claim 19

19. An apparatus for providing a secure transaction, the apparatus comprising:

- an image capture device configured to capture an image, the image having information embedded therein;

- a memory configured to store predetermined location;

- an input unit configured to receive input information provided by a user; a processor configured to:

 - verify the user based on the input information to ensure that the user is authorized to use the apparatus; and

 - generate an output based on the information embedded in the image and the predetermined information; and

 - an output unit configured to forward the output generated by the processor, wherein the output unit includes control logic configured to forward the output using a message delivery protocol.

Ex. 1001, Claim 19

Independent Claim 23

23. A method of providing secure transaction, the method comprising:
configuring a portable device to:

- capture an image, the image having information embedded therein, the information embedded in the image including information relating to a transaction;

- store predetermined information;

- receive input information provided by a user;

- verify the user based on the input information to ensure that the user is authorized to use the portable device;

- generate an output based on the information embedded in the image and the predetermined information; and

- forward the generated output to the user,

- wherein the output includes a digital signature to be used to signify authorization by the user with respect to the transaction.

Ex. 1001, Claim 19

Independent Claim 39

39. A method of providing secure transaction, the method comprising:
configuring a portable device to:
 capture an image, the image having information embedded therein;
 store predetermined information;
 receive input information provided by a user;
 verify the user based on the input information to ensure that the user is authorized to use the portable device;
 generate an output based on the information embedded in the image and the predetermined information; and
 forward the generated output to the user using a message delivery protocol.

Ex. 1001, Claim 39

Independent Claim 43

43. A method of providing secure transaction, the method comprising:

configuring a portable device to:

- capture an image, the image having information embedded therein;

- store predetermined information;

- receive input information provided by a user;

- verify the user based on the input information to ensure that the user is authorized to use the portable device;

- generate an output based on the information embedded in the image and the predetermined information; and

- forward the generated output to the user, wherein the portable device includes one of a cell phone, a personal digital assistant, and a smartcard.

Ex. 1001, Claim 43

Person of Ordinary Skill in the Art

“[a] person with a relatively high level of skill, such as having at least a bachelor’s degree in the field of computer science and/or electrical engineering, together with 2-3 years in the financial technology sector.

The POSA would have knowledge of the commercial and scientific literature pertaining to securing transactions, before the priority date. A POSA would also have knowledge of processing devices.”

Pet., 16-18
Ex. 1002, 19

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Construction of “image capture device”

Claims 1 and 19:

“An apparatus for providing a secure transaction, the apparatus comprising:

an image capture device configured to capture an image, the image having information embedded therein . . .”

Claims 23, 39, and 43:

“A method of providing secure transaction, the method comprising:

configuring a portable device to:

capture an image, the image having information embedded therein . . .”

Ex. 1001

Construction of “image capture device”

Petitioner Construction

“The term “image capture device” should . . . be construed as any device that can capture an image, such as a barcode scanner.”

Pet., 15

Patent Owner Construction

“A person of ordinary skill at the time of the ‘167 Patent reading the claims in light of the specification would have understood the recitation in claims 1 and 19 of an “image capture device configured to capture an image” . . . to be referring to an imaging-based bar code reader and not a laser-based barcode scanner.”

POR, 30

Construction of “image capture device”

“The secure device 100 may include a processor 100, an image capture device or circuit 120, an input unit 130, an output unit 140 and a memory 150.” Ex. 1001, 5:8-11.

“The image capture circuit 120 **may include a digital camera or other types of image capturing devices.**” Ex. 1001, 5:21-22.

Ex. 1001

Construction of “image capture device”

“The printed form 700 includes certain transaction information as well as an **image 710, such as a barcode, or a set of images, such as a set of barcodes**. The image 710 includes embedded information relating to the transaction.” Ex. 1001, 10:31-35.

“The **captured image and/or video information may include a barcode** including an one-dimensional barcode, such as a linear barcode, or a multi-dimensional barcode, such as a 2D barcode . . .” Ex. 1001, 5:24-29.

Ex. 1001

Construction of “image capture device”

“The fact that the Specification also discloses image capture devices that could capture two-dimensional barcodes or multiple barcodes in a single image does not mandate that claim term be limited to those devices. Accordingly, on this record, we do not adopt Patent Owner’s proposed construction of “image capture device.”

DI, Paper 10, 21-22

Construction of “the image having information embedded therein”

Claims 1 and 19:

“An apparatus for providing a secure transaction, the apparatus comprising:
an image capture device configured to capture an image,
the image having information embedded therein . . .”

Claims 23, 39, and 43:

“A method of providing secure transaction, the method comprising:
configuring a portable device to:
capture an image, **the image having information embedded therein . . .**”

Ex. 1001

Construction of “the image having information embedded therein”

Petitioner Construction

“‘[T]he image having information embedded therein’ should be construed as any information ‘derived from’ an image, whether contained in a barcode, in alphanumeric characters, or in some other type of image.”

