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PTO/SB/14 (07-07)
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	57442/10-351
	Application Number	
Title of Invention	SYSTEM AND METHOD FOR DATA MANAGEMENT	

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Applicant 1 Remove

Applicant Authority ◉ Inventor ○ Legal Representative under 35 U.S.C. 117 ○ Party of Interest under 35 U.S.C. 118

Prefix	Given Name	Middle Name	Family Name	Suffix
Mr.	J.	David	Payne	

Residence Information (Select One) ◉ US Residency ○ Non US Residency ○ Active US Military Service

City	Broken Arrow	State/Province	OK	Country of Residence i	US

Citizenship under 37 CFR 1.41(b) i US

Mailing Address of Applicant:

Address 1	1717 South Boulder
Address 2	Suite 700

City	Tulsa	State/Province	OK
Postal Code	74119	Country i	US

All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the **Add** button. Add

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Application Information:

Title of the Invention	SYSTEM AND METHOD FOR DATA MANAGEMENT		
Attorney Docket Number	57442/10-351	Small Entity Status Claimed	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)		Suggested Figure for Publication (if any)	

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Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)
☐ **Request Not to Publish.** I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

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Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Continuation of	10643516	2003-08-19
Prior Application Status	Expired		Remove
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
10643516	non provisional of	60404491	2002-08-19

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Application Number	Country [i]	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
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Title of Invention	SYSTEM AND METHOD FOR DATA MANAGEMENT	

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Assignee 1 Remove

If the Assignee is an Organization check here. ☒

Organization Name	Macrosolve, Inc.		
Mailing Address Information:			
Address 1	1717 South Boulder		
Address 2	Suite 700		
City	Tulsa	**State/Province**	OK
Country [i]	US	Postal Code	74119
Phone Number		Fax Number	
Email Address			

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Signature	/scott r. zingerman/			Date (YYYY-MM-DD)	2010-10-22
First Name	Scott	Last Name	Zingerman	Registration Number	35422

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METHOD AND SYSTEM FOR DATA MANAGEMENT

CROSS REFERENCE TO RELATED APPLICATION

[0001] This application claims the benefit of U.S. Provisional Application No. 60/404,491 filed August 19, 2002, and is a continuation of co-pending U.S. Application No. 10/643,516 filed on August 19, 2003, scheduled to issue as U.S. Patent No. 7,822,816 on October 26, 2010, herein incorporated by reference in its entirety for all purposes.

BACKGROUND OF THE INVENTION

1. Field of the Invention

[0002] The present invention relates to a system of computing devices for the collection and management of information. More particularly, but not by way of limitation, the present invention relates to a system for collecting and managing information including a plurality of computer devices loosely networked to a server and an operating system for a computer which provides a number of features favorable for use in the inventive system.

2. Background of the Invention

[0003] Virtually all business software applications involve the collection of information in some form or another. Where information is gathered away from the convenience of a desktop, workers have traditionally entered the information on paper forms. This data is then entered into a computer in a second step. This extra step leads to delays and

inaccuracies which are costly and, more importantly, unnecessary.

[0004] Handheld computers are well known in the art. In fact such computers are presently available from numerous manufacturers offering a vast assortment of operating systems and hardware configurations. While such devices come in a host of variations, generally handheld computers include an LCD display, a method for gathering manual input, storage, and a variety of machine interfaces, i.e., an IR link, a USB port, a serial port, etc.

[0005] As with their desktop, and laptop counterparts, a handheld computer will also include an operating system which provides an operator interface, file management, and standardized I/O, as well as facilitating the running of application programs. Thus far, handheld operating systems mimic those of desktop and laptop systems, despite the fact that handheld devices are typically used in a different manner and have radically different resources.

[0006] As with other types of computers, handheld computers suffer from compatibility issues, especially in the operation of application programs. Generally speaking, software programs must typically be tailored to a specific family of processors and to a specific operating system. Most applications are developed in a high level language and then compiled for a specific target processor. As different manufacturers select different processors, an application written for one family of processors must be recompiled to execute in a processor of a different family. Even when two manufacturers select compatible processors, if they chose different operating systems, applications written for one device will probably not run correctly on the other device. Since the operating system provides access

to the various hardware resources and manages the file system, it is almost unfathomable that the operating systems of independent authors would be compatible, unless one specifically set out to copy the other. Thus, particular applications tend to grow up around a particular family of devices which share an operating system and, unfortunately, the application may not be available for non-compatible devices.

[0007] Another issue which is common to all computers is the transferability of stored information, specifically, the ability to move files from machine-to-machine. While most handheld computers include an infrared port for communicating with other infrared devices, including other handhelds, files transferred in such a manner may not be usable by software on the receiving device. This is especially true of information formatted for a particular application such as a word processor, spread sheet program, data base manager, or the like.

[0008] To overcome the necessity of compiling a program for a particular machine, an application may be written in an interpreted language, or a language which can be compiled to produce an intermediate language (i.e., a language that falls somewhere between source code and object code) such as i-code or tokens. In such a scheme, each device is provided with a run-time package which can execute the compiled i-code or tokens, the run-time package having been written for that particular device, thus, only the run-time package needs to be modified in order to port a program to a new computing environment. Once the run-time package is installed, any application authored in the language and which has been compiled to i-code will run on the target device. Unfortunately, such languages typically

lack effective optimization and generally do not provide a broad range of support for hardware resources. Regardless of the language selected, whether compiled, interpreted, or whatever, software coding requires at least a nominal degree of programming skill to create the application program.

[0009] Perhaps because handheld computers are not as evolved as their desktop counterparts, or because it is typically cumbersome to enter information, or maybe due to the lack of a true front-runner in operating systems, handheld computers have not inspired the full range of software products available for larger computers. The result has been a rather limited selection of retail software applications for handheld devices as compared with their desktop counterparts, such software is aimed primarily at organizational tools, e-mail, and games. However, at the other end of the spectrum, custom programs tailored for a specific customer, handheld computers are gaining momentum in replacing manual forms which are often filled-out in remote areas, away from a desktop, i.e. manufacturing inventory, quality inspections, delivery systems, and the like. One reason for the increasing movement toward the use of handheld computers for data gathering tasks is that they can be easily transported to the source of the data and have the information directly entered into them, thereby eliminating the potentially error-prone step of manual data entry of information on previously completed paper forms. Eliminating the extra step additionally saves unnecessary labor, and allows the data to be entered in a more timely fashion.

[0010] Due to their incredible portability, handhelds are particularly well suited to this type of data gathering, despite an obvious lack of software infrastructure in this area.

The present trend is for a business to commission the authoring of a custom program aimed at a particular need. While the cost of such an application is usually high, the accuracy of the information, the timeliness of the information, and the accessibility of the information are likely worth the cost. In fact, while such systems may seem cost prohibitive to develop, in many cases the actual cost on a per-data-entry basis may prove to be relatively small, especially in light of the timeliness and accuracy associated with real time data collection.

[0011] To develop software for a handheld computer, a custom program is typically developed and tested on a larger system. When the developer is satisfied with the program, it is compiled for a particular target device and transferred to handheld devices through a communication link. If users are using more than one type of device, the same program must be tested and compiled for each type of device. If a change is required, the developer must make the change on the development system and re-transfer the entire program to each target device.

[0012] In a typical data gathering application, information is entered into custom designed forms on the handheld computer. Eventually, the data entered in the handheld finds its way to a database, which is typically located on a server which is accessible to those needing the information or from which it may be accessed by other programs such as accounting systems, materials management programs, etc. Present day servers are well suited to the task of information management and generally provide broad access to and searchability to collected data.

[0013] One problem area in such systems becomes apparent when the data is

transferred from the handheld to the server. While it would seem that wireless interfaces and handhelds were made for each other, the marriage of the two is not without its own set of problems. Wireless interfaces fall into a number of different categories. At one extreme is the infrared ("IR") port often found on handheld devices. The range of this type of interface is usually limited to a few feet and typically supports transfer rates of 115 kbaud, or less.