Pet. Reply, 10

Patent Owner Construction

“Patent Owner accepts Mr. Purvis’s opinion that ‘embedded’ information includes information contained in any barcode.’ However, a person of ordinary skill in the art at the time of the ‘167 Patent would have understood that human readable text information in the form of unencrypted human-readable alphanumeric characters is outside the scope of ‘embedded’ information.”

POR., 31

Construction of “the image having information embedded therein”

“[T]he image . . . may include a **unique number, nonce, a transaction number or a random number**, a number that the secure device 100 will use to derive the authentication code.” Ex. 1001, 7:55-59.

“The printed form 700 includes certain transaction information as well as an **image 710, such as a barcode, or a set of images, such as a set of barcodes**. The image 710 includes embedded information relating to the transaction.” Ex. 1001, 10:31-35.

Ex. 1001

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Petitioner's Motion to Exclude

Petitioner's Extrinsic Evidence Should Be Excluded

- PO improperly uses Exhibits 2024-2026 and paragraphs 44-63, 66-67, 69-76, 88, and 101-102 of Exhibit 2029 to narrowly construe “image capture device” to mean “imaging-based bar code readers and not a laser-based barcode scanner.”
- PO improperly uses paragraphs 77-79 and 90 of Exhibit 2029 to narrowly construe “the image having information embedded therein” to exclude alphanumeric characters.

Petitioner's extrinsic evidence lacks probative value, confuses the issues, and is misleading to the Board under FRE 403.

MTE, Paper 26, 1-10.

“image capture device” is any device that can capture an image

PO uses Exs. 2024-2026 and Ex. 2029 (¶¶ 44-63, 66-67, 69-76, 88, 101-102) to contradict the plain and ordinary meaning of “image capture device.”

Petitioner Construction

The term “image capture device” should . . . be construed as any device that can capture an image, such as a barcode scanner.

Pet., 15

Intrinsic Evidence

The image capture circuit 120 **may include a digital camera or other types of image capturing devices.** Ex. 1001, 5:21-22.

The printed form 700 includes certain transaction information as well as an **image 710, such as a barcode, or a set of images, such as a set of barcodes.** The image 710 includes embedded information relating to the transaction. Ex. 1001, 10:31-35.

Ex. 1001

“the image having information embedded therein” is any information derived from an image

PO uses Ex. 2029 (¶¶ 77-79 and 90) to contradict the plain and ordinary meaning of “the image having information embedded therein.”

Petitioner Construction

“[T]he image having information embedded therein” should be construed as any information “derived from” an image, whether contained in a barcode, in alphanumeric characters, or in some other type of image.

Pet. Reply, 10

Intrinsic Evidence

“[T]he image . . . may include a **unique number, nonce, a transaction number or a random number**, a number that the secure device 100 will use to derive the authentication code.” Ex. 1001, 7:55-59.

The printed form 700 includes certain transaction information as well as an **image 710, such as a barcode, or a set of images, such as a set of barcodes**. The image 710 includes embedded information relating to the transaction. Ex. 1001, 10:31-35.

Ex. 1001

Paragraphs 77-79 and 90 of Ex. 2029 Should be Excluded

77. A [POSA] would have understood that *human readable text* information in the form of unencrypted human-readable alphanumeric characters is outside the scope of “embedded” information.

78. The understanding of a [POSA is] that human readable text is not “embedded” information is consistent with the specification of the ‘167 Patent, which never uses the term “embedded” to refer to human readable text.

79. Unlike a barcode where information is *embedded into the bars and spaces* of a barcode, human readable text in the form of unencrypted human readable alphanumeric characters is *not* embedded into (or incorporated into) something else.

Ex. 2029; POR, 31-32

PO uses Ex. 2029 (¶¶ 77-79 and 90) to contradict the plain and ordinary meaning of “the image having information embedded therein.”