[0014] Another method for wireless communication is via a wireless local area network or "WLAN." A typical example of a WLAN is that defined by the IEEE 802.11 standard. When a handheld computer is equipped with a WLAN interface, the device can communicate with other computers also equipped with a WLAN interface, or even computers networked to a WLAN equipped computer by a wired network. Typically, WLAN interfaces provide a range of several hundred feet. As long as a handheld is within the range of another WLAN equipped computer, the network connection is continuous. Wireless local area networks sport data rates from a few thousand bits per second up to at least 52 million bits per second, depending on the particular standard employed.

[0015] Yet another known wireless interface for handheld computers is a CDPD interface, CDMA interface, GSM interface, or similar wireless interface or modem. While there are some variations, these systems are often built around a cellular phone network and provide coverage similar to that of a cellular phone, typically national, or even international, coverage. Such interfaces will experience the same gaps in service as can be expected with a cell phone. While such systems provide an exceptionally wide area of coverage, they typically do so at limited bandwidth, e.g. 19.2 kbaud.

[0016] Of course handheld devices are not limited to wireless communications. Typically such devices can be connected to another computer through a universal serial bus ("USB") connection, an RS-232 connection, an Ethernet connection on a properly equipped device, or similar hardwired connection. While these interfaces range from moderately paced to the extremely fast, they are exceptionally reliable, at least while the connection is in place. Unfortunately, few environments are well suited to tethering a handheld to allow a continuous wired connection.

[0017] It can be seen that perhaps the greatest drawback to using a handheld for data gathering as part of a larger system are the limitations of the data link: 1) it is unlikely that the data link will always be available; and 2) the bandwidth of most of the practical wireless options is restrictive. Presently there are two methods for dealing with the problem of data link availability. In one scheme, data is transmitted as it is collected. The advantage of such a scheme is that the database is updated in real time and represents current data. The disadvantages are, for all practical purposes, the scheme is limited to systems using a wireless interface and when the wireless link is not operational, generally data cannot be entered.

[0018] Alternatively, entered data can be stored locally on the handheld and transmitted in a batch process when a link is established. The advantage of this system is that it is tolerant of gaps in the communication link and works well with wired transfers of data. Unfortunately, data is not delivered in real time and the data base may be somewhat stale, depending on the length of time between the collection of data and the presence of the

link.

[0019] The issue of bandwidth may be problematic on several fronts. If programs are updated periodically, the entire program must be sent and the time to reload may be objectionable. In the opposite direction, if large amounts of data are collected, it may be time consuming to send the data collected from the handheld to the server, particularly when performed in a batch fashion.

[0020] It is thus an object of the present invention to provide an operating system for a handheld computer which will allow a program to execute on any handheld computer.

[0021] It is a further object of the present invention to provide an operating system for a handheld computer wherein programming changes will only necessitate incremental transfers of program instructions.

[0022] It is still a further object of the present invention to provide an operating system for a handheld computer wherein files may be transferred among devices without a translation or conversion.

[0023] It is yet a further object of the present invention to provide an operating system for a handheld computer wherein programming steps and data are tokenized to reduce the load on a communication channel of finite bandwidth.

[0024] It is yet a further object of the present invention to provide a system of networked computers in which modifications to a computer program for a remote computer are sent in real time to the remote computer and are implemented immediately and seamlessly without the requirement of user installation.

SUMMARY OF THE INVENTION

[0025] The present invention provides a system and method for the management of information which solves the problems and alleviates the needs discussed above. In its broadest sense, the present invention is a method designed to accomplish the following:

1) Allow any computer(s) (desktops, laptops, handhelds, portables, etc.) to be used to capture information;

2) Transfer the information to a data center (via file transfer methods such as a network, to include, but not necessarily, Internet based) in a form that the data center can recognize;

3) Allow another computer(s) to access the information and download it from the data center in a format that can be readily used regardless of the format in which the original information was gathered.

[0026] In a preferred embodiment, a server is loosely networked to a plurality of computers (handheld, laptop, or desktop). Each computer is equipped with an operating system which allows common programming to execute on any device, regardless of hardware differences or native operating system differences among the plurality of devices.

[0027] With regard to the present invention, the term "loosely networked" is used to describe a networked computer system wherein devices on the network are tolerant of intermittent network connections and, in fact, tolerant of the type of network connection available. In particular, if any communication connection is available between devices

wishing to communicate, network transmissions occur normally, in real time. If a network connection is unavailable at that moment, the information is temporarily stored in the device and later transmitted when the connection is restored. Unless otherwise specified, hereinafter the terms "network" or "networked" refer to loosely networked devices.

[0028] Thus, the operating system may be thought of as device indifferent and communication channel indifferent. In the preferred embodiment, any computer can execute any program developed for the inventive system and will communicate with other members of the system through any communication method the device can find available.

[0029] The operating system provided in each computer device allows the use of a common instruction set in any such device, regardless of compatibility issues between the devices, wherein "instruction set" is used herein to mean the commands, tokens, etc., that are recognized by the operating system as valid instructions. Unlike conventional computer programs, the operating system employed in the inventive system allows incremental changes to the program without the need to reload the entire program. Additionally, a programming change made at a central office will automatically propagate to loosely networked computers dispersed throughout the field.

[0030] In one aspect of the invention, branching logic depending on the programs are created for handheld or other computer devices by simply entering questions and providing response specification, in the form of a questionnaire, for the end-user. Thus, no particular programming skill is required to generate programs for data gathering. As will be appreciated by those familiar with data collection, data can be collected by posing a series

of questions, or otherwise prompting for specific input from the user, as in the manner used with paper forms. A number of useful subsystems, which may already be present in the handheld device, or easily added later, may be utilized so that at least some of the information which is responsive to the designed questionnaire may be collected automatically rather than entered manually, e.g., time and date, position information if the device includes a GPS receiver, etc.

[0031] In another aspect of the present invention, the program and user responses are coded in such a fashion as to substantially reduce the bandwidth requirements of the network connection. Since many of the networking options for handheld devices provide limited bandwidth, best use may be made of the available throughput by coding, or tokenizing, program information and responses.

[0032] In practice, a program is created by entering a series of prompts and providing direction for how the system is to respond to particular responses. This process of data gathering may then be performed by a person having no programming skill whatsoever. The program may then be sent to all, or selected, computer devices on the network. Those devices having a connection may immediately be updated. Those devices in which a network connection is temporarily not available will be updated when the connection is next restored.

[0033] The user of the computer device is then prompted for specific input. As the user enters data, if the network connection is available, the information is immediately sent to the server. If the network connection is unavailable, the information is stored locally in

the handheld device and sent upon restoration of the network connection. At the server, the information is typically processed upon receipt such that users of the data have real time, or virtually real time, information available.

[0034] In another aspect of the invention, the inventive system may be provided to end users according to an application service provider ("ASP") business method. ASPs are an emerging trend in the computer software industry. Traditionally, a company seeking a software solution would either acquire a preprogrammed package which suits its needs or commission the programming of custom software. In many instances preprogrammed software is unavailable or requires too many compromises to be attractive. In either case, the software is purchased and, invariably, represents a large capital expense to the company. Once purchased, modifications, evolutional upgrades, changing management practices, and the like, result in additional expenses to keep the software up-to-date.

[0035] In contrast an ASP typically provides software on a pay-as-you-go basis. An ASP typically provides custom, or semi-custom software to companies. Each user is billed for the time it uses the software. The advantages to the end user are obvious. There is no crippling up-front expense, modifications and upgrades are the responsibility of the ASP, if the software does not perform satisfactorily the customer simply walks away and never incurs large expenses. On the ASP side, the software vendor enjoys recurring income and the ability to adapt the same software model to numerous customers. While differing slightly from the traditional ASP model, the present invention is particularly well suited to a per-transaction billing model.

[0036] With regard to the current system, an ASP can provide a web site which allows users to build an application on line, possibly without incurring any expense. Once the customer is satisfied with the program, it can automatically be deployed to designated computer devices within the system. When a user provides input, the computer device can find a direct network connection to the ASP or, more likely, find an Internet connection and report the data to the ASP via the Internet connection. Once received at the ASP, the data can be processed and is available for viewing or use by the client virtually instantly via the Internet. Thus, data entered at any location may be viewed by the client in real time, worldwide.

[0037] Further objects, features, and advantages of the present invention will be apparent to those skilled in the art upon examining the accompanying drawings and upon reading the following description of the preferred embodiments.

BRIEF DESCRIPTION OF THE DRAWINGS

[0038] FIG. 1 provides a diagram of the inventive system.

[0039] FIG. 2 provides a diagram of the inventive system as used for form creation.

[0040] FIG. 3 provides a diagram of the inventive system as used for information collection and review.

[0041] FIG. 4 depicts a sequence of tasks for collecting data through the use of prior art systems.

[0042] FIG. 5 depicts the tasks of FIG. 4 utilizing the inventive system.

[0043] FIG. 6 is a work flow diagram of an embodiment utilizing the inventive system.

DESCRIPTION OF THE PREFERRED EMBODIMENTS

[0044] Before explaining the present invention in detail, it is important to understand that the invention is not limited in its application to the details of the construction illustrated and the steps described herein. The invention is capable of other embodiments and of being practiced or carried out in a variety of ways. It is to be understood that the phraseology and terminology employed herein is for the purpose of description and not of limitation.

[0045] Referring now to the drawings, wherein like reference numerals indicate the same parts throughout the several views, a diagram of the inventive system is shown in FIG. 1. Typically, the system for data management **10** includes: at least one server **24** preferably having an Internet connection **26**; a plurality of handheld computers **28-32** operated remotely from server **24**, each handheld **28-32** including a network connection **34- 38**, respectively, for loosely networking handhelds **28-32** to server **24**; and a computer **22** connected to the Internet for providing administration of the system and for reviewing data collected by the system.

[0046] Server **24** is shown preferably connected to the Internet **26** and loosely networked to handheld computers **28-32** through connections **34-38**, respectively. As will be apparent to those skilled in the art, network connection **26** could instead be local area network or a private wide area network. Similarly, connections **34-38** may be any one of a number of optional connections which ultimately connect a remote device to server **24**. By way of example and not limitation, connection **34** could be a simple dial up connection

through a conventional telephone line to connect handheld **28** directly to server **24**. At the same time, connection **36** could be an infrared (IR) connection between handheld **30** and a desktop computer (not shown) which in turn, is connected to server **24** via the Internet. Connection **38** could be a wireless modem, i.e., a CDPD interface, a CDMA interface, a GSM interface, an analog cellular modem, or the like, which either establishes a direct connection with server **24** or establishes an Internet connection to reach server **24** via the Internet. Other options would include a wireless LAN connection, a direct RS-232 connection, a docking station connected to a desktop computer, etc. It should be noted that, regardless of the type of connection, handhelds **28-32** are ultimately connectable to server **24** in a loosely networked fashion.

[0047] It should be noted that handheld computers **28-32** need not be the same type, or even compatible devices. As a part of the inventive system each remote device, preferably a handheld computer, is provided with an operating instruction system ("OIS") which overlays its native operating system. Once equipped with the OIS, a remote device can be programmed according to methods described hereinafter. Any program developed under the inventive system will run on any handheld computer equipped with the OIS and files on one such handheld will transfer freely to any other handheld or any computer connected to the inventive system.

[0048] As noted above, with regard to the present invention, the term "loosely networked" is used to describe a networked computer system wherein devices on the network are tolerant of intermittent network connections. In particular, if any communication

connection is available between devices wishing to communicate, network transmissions occur normally, in real time. If a network connection is unavailable, the information is temporarily stored in the device and later transmitted when the connection is restored. Unless otherwise specified, hereinafter the terms "network" or "networked" refer to loosely networked devices.

[0049] It should also be noted that the inventive system is indifferent as to the particular type of communication channel used for connections **34-36** . Thus, by way of example and not limitation, while connection **36** might today be an IR link to a desktop computer which accesses server **24** via the Internet, tomorrow, handheld **30** might establish a connection **36** with server **24** via a CDPD interface. The particular link selected will be the first available link.

[0050] The inventive system may be thought of as taking on two distinct modes of operation. First, as shown in FIG. 2, the system provides an administrative function. From any computer **22** connected to the Internet **26**, a client can access server **24** to administer the inventive system. Administration involves tasks such as form creation, management, and validation; user setup, and management of system security.

[0051] In terms of the present invention, handheld computers are favored for their portability and their usefulness in gathering data from the field, whether the field is a stockroom for a manufacturing facility, a production floor, a delivery site for a product, etc. More generally, field locations are typically areas where people work without the convenience of a desktop.

[0052] According to the preferred arrangement, data may be gathered by prompting the user via the handheld **28** with a series of questions or statements, each of which calls for a response. This series of questions or statements will have been constructed on computer **22** and reduced to tokenized form for transmission to the handheld **28**. For purposes of the instant disclosure, the series of questions/statements will collectively be referred to as a questionnaire. As will be discussed in greater detail below, the questionnaire is actually designed to include internal branching logic which is implemented by the OIS. Hence, with regard to the present invention, the terms "program" and "form" are used interchangeably with questionnaire.

[0053] An important aspect of the invention is the ease with which a client can create a form and distribute the form to the appropriate handheld devices in the field. Continuing with FIG. 2, typically a client uses a computer **22** having access to the Internet **26** to communicate with server **24**. As part of the administrative function provided by system **10**, computer **22** provides a web-based interface which allows a client to create a questionnaire. As a first step, preferably, the client selects a type of question from a list of standard question types. This list would include alternatives for the way the question is posed to the user, for example visual or vocal, and the type of answer to expect, whether yes/no, multiple choice, narrative, numerical, etc.

[0054] As the client creates a list of questions, symbols from a tool bar may be used to control conditional branching based on the user's response. As the client enters questions and selects response types, server **24** builds a stack of questions and responses, and assigns

indices, or tokens, which point to each question or response. Each token preferably corresponds to a logical, mathematical, or branching operation and is preferably selected and made a part of the questionnaire through a graphical user interface. By this mechanism, a user is able to create a series of questions, the precise nature of which is dependent on the user's responses. For example, the questionnaire designer might desire to create a form that asks the user different questions; depending on whether the user was male or female. In order to do this, the designer would enter the questions ("Are you a man or woman?"); select a response (a "pop up" list of two entries male and female); select a token (branch if "male"); assign that token to this question; and, specify an "end" location for the "branch" (i.e., the first question asked of "males").

[0055] When the questionnaire **40** is complete, server **24** sends the stack of questions and defined responses to the appropriate handheld devices, as represented by handheld **28**, via the loosely networked connection **34**. In addition, server **24** sends the operating logic for that questionnaire, which is simply a list of tokens which point to the questions and responses to each question as well as tokens for program control or math operations. As will be apparent to those skilled in the art, if a question or response is repeated within the questionnaire, only a pointer need be repeated in the program list, not the entire question.

[0056] According to another preferred arrangement, there is provided a system, substantially as defined above, wherein the questionnaire which is transmitted to the handheld can be incrementally updated on each networked handheld **28**, rather than resending the entire questionnaire. For example, if a question is modified or replaced, the

new question and a new list are the only information which need to be transmitted to the handheld device **28**. This incremental update capability dramatically reduces the quantity of computer instructions required to update a form. It should be noted that, if connection **34** is present, the program update will take place virtually at the same time the client finishes questionnaire **40** at computer **22**. If the network connection is unavailable, the update will happen automatically as soon as the connection **34** is restored.

[0057] Turning next to FIG. 3, in a preferred embodiment the user will initiate the execution of the questionnaire according to instructions previously provided to him or her. For example, the user might be instructed to initiate the questionnaire as soon as he or she pulls into the drive-in lane of a take-out eatery. This would be the case if the questionnaire were designed to collect information regarding service at that establishment. In such an event, the questionnaire might contain questions related to service time, cleanliness, friendliness of the employees, etc., all of which would potentially be of interest to the owner/client. The user will preferably respond to each question in turn, the questions being presented according to the logic defined by the client and built into the questionnaire. In some instances, the text of the question might instruct the user to perform acts and/or wait until a certain event happens before responding (e.g., "Pull up to the take-out window. How long was it before you received your order?") The user's responses to the items in the questionnaire are stored within the handheld **28** as they are collected. In some cases, the questionnaire logic might allow the user to skip questions and (optionally) return to them later. Additionally, the questionnaire designer might include a token that initiates a final

review of the data collected from the user in this instance to make certain that all "required" questions, (which have preferably been so designated by marking them with the appropriate token) have been answered. Failure by the user to respond to a required question will result in the OIS prompting the user again for a response.