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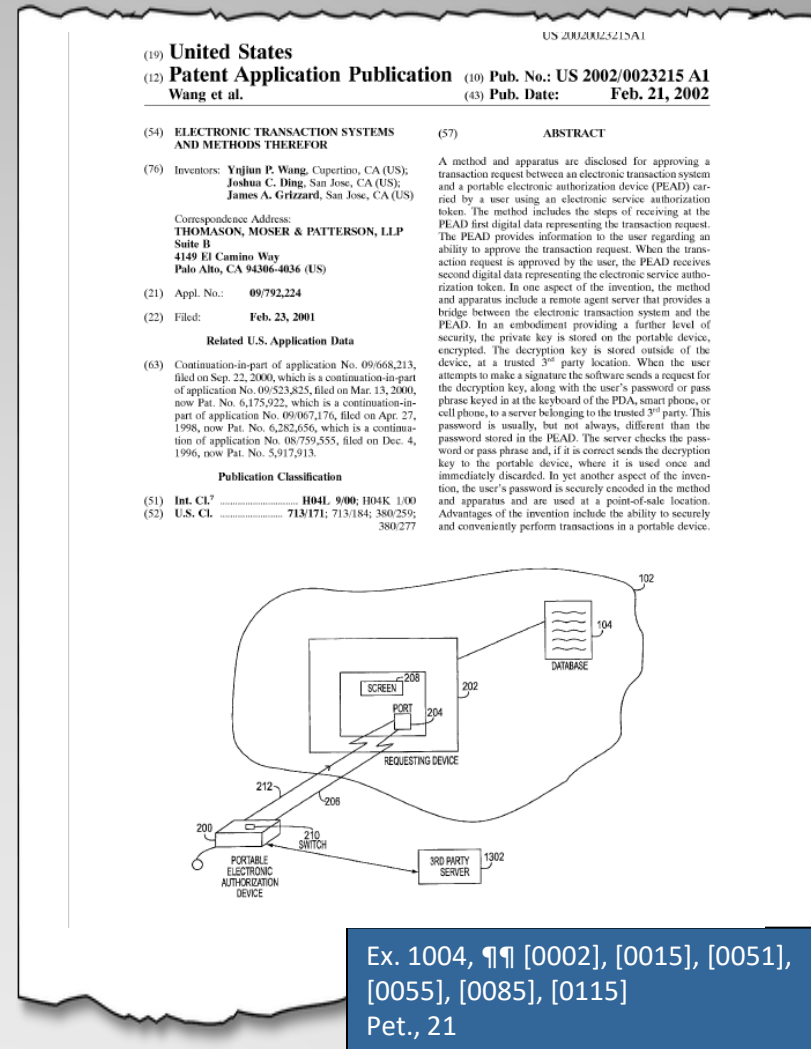
Grounds

Ground	35 U.S.C.	Claims	Basis
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III	§ 103	19-21, 39-41	Obvious over Wang in view of Drummond
IV	§ 103	8, 30	Obvious over Wang in view of Denso
V	§ 103	13	Obvious over Wang in view of Raines
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Pet., 29-30.

Anticipation by Wang (Ex. 1005)

- Wang discloses “a portable apparatus” (PEAD) that is usable to perform secure transactions
- The PEAD includes a barcode scanner or OCR and includes a memory to store data
- The PEAD generates transaction approval and digitally sign receipts
- The PEAD forwards the approval data and receipts



Anticipation by Wang (Ex. 1005)

- Wang barcode scanner can “capture an image” and is thus an image capture device
- PO’s expert agreed:

A. So the ***laser*** can specifically scan the printed paper version.

Q. And the printed paper version is the image, right?

A. The ***image that has been captured***, yes.

Pet. Reply, 11
Ex. 1048, 163:1-6

Anticipation by Wang (Ex. 1005)

- Wang's OCR reader is an image capture device configured to capture an image having information "embedded" therein
- Even under PO's narrow and incorrect construction, Wang's OCR reader meets the claim limitations
- PO's expert, Dr. Berisso, agreed during deposition:

Q. Isn't it true that an OCR reader requires an image-capture device?...

A. To the best of my knowledge, yes.

Pet., 21
Pet. Reply, 4
Ex. 1048, 166:8-12

Anticipation by Wang (Ex. 1005)

- Wang discloses an image with “information embedded therein”
- “Information embedded therein” includes human readable alphanumeric characters
- PO’s expert agreed:

Q. So in that context, a numeric message could include embedded information, such as the message that is intended for the recipient?...

A. Yes.

Pet., 33
Pet. Reply, 12-13
Ex. 1048, 72:21-25

Grounds

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II	§ 102	1, 2, 4, 7, 12, 13, 17	Anticipated by Wang
III	§ 103	19-21, 39-41	Obvious over Wang in view of Drummond
IV	§ 103	8, 30	Obvious over Wang in view of Denso
V	§ 103	13	Obvious over Wang in view of Raines
VI	§ 103	1, 4, 5, 7, 23, 26, 27, 29, 43	Obvious over TAO in view of <u>PTM</u> and Wang.

Pet., 29-30.

Ground 1: Anticipated by Wang or Obvious over Wang in view of Drummond (Ex. 1008)

- Wang's "private key" is predetermined information
- Wang teaches "forwarding the output" (Ex. 1004, [0115])
- If necessary, Drummond (Ex. 1008) teaches sending a digitally signed receipt and explains why:

[0246] Alternatively or in addition, customer confidence may also be maintained by the customer receiving electronic evidence of the transaction.