[0058] Several options are available for the transmission of responses from handheld **28** to server **24**. First, regardless of the availability of connection **34**, responses may be stored locally at handheld **28** until the form is fully completed and then sent as a batch to server **24**. This transfer may optionally occur automatically, or upon direction of the user as specified by the client during the creation of the form. If the link is not available at the time of completion of the form, transmission will be automatically delayed until connection **34** is restored.

[0059] Alternatively, selected responses, or all responses, may be configured to transmit immediately upon entry, assuming of course that connection **34** is available. This option is particularly important where the user of handheld **28** has entered information which might be indicative of a problem with a process or indicate an emergency. Again, if connection **34** is unavailable, immediate transmissions will also be delayed until a connection is available.

[0060] As data from a handheld is received at server **24** it is processed, as necessary, and placed in a database where it can be accessed via the Internet **26**. A client can then use a computer **22** with Internet access to review or use the data from virtually anywhere in the

world.

[0061] Turning next to FIG. 4, wherein a prior art system built around paper forms is shown, in the past, a paper form had to be created, printed, and delivered to a user of the form. Armed with the form, the user had to complete the assigned task and complete the form reflecting observations made during the task. If the user delayed in filling out the form, these observations were subject to the inaccuracies associated with human memory. A completed form was then typically delivered to yet another person for data entry before the information was finally available to others in the company. As will be appreciated by those familiar with such operations, whether a result of unreadable forms or a result of human error at data entry, this step is responsible for a significant level of errors.

[0062] Turning next to FIG. 5, in contrast to prior systems , with the present system, a form may be entered on-line, the form is automatically sent to the handheld computer of the user, usually within seconds, the user enters data directly at the location of the user's assigned task, eliminating memory errors, and made available to others in the organization in virtually a real time fashion. Thus, not only is the data almost instantly available, at least two sources of error, the memory of the user and data entry, have been eliminated.

[0063] An example of where the inventive system is particularly useful is in the area of mystery shoppers. Many restaurant chains and retail chain stores employ mystery shoppers to patronize one of the chain's establishments and report on the experience. In the area of fast food, a mystery shopper might, for example, use the drive through window to purchase a breakfast sandwich and a cup of coffee.

[0064] Prior to the trip to the restaurant, an employee of the client restaurant develops a questionnaire and enters it on the web site of the ASP that is providing the mystery shopper support service. In this case, the restaurant is interested in the waiting time of their patrons, the service provided to their patrons, and the quality of the food served. A questionnaire is designed to elicit such information from the shopper/user. The results of the mystery shopper's experience will be compared to quality standards established for the entire chain and used to rate the franchisee/owner of particular restaurants.

[0065] As the mystery shopper enters the parking lot, the shopper will be prompted to enter a store number or location. If the handheld computer is equipped with a GPS receiver, this information could be entered automatically. Of course the time and date from the computer's real time clock are preferably recorded in the form. As the shopper reaches the end of the drive through line, she starts a timer on the hand held computer, preferably by "tapping" on the face of the handheld in the appropriate region of the screen. When the speaker is reached, the first timer is stopped and a second timer is started.

[0066] If the shopper is asked to wait before ordering, a second timer is started and a third timer is started. Upon a request for her order, the mystery shopper stops the previous timers and yet a fourth timer is started. She orders her breakfast sandwich and coffee and pulls forward in line. While sitting in line, the handheld computer asks if the speaker could be clearly understood, if the menu was in good shape, and if the area around the menu appeared neat and clean.

[0067] Upon reaching the window, the shopper presses a button which stops the fourth timer and starts a fifth timer. As her money is taken, the fifth timer is stopped and yet a sixth timer is started. She pays with a twenty dollar bill and, upon receiving her change, notes the accuracy of her change, whether the person at the window is pleasant, stops the sixth timer and starts a seventh timer.

[0068] Upon receiving her food the seventh timer is stopped and she pulls into a parking place to sample the food and measure the temperature of the coffee with a temperature probe attached to her handheld computer. After entering her impression of the sandwich, the computer asks a few questions about the number of cars in the parking lot and the general appearance of the store.

[0069] As the shopper enters the last response, the CDPD modem attached to her handheld contacts the ASP and delivers the collected data which is forwarded to a database where it is accessible by the staff of the restaurant chain, only seconds after the shopper has taken her first bite of the sandwich.

[0070] Note that the user's interaction with the handheld in the previous example was all defined by logic that the client has incorporated into the questionnaire when it was designed. The text of the directions to the user (e.g., "Pull up to the drive-in window.") has been designed into the questionnaire. Additionally, preferably there will be tokens that represent "timers" which are designed to make it easy for the user to enter elapsed time information in response to a question (e.g., the user might be asked to tap the screen a first time to start the timer running and a second time to stop it, with the elapsed time being

automatically calculated and stored as a response to a client question). Clearly, a goal of the instant system is to provide a client with the tools necessary to quickly and easily construct a complex questionnaire which presents the user with questions which are adaptively selected according to the wishes of the designer.

[0071] A second example of where the inventive system is particularly useful is the area of transfer by a medical service provider of a patient's medical information to an insurance company following treatment. In this example, data is exchanged between computers (handhelds, desktops, laptops, etc.) at different locations in a secure manner without providing an outside party access to the secure internal computer network of the medical service provider (MSP). The medical service provider is preferably a hospital, however, it is understood that this term could include clinics, minor emergency centers, physician's offices or any such provider of medical care/treatment.

[0072] Modern medical service providers are continually striving to develop methods of transferring medical records and data to insurance companies for rapid claims processing which requires the minimum of manual forms generation, handling, processing, and data entry. Moreover, pressure, both publicly and legislatively, is being applied to the healthcare industry as a whole to protect the privacy of this data including confidential patient information. As a result, transmission of medical information in secure, generally encrypted formats is required. However, such methods of data transfer require a high level of coordination between the medical service providers and the insurance companies, both of which are reluctant to allow the other, and especially third parties, access to their databases

and network hardware necessary to achieve these levels of coordination.

[0073] The present system can be employed to manage the data flow in a manner that provides secure data transfer between parties without the necessity of either party allowing outside access to its respective data storage systems. In this embodiment, the medical service provider can use the system to design or update the medical forms as described above or contract with the ASP to develop and update such forms.

[0074] Referring to FIG. 6, a system diagram is shown depicting medical services provider **120** (MSP), ASP **130** and insurance companies **140, 142,** and **144**. As stated, the medical forms can be designed and/or updated seamlessly by the MSP or ASP as shown in **122**. The computers of MSP would be equipped with the inventive OIS thereon to allow forms design, branching logic, and cryptic data transfer at **122**. Once the medical form is designed, medical information can be entered onto the form(s) in the system following treatment by the MSP. Once entered, the data is converted to tokenized form by the OIS for encrypted transfer to the ASP **130** according to step **124**. In this way, a patient's medical data is continuously, seamlessly and securely transferred between MSP **120** and ASP **130**.

[0075] Once the ASP **130** receives the tokenized data from MSP **120** pursuant to transfer **124**, the data is stored in a standard database or a database customized for each insurance company within ASP **130**. In a preferred arrangement, the ASP will then alert one or more of the relevant insurance providers **140, 142** , and/or **144** that data is present and available for immediate retrieval from the database of ASP **130**. In the alternative, the

system could be embodied such that insurance providers **140**, **142**, and **144** would periodically query ASP **130** on a set time interval regarding the presence of information.

[0076] At the time insurance providers **140**, **142**, and/or **144** are aware that data is present and available from ASP **130**, the insurance provider can access the ASP via a global computer network such as the Internet for retrieval of such information. Typically, access to information maintained by ASP **130** is restricted by password or other similar security measures. Insurance provider **140**, **142**, and/or **144** can then download data from ASP **130** which is either encrypted in a standard format or in a format which is customized for the insurance provider (and may also be encrypted). The download step is depicted by arrows **132**, **134**, and **136**, respectively.

[0077] In this embodiment, the customer of ASP **130**, typically MSP **120**, would be billed for the transaction or by the volume of data transmitted.

[0078] Accordingly, a secure method of transfer of medical information between MSP **130** and insurance providers **140**, **142**, and/or **144** is defined using the method and apparatus of the present invention.

[0079] By way of example and not limitations, various preferred embodiments of the instant invention will include a number of desirable features or traits such as: 128-bit CerticomT end-to-end wireless security; ability of the administrator to clean erroneous data; all data and administrative transactions on one or more secure servers; form question responses are time stamped; centralized online repository of all form responses; the complete form is available for review or update on the Web; context-sensitive help; from the

customer's perspective, the system is scalable and flexible; users, questionnaires, and responses manageable as groups; data exportation to CSV, XLS, XML, as well as any other format or external application; ability to define multiple form administrators; forms deployable wirelessly over the Internet; error checking for dropped connection in a loosely networked environment; a provider of the service can offer secondary services such as form design consulting services; partially completed forms can be saved and restarted; OIS allows data to be gathered in virtually any form factor, i.e. web, handheld, phone, laptop, and the like; the client can inspect individual responses from a form; multiple forms can be made available on same device; online data report generation and publishing from gathered responses; optional authentication of users; responses can be subjected to bounding and validation logic; real-time accessibility to form responses from an Internet connected desktop; responses retrievable or accessible anywhere in the world via a provider's web site; robust question branching logic; unlimited administrative control of the user, e.g. a user can be prevented from completing a form more than once; administrative hierarchy allowing some administrators to view other administrators' data, if allowed; web based service eliminates the need for client installation; archival of old forms and responses; user interfaces brandable with corporate identity; ability to clone, or modify, existing forms into a new form; ability to create summary reports with informative charts; customizable reports can be designed to meet clients' specific needs; definable start and stop dates for forms allow control of a time frame over which data can be gathered; ability to include pictures in questions; responses from various forms can be merged into a common report; phone call

completion of forms; administrators can be provided with predefined question and form libraries; responses can be reviewed prior to submitting; print form responses from the remote computer; administrative control of questionnaire aesthetics; software developers kit can be provided by the service provider; language controls available during question development, i.e. spell check, thesaurus, translation of multi-language forms, extended character sets, etc.; various events can be triggered from within a form; and reports can be viewed on the remote computer.

* * * * * *

[0080] Thus, the present invention is well adapted to carry out the objects and attain the ends and advantages mentioned above as well as those inherent therein. While presently preferred embodiments have been described for purposes of this disclosure, numerous changes and modifications will be apparent to those skilled in the art. Such changes and modifications are encompassed within the spirit of this invention.

CLAIMS

What is claimed is:

1. A method for managing data including the steps of:

   (a) creating a questionnaire comprising a series of questions;

   (b) tokenizing said questionnaire; thereby producing a plurality of tokens representing said questionnaire;

   (c) transmitting said plurality of tokens to a remote computing device;

   (d) executing at least a portion of said plurality of tokens representing said questionnaire at said remote computing device to collect a response from a user;

   (e) transmitting at least a portion of said response from the user to a server via a network; and

   (f) storing said response at said server.

2. The method for managing data of claim 1 further comprising the step of:

   (g) translating said response to a format recognizable by a particular computer program; and

   (h) accessing the translated response from a computer executing said particular computer program.

3. The method for managing data of claim 1 wherein step (a) includes the substeps of:

(a) creating a questionnaire by:

(i) entering a series of questions into a questionnaire design computer program;

(ii) identifying within said questionnaire design computer program the type of response allowed for each question of said series of questions; and

(iii) identifying within said questionnaire design computer program a branching path in said questionnaire for each possible response to each question of said series of questions.

4. The method for managing data of claim 1 wherein step (b) includes the substeps of:

(b) tokenizing said questionnaire thereby producing a plurality of tokens representing said questionnaire by:

(i) assigning at least one token to each question of said series of questions;

(ii) assigning at least one token to each response called for in said series of questions to identify the type of response required; and

(iii) assigning at least one token to each branch in said questionnaire to identify the required program control associated with said branch.

5. The method of data management of claim 1 wherein the transmission of said tokens in step (c) occurs via the network of step (e).

6. A method for modifying a questionnaire used in data management according to the method of claim 1 including the steps of:

(a) making at least one incremental change to a portion of the questionnaire;

(b) tokenizing said at least one incremental change to said questionnaire;

(c) transmitting at least a portion of said tokens resulting from step (b) to a remote computing device, said transmitted tokens comprising less than the entire tokenized questionnaire;

(d) incorporating said transmitted tokens into said questionnaire at said remote computing device.

7. A method for collecting survey data from a user comprising:

(a) designing a questionnaire having branching logic on a first computer platform;

(b) automatically transferring said designed questionnaire to at least one loosely networked computer;

(c) executing said transferred questionnaire on said loosely networked computer, thereby collecting responses from the user;

(d) automatically transferring via the loose network any responses so collected to a central computer; and,

(e) making available on the Web any responses transferred to said central computer in step (d).

8. The method for collecting survey data according to claim 7 further comprising:

(a) assessing a charge for each transferred response received by said central computer.

9. A method for managing data transfers between computers including the steps of:

(a) creating a questionnaire at a first site in a first computer located at a second site, said first site and said second site being connected by a network;

(b) transmitting said question to a remote computer via said network, said remote computer running an OIS;

(c) modifying said questionnaire with incremental changes at a third site in said first computer located at said second site; and

(d) modifying said questionnaire in said remote computer with said incremental changes.

10. The method for managing data transfers between computers according to claim 9 wherein said first site and said third site are the same.

11. The method for managing data transfers between computers according to claim 9 wherein said third site is at said remote computer.

ABSTRACT OF THE DISCLOSURE

A method for the management of data collected from a remote computing device including the steps of: creating a questionnaire; transmitting the questionnaire to a remote computer; executing the questionnaire in the remote computer to prompt a user for responses to questions of the questionnaire; transmitting the responses to a sever via a network; making the responses available on the Web. Preferably, computers used in connection with the inventive method are loosely networked in that network connections between computers are not always available and, when a connection is not available, data is stored at a node of the network and transmitted at the earliest time when a connection is available. In one preferred embodiment, the inventive method is used to collect survey data and to make the responses to the survey available to a client in virtually real time over the Internet.