(19) **United States**
(12) **Patent Application Publication** (10) Pub. No.: **US 2003/0217005 A1**
(43) Pub. Date: **Nov. 20, 2003**

(54) **AUTOMATED BANKING MACHINE SYSTEM AND METHOD**

(75) Inventors: **Jay Paul Drummond**, Massillon, OH (US); **Mark D. Smith**, North Canton, OH (US); **Michael A. Muffie**, North Canton, OH (US); **Daniel D. Wasil**, Wellington, OH (US)

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(73) Assignee: **Diebold Self Service Systems, division of Diebold, Incorporated**

(21) Appl. No.: **10/430,123**

(22) Filed: **May 5, 2003**

Related U.S. Application Data

(63) Continuation-in-part of application No. 09/638,848, filed on Aug. 14, 2000.
Continuation-in-part of application No. 09/578,291, filed on May 25, 2000.
Continuation-in-part of application No. 09/193,787, filed on Nov. 17, 1998.
Continuation-in-part of application No. PCT/US97/21422, filed on Nov. 25, 1997.

(60) Provisional application No. 60/378,705, filed on May 7, 2002. Provisional application No. 60/423,756, filed

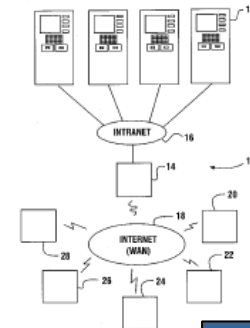
on Nov. 5, 2002. Provisional application No. 60/149,765, filed on Aug. 19, 1999. Provisional application No. 60/144,761, filed on Jul. 20, 1999. ERROR - said-application ERROR - application-number ERROR - is-a Provisional application No. 60/095,626, filed on Aug. 7, 1998. Provisional application No. 60/091,887, filed on Jul. 7, 1998. Provisional application No. 60/098,907, filed on Sep. 2, 1998. ERROR - said-application ERROR - application-number ERROR - is-a Provisional application No. 60/031,956, filed on Nov. 27, 1996.

Publication Classification

(51) Int. Cl.⁷ **G06F 17/60**
(52) U.S. Cl. **705/43**

(57) **ABSTRACT**

A system and method of providing an electronic transaction receipt from a cash dispensing ATM. A bank host computer is operable to submit the receipt to a system address of record with the bank. The address of record corresponds to an e-mail address, phone number or other address associated with an account involved in the transaction. The receipt may include an image or images associated with the transaction. Thus, a user of an ATM is able to receive an electronic receipt corresponding to the ATM transaction. The system may also operate to image deposited checks deposited at an ATM. Copies of the imaged checks and other information can be electronically sent to a maker, payee, a clearinghouse or banks involved with the transaction. The system may also operate to provide the user with blank checks in hard copy or virtual checks for transactions.



Pet., 36
Ex. 1004, ¶ [0115]
Ex. 1008, ¶ [0246]

Ground 2: Anticipated by Wang

- Ground 1 relies on Wang's "private key" as predetermined information.
- Ground 2 relies on Wang's "user identification data," e.g., "user's name, his birth date, [or] his social security number" as predetermined information.

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(73) Assignee: Diebold Self Service Systems, division of Diebold, Incorporated

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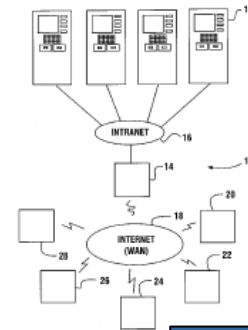
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Pet., 43-47

Ex. 1004, ¶¶ [0044], [0093]

Ground 3: Wang in view of Drummond (Ex. 1008)

Claim 19: An apparatus for providing a secure transaction, the apparatus comprising...the output unit includes **control logic** configured to forward the output using a message delivery protocol.

- Similar to Ground 1, but for “control logic,” relies on Drummond’s disclosure of output units configured to forward the output (receipts) generated by the processor via email or SMS
- These are well known SMS delivery protocol.

Pet. 49-50
Ex. 1004, ¶ [0115]
Ex. 1008, ¶¶ [0246]-[0251]

Ground 3: Wang in view of Drummond (Ex. 1008)

Claim 39: A method of providing secure transaction, the method comprising...**forward** the generated output to the user using a message delivery protocol.

- Drummond discloses forwarding using well known SMS message delivery protocol: “receipt may be...in the form of an e-mail message sent to one or more e-mail addresses...may also be a text message sent to a phone number of a mobile phone, pager, PDA, or other portable computing device.”

Pet., 49-50
Ex. 1004, ¶ [0115]
Ex. 1008, ¶¶ [0246]-[0251]

Ground 4: Wang in view of Denso (Ex. 1026)

- Claims 8 and 30 require a barcode including a **multi-dimensional barcode**
- Wang discloses a barcode and Denso discloses that a type of barcode is a two-dimensional barcode

Multi-dimensional barcodes provide other benefits over standard barcodes, such as supporting error-correction that enables the multi-dimensional barcode to be read even if a portion of the barcode is stained or missing and the ability to be read at various angles.

Purves Decl., Ex. 1002, ¶¶ 134-135.