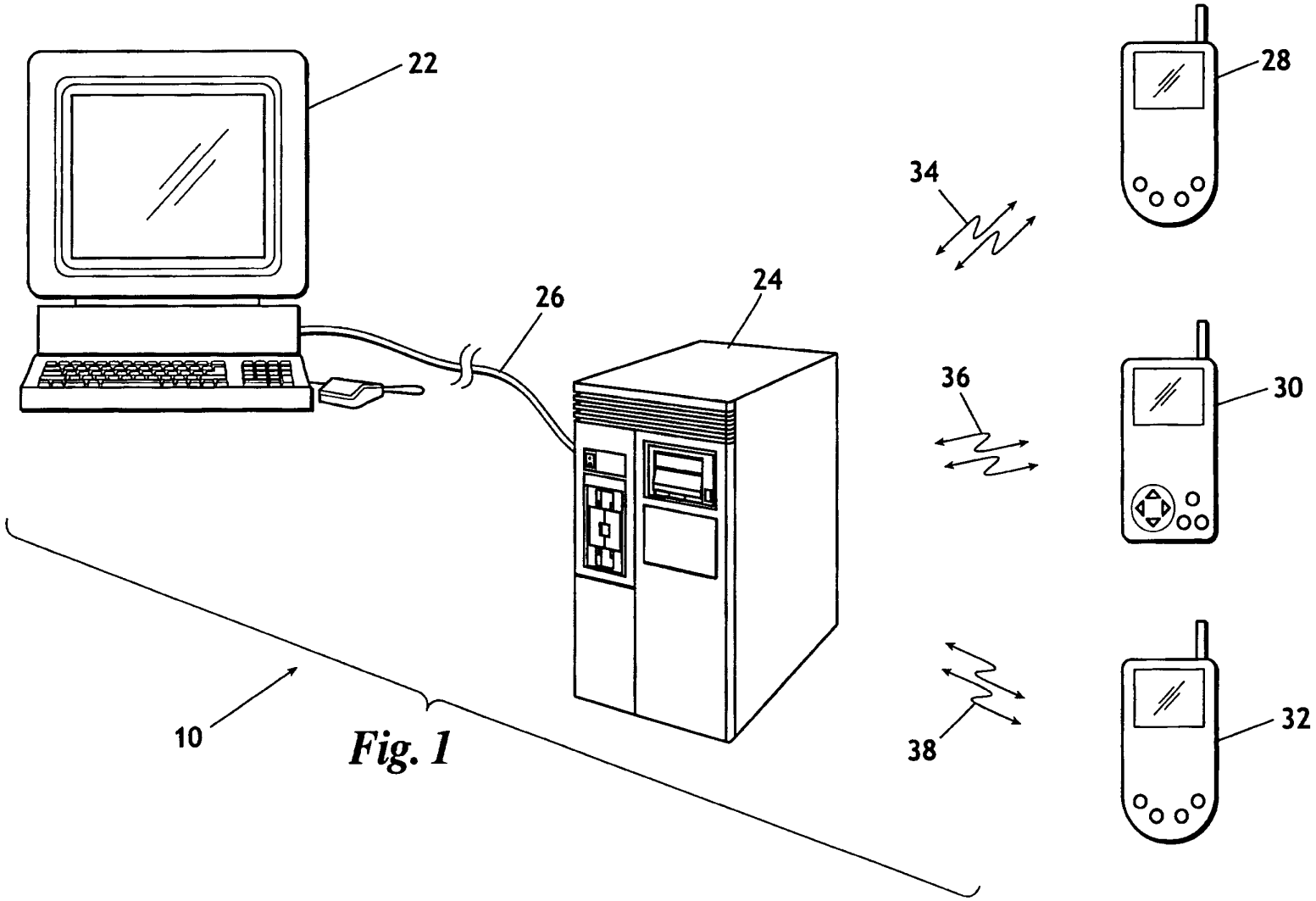


Fig. 1

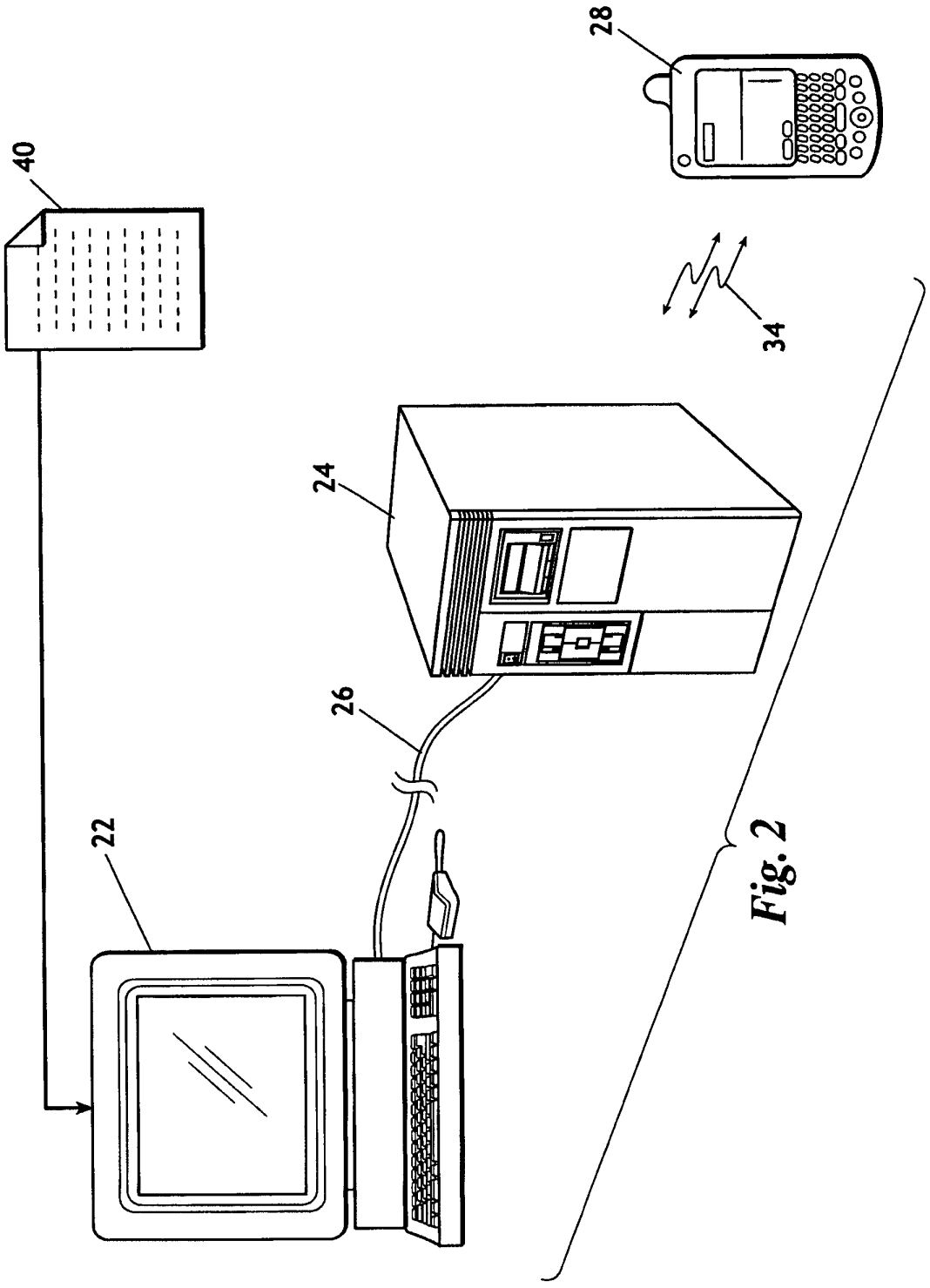


Fig. 2

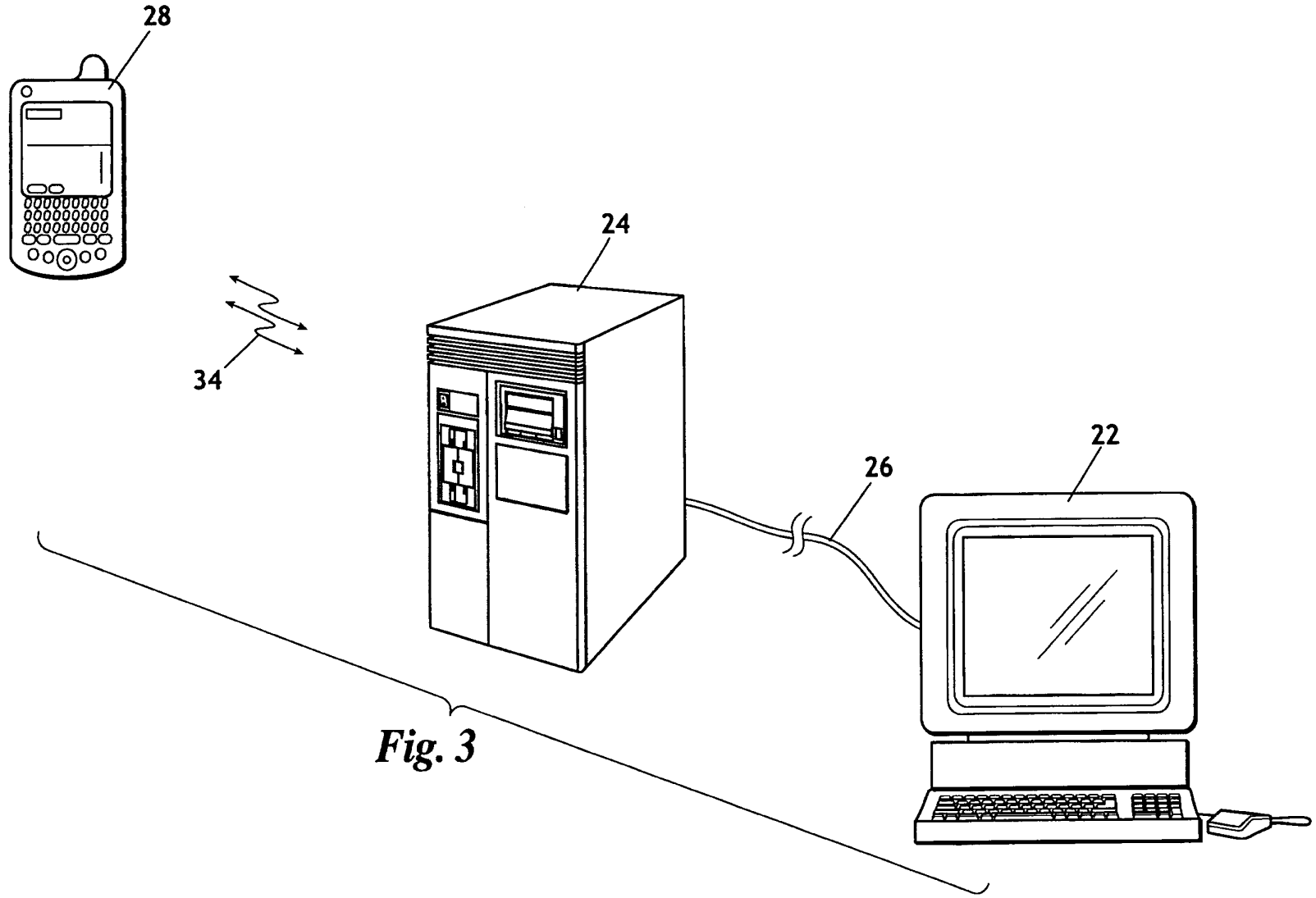


Fig. 3

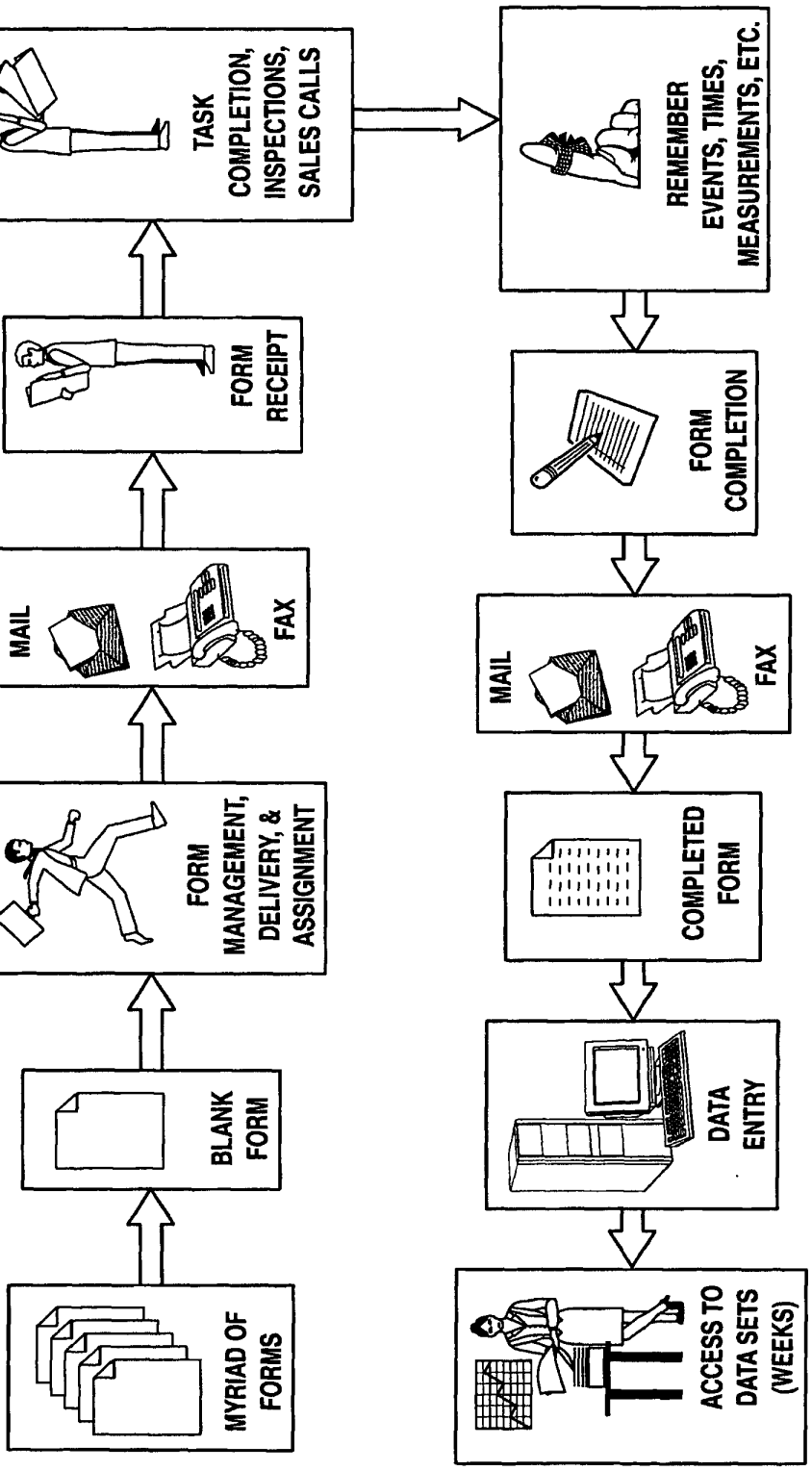


Fig. 4
(PRIOR ART)

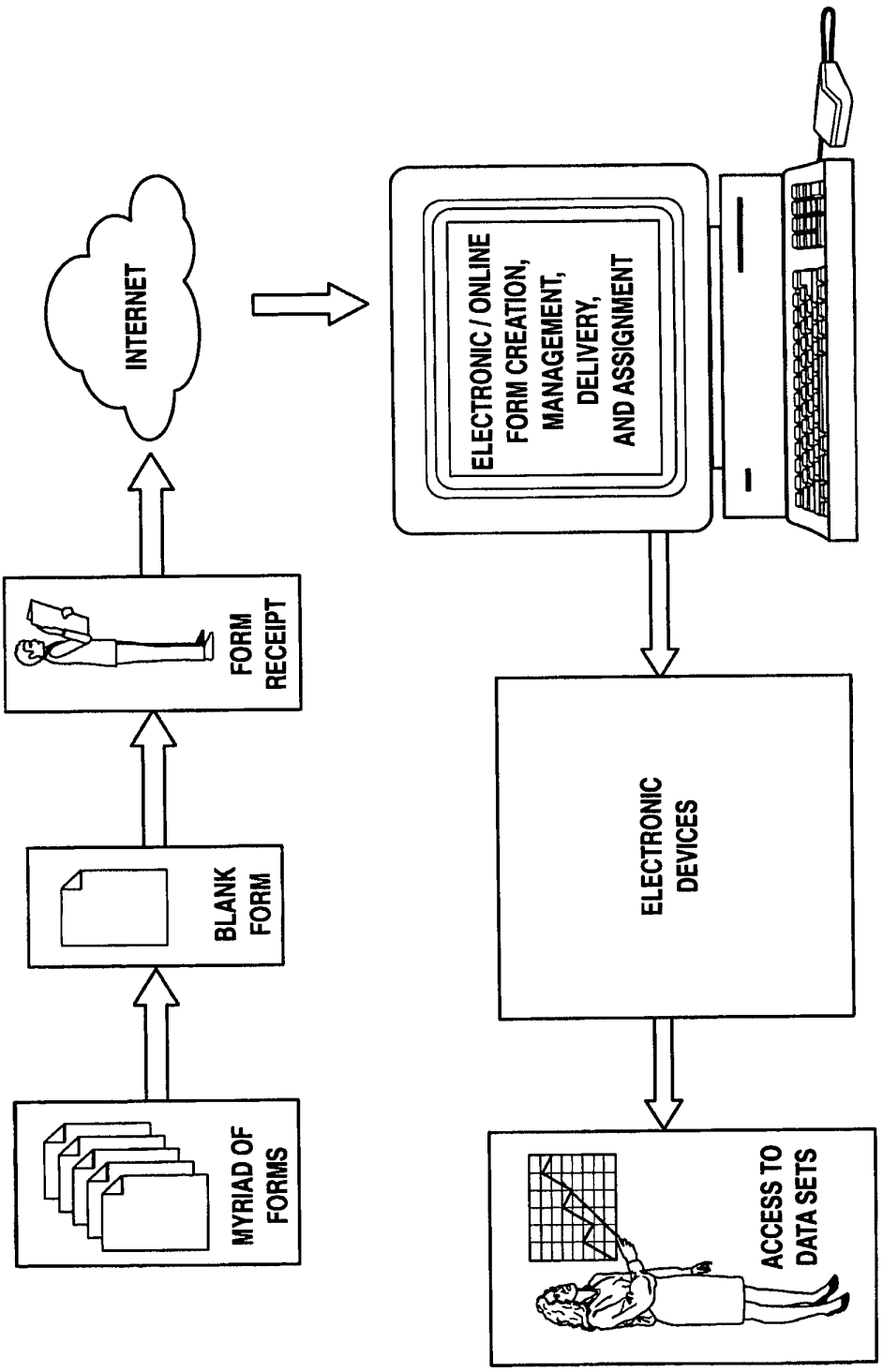

MYRIAD OF FORMS
BLANK FORM
FORM RECEIPT
INTERNET
ELECTRONIC / ONLINE FORM CREATION, MANAGEMENT, DELIVERY, AND ASSIGNMENT
ELECTRONIC DEVICES
ACCESS TO DATA SETS