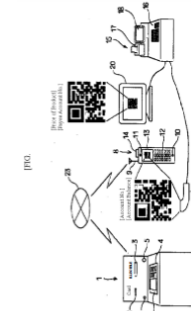
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		(43) Publication Date: April 12, 2002 (2002.4.12)	
(51) Int. Cl. 7	Ident. Code	FI	Theme Code (Reference)
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	4 1 4		4 1 4 3 E 0 4 2
	4 2 2		4 2 2 5 B 0 4 9
	5 0 6		5 0 6 5 B 0 5 5
G 0 7 G 1/12	3 0 1	G 0 7 G 1/12	3 0 1 Z
Examination Request: Not yet		OI (Total 9 pages) Continued on Last Page	
(21) Application No.	JP 2000-296309 (P2000-296309)	(71) Applicant	000004260 DENSO Co. Ltd. 1-1, Showa-cho, Kariya, Aichi Prefecture Hisashi Shigekusa c/o DENSO Co. Ltd. 1-1, Showa-cho, Kariya, Aichi Prefecture 100071135
(22) Date of Filing	September 28, 2000 (2000.9.28)	(72) Inventor	
		(74) Agent	Tsuyoshi Sato, Patent Attorney
		F Term (Ref)	3E040 B420 E401 F005 FJ05 3E042 B417 C410 C006 5B049 B846 C000 D002 C036 5B055 B810 B812 B819 C809 M018 M019

(54) [Title of Invention] COMMUNICATION SYSTEM

(57) [Abstract]

[Problem] To perform data communication without the need for dedicated parts for communication on the side that sends data and the side that receives data.

[Resolution Means] A mobile telephone 8 receives array pattern data including an account number and account balance from an automatic transfer terminal 1, and displays the array pattern data received from the automatic transfer terminal 1 as an information code image on an LCD 13. A POS terminal 15 reads the array pattern data displayed by the mobile telephone 8 as an information code image using a scanner 19. By adopting an information code image as the transmission medium for transmitting data, data communication can be performed without the need for dedicated components for communication such as connectors, antennas, or communication circuits in the mobile telephone 8, which is side for sending data, and the POS terminal 15, which is the side for receiving data.

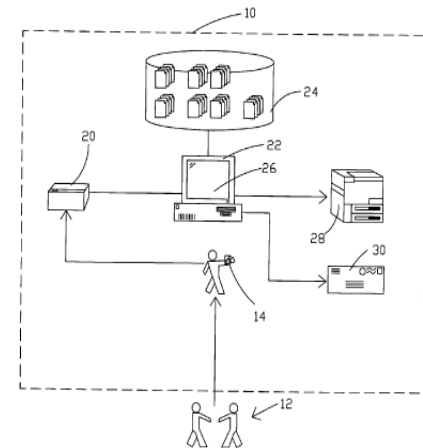
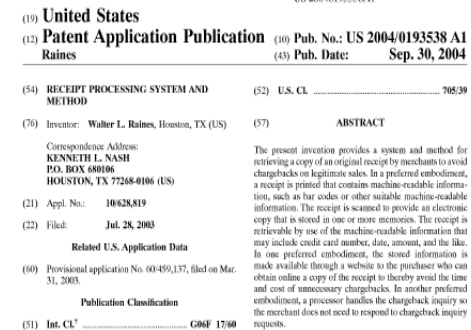


Pet., 56
Ex. 1004, ¶ [0115]
Ex. 1026, ¶ [0013]

Ground 5: Wang in view of Raines (Ex. 1009)

Claim 13...the predetermined information includes **information relating to a payment card account**; and wherein the output further includes some or all of the information relating to the payment card account to be used for payment with respect to the transaction.

- Wang teaches the “user identification data” as predetermined information
- Raines teaches account numbers and CC expiration dates in transaction information



Pet., 57-58.
Ex. 1004, ¶¶ [0093], [0098]
Ex. 1009, ¶ [0008]

Ground 6: TAO in view of PTM and Wang

- Take an Order (“TAO”; Ex. 1005) is a product advertisement on the **Stevens Creek Website**.
- TAO discloses an apparatus and method for performing secure transactions
- The TAO software is executable on a Palm Treo device.

7/26/24, 11:18 AM Take An Order! from Stevens Creek Software
The Wayback Machine - <https://web.archive.org/web/20040825011003/http://www.stevenscreek.com:80/palm/takeanc>

Stevens Creek Software

Home **Take An Order!**
Products Point-of-sale Software for the Palm Computing Platform
Purchase Are you selling products at trade shows or expos? Taking orders from customers in their home or office? Submitting bids or issuing quotations in a field situation? Delivering product and need to issue a receipt? For all these situations and more, **Take An Order!** is the handheld tool you need. Combined with any Palm Computing platform handheld device including barcode scanning SPT units from Symbol Technologies and a portable printer like the Canon BJC-55 or Brother MPrint, **Take An Order!** gives you an office that travels with you.
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Support **New Features!!!**

- Support (via the separately sold “plug-in” application “MSR”) for the Symbol Magnetic Stripe Reader MSR 3000, capable of reading credit card information directly into a Symbol SPT 17xx or SPT 18xx.
- PalmOS 5.x compatibility

Take An Order! starts with your own product catalog, downloaded from your PC, with dozens, hundreds, or even tens of thousands of items. Select items from the catalog by scrolling down the list, or use our **IntelliScroll** (tm) technology to scroll right to the item you want just by tapping on the first letter of the item - no Graffiti (tm) required!

If you're equipped with a Symbol SPT PalmOS handheld with its built-in barcode scanner, it's even easier! Just point the scanner at the product, press the scan button, and the item is added to the order!

Once you've put together your order, quotation, or delivery report, you can refine it. Add a discount for the order from a pop-up list (you can even add positive “discounts” for “cost-plus” pricing), add tax or shipping as appropriate. Mark the order as a cash, check, or credit card sale, or as an quotation, invoice, or purchase order.

Take An Order! #1008

Category	Price
Basic Order	\$0.00
Arbeits's Calculator	19.95
Handy Handy	14.95
On Hand	29.95
PalmPrint	29.95
PocketTimer	49.95
SmallVoter	19.95
Take An Order!	119.95
Utilities	7.95

ABCEFGHIJKLMNOPQRSTUVWXYZ
[Done] [Add to Order] [Clear]

Take An Order! #1008

50 PalmPrint	\$199.75
50 Take An Order!	\$99.75
20 SmallVoter	\$9.90

Disc: ON **Sub Total:** 69.25
Credit Card **Shipping:** 7.00
New **Total:** \$915.00
[New] [Add Item] [Sold to] [Print]

For credit card sales, you'll even get a popup form which lets you key in the customer's name, credit card number and expiration date so you don't need to carry a credit card imprinting machine. For sales by check or purchase order, the same form lets you record the relevant number.

Pet., 22-25, 60
Ex. 1005, 1-3

Ground 6: TAO in view of PTM and Wang

- TAO discloses that a user may scan in products using a barcode scanner of a cellular phone, such as a Palm Treo.
- **Predetermined information** about standard discounts may be stored on the phone.
- The order may be generated on the phone and **forwarded** to a user.
- Stevens Creek Website discloses both **laser scanners** and **imaging based scanners**.
Pet. Reply 17-20; Ex. 1002, ¶159; Ex. 1010, 1-6.

7/26/24, 11:18 AM Take An Order! from Stevens Creek Software
The Wayback Machine - <https://web.archive.org/web/20040825011003/http://www.stevenscreek.com:80/palm/takeanc>

Stevens Creek Software

Home **Take An Order!**
Products Point-of-sale Software for the Palm Computing Platform
Purchase Are you selling products at trade shows or expos? Taking orders from customers in their home or office? Submitting bids or issuing quotations in a field situation? Delivering product and need to issue a receipt? For all these situations and more, **Take An Order!** is the handheld tool you need. Combined with any Palm Computing platform handheld device including barcode scanning SPT units from Symbol Technologies and a portable printer like the Canon BJC-55 or Brother MPrint, **Take An Order!** gives you an office that travels with you.
Download
Support **New Features!!!**

- Support (via the separately sold "plug-in" application "MSR") for the Symbol Magnetic Stripe Reader MSR 3000, capable of reading credit card information directly into a Symbol SPT 17xx or SPT 18xx.
- PalmOS 5.x compatibility

Take An Order! starts with your own product catalog, downloaded from your PC, with dozens, hundreds, or even tens of thousands of items. Select items from the catalog by scrolling down the list, or use our **IntelliScroll** (tm) technology to scroll right to the item you want just by tapping on the first letter of the item - no Graffiti (tm) required!

If you're equipped with a Symbol SPT PalmOS handheld with its built-in barcode scanner, it's even easier! Just point the scanner at the product, press the scan button, and the item is added to the order!

Once you've put together your order, quotation, or delivery report, you can refine it. Add a discount for the order from a pop-up list (you can even add positive "discounts" for "cost-plus" pricing), add tax or shipping as appropriate. Mark the order as a cash, check, or credit card sale, or as an quotation, invoice, or purchase order.

Category	Name	Price
Accessories	Handheld	\$9.95
Accessories	Handheld	19.95
Accessories	Handheld	14.95
Accessories	Handheld	29.95
Accessories	Handheld	29.95
Accessories	Handheld	49.95
Accessories	Handheld	19.95
Accessories	Handheld	19.95
Accessories	Handheld	2.95

Done Add to Order Clear

Take An Order!	#1008
50- PalmPrint	\$199.75
50- Take An Order!	\$99.75
20- SmallValue	\$9.90

Disc: ON Shipping: 7.00
Credit Card Total: \$155.40
New Add Item Sold to Print

For credit card sales, you'll even get a popup form which lets you key in the customer's name, credit card number and expiration date so you don't need to carry a credit card imprinting machine. For sales by check or purchase order, the same form lets you record the relevant number.

Pet., 60-67
Ex. 1005, 1-3

Ground 6: TAO in view of PTM and Wang

- PO's expert agreed that TAO's laser barcode scanner is an image capture device

A. So the laser can specifically scan the printed paper version.

Q. And the printed paper version is the image, right?

A. The image that has been captured, yes.

Q. Right. Because we -- as we've talked about before, the patent refers to the printed barcode as being the image, right? So that is what is being imaged by the imaging device?

A. Yes...

Q. Okay. And you would agree, then, that a laser barcode scanner can scan an image, such as a UPC barcode, as the term "image" is used in the challenged patent, wouldn't you?

A. Yes.

Pet. Reply, 17
Ex. 1048, 163:1-12, 25-164:4

Ground 6: TAO in view of PTM and Wang

- TAO's imaging-based barcode scanner is also an image capture device

Want to learn more about PalmOS handhelds?

Our software runs on the Palm operating system (PalmOS). PalmOS is developed by [PalmSource](#), and is licensed for use on handheld devices made by [palmOne](#) (including the Treo, Zire, and Tungsten lines), Handspring (now part of palmOne), Sony, Symbol (some models), Kyocera, Samsung, and others. A complete, current list of licensees, with links to their respective websites, can be found [here](#).

Take An Order! is enhanced to take advantage of barcode-scanning capability, which means that if you have a PalmOS handheld equipped with a barcode scanner, the software will operate even more efficiently (although it definitely works without barcode scanning on "normal" PalmOS handhelds). There are a variety of options for barcode scanning using PalmOS handhelds; you can read all about them [here](#).

Ex. 1005, 3
Pet., 33
Ex. 1002, ¶ 59
Pet. Reply, 18
Ex. 1010, 3-6

Socket SDIO Scanner (Ex. 1010)

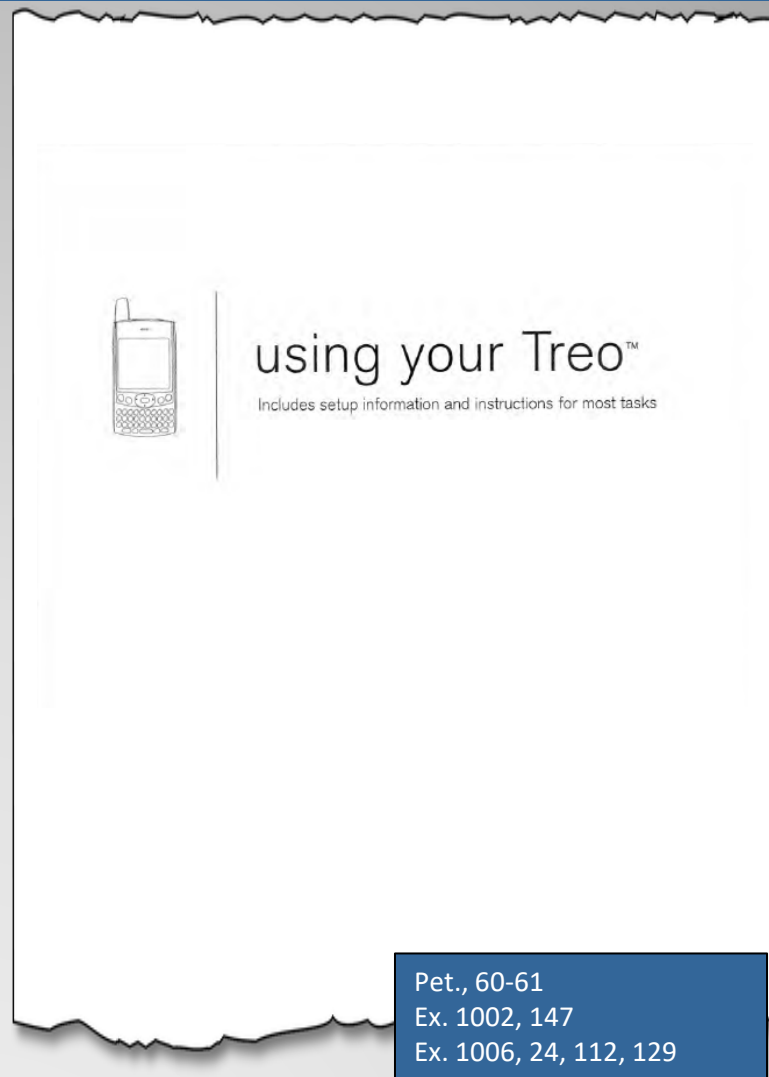
- The Stevens Creek Website indicates that “the Socket SDIO Scanner is a ‘camera’ scanner, not a laser scanner.” Ex. 1010, 5-6; Ex. 1002, ¶ 59.
- Dr. Berisso agreed that the “Socket SDIO scanner is an imaging-based barcode scanner.” Ex. 1048, 206:25-207:3.



Ex. 1010, 3-6
Pet., 33
Pet. Reply, 18
Ex. 1002, 59
Ex. 1005, 3

Ground 6: TAO in view of PTM and Wang

- Palm Treo Manual (“PTM” Ex. 1006) teaches that Palm Treo includes internal memory, which may store various information
- A cellular phone in TAO would require an internal memory to properly function and store the discounts of TAO
- PTM also teaches using a keyboard to input a password to enhance security
- PTM also teaches including a processor



Ground 6: TAO in view of PTM and Wang

- TAO teaches outputting an electronic order
- Wang teaches that electronic receipts may include electronic signatures
- The receiving party, such as a merchant, can authenticate and verify the user through the electronic signature

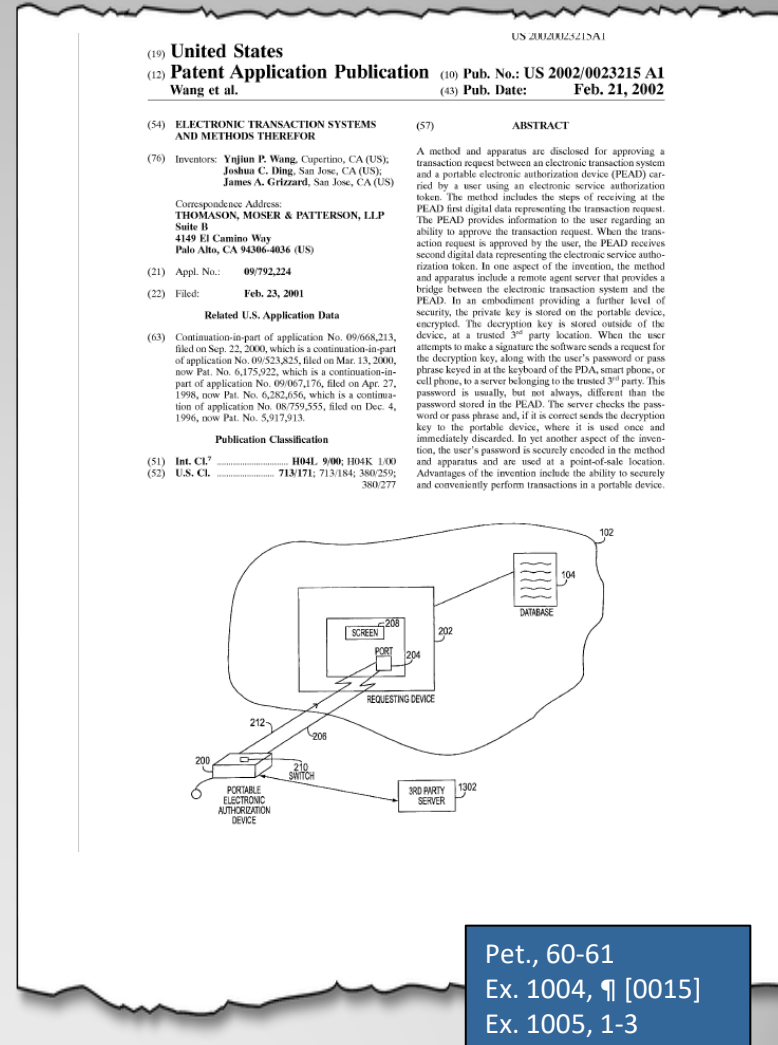


Table of Contents

- Overview and background
- Motion to Exclude
- Proper Claim Construction
- The challenged claims are invalid
 - The challenged claims are anticipated by Wang
 - The challenged claims are invalid over Wang in view of Drummond, Wang in view of Denso, and Wang in view of Raines
 - The challenged claims are invalid over TAO in view of PTM and Wang
- **Conclusion**

Grounds

Ground	35 U.S.C.	Claims	Basis
I	§§ 102/103	1, 4, 5, 7, 12, 17, 23, 26, 27, 29, 34, 43	Anticipated by Wang. Obvious over Wang in view of Drummond
II	§ 102	1, 2, 4, 7, 12, 13, 17	Anticipated by Wang
III	§ 103	19-21, 39-41	Obvious over Wang in view of Drummond
IV	§ 103	8, 30	Obvious over Wang in view of Denso
V	§ 103	13	Obvious over Wang in view of Raines
VI	§ 103	1, 4, 5, 7, 23, 26, 27, 29, 43	Obvious over TAO in view of <u>PTM</u> and Wang.

Pet., 29-30.

Conclusion

- PO's expert's testimony supports the invalidity of the challenged claims.
- Prior art discloses both laser scanners and imaging-based scanners—two types of **image capture devices**.
- The challenged claims are invalid as anticipate and obvious over the cited art.
- All challenged claims should be canceled.

Ex. 1048, 72:21-25, 163:1-12, 25-164:4
Pet., 60-61
Ex. 1004, ¶ [0015]
Ex. 1005, 1-3