Fig. 5

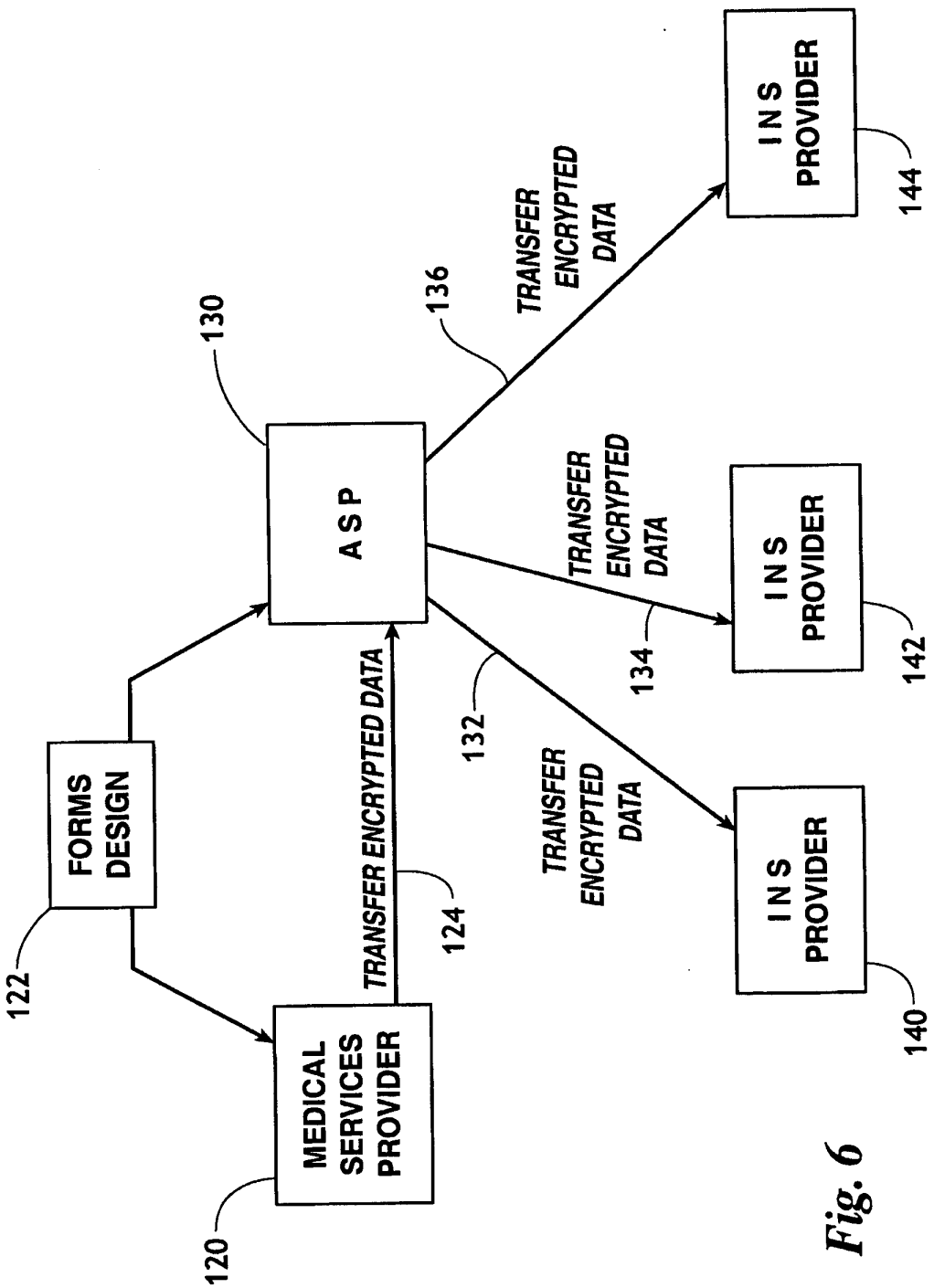

FORMS DESIGN
122
MEDICAL SERVICES PROVIDER
120
TRANSFER ENCRYPTED DATA
124
A S P
130
132
TRANSFER ENCRYPTED DATA
136
TRANSFER ENCRYPTED DATA
134
TRANSFER ENCRYPTED DATA
INS PROVIDER
140
INS PROVIDER
142
INS PROVIDER
144

Fig. 6

Practitioner's Docket No. 57442/03-533 *PATENT*

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL, CONTINUATION, OR C-I-P)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is for an original application.

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

SYSTEM AND METHOD FOR DATA MANAGEMENT

SPECIFICATION IDENTIFICATION

The specification is attached hereto.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56, and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent.

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
(35 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States *provisional application(s) listed below:*

PROVISIONAL APPLICATION NUMBER	FILING DATE
60/404,491	08/19/2002

POWER OF ATTORNEY

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

APPOINTED PRACTITIONER(S)	REGISTRATION NUMBER(S)
Scott R. Zingerman	35,422
Dennis D. Brown	33,559
Daniel P. Dooley	46,369
Fred H. Holmes	43,677
James F. Lea	41,143
Bill D. McCarthy	26,772
Randall K. McCarthy	39,297
Terry L. Watt	42,214
R. Alan Weeks	36,050

SEND CORRESPONDENCE TO

Scott R. Zingerman
FELLERS, SNIDER, BLANKENSHIP,
BAILEY & TIPPENS, P.C.
321 South Boston, Suite 800
Tulsa, OK 74103-3318
22206

DIRECT TELEPHONE CALLS TO:

Scott R. Zingerman
(918) 599-0621

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Inventor: J. DAVID PAYNE
Inventor's signature: _____
Date: 8/7/03 **Country of Citizenship:** USA
Residence: Broken Arrow, OK
Post Office Address: 2416 S. Willow, Broken Arrow, OK 74012
218518.1

Electronic Patent Application Fee Transmittal

Application Number:	
Filing Date:	
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Filer:	Scott R. Zingerman/Jamie Robinson
Attorney Docket Number:	57442/10-351

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	82	82
Utility Search Fee	2111	1	270	270
Utility Examination Fee	2311	1	110	110
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**462**

Electronic Acknowledgement Receipt	
EFS ID:	8688161
Application Number:	12910706
International Application Number:	
Confirmation Number:	8703
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Customer Number:	22206
Filer:	Scott R. Zingerman/Jamie Robinson
Filer Authorized By:	Scott R. Zingerman
Attorney Docket Number:	57442/10-351
Receipt Date:	22-OCT-2010
Filing Date:	
Time Stamp:	19:28:41
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$462
RAM confirmation Number	5421
Deposit Account	060540
Authorized User	ROBINSON,JAMIE A.
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Application Data Sheet	ADS.pdf	1168045 6c3675f4b71f2aa1f79525ee370feea83467a2d0	no	4
Warnings:					
Information:					
2		SCANNED_Spec_Cl_Abs.pdf	575631 dd8e432a68b5844f5cab2cdbd04290b6f25c2706	yes	35

Multipart Description/PDF files in .zip description

Document Description	Start	End
Specification	1	29
Claims	30	34
Abstract	35	35

Warnings:					
Information:					
3	Drawings-only black and white line drawings	SCANNED_Figs.pdf	72367 631306dc2315e6997fb1595412c6469a7f914645	no	6
Warnings:					
Information:					
4	Oath or Declaration filed	SCANNED_Decl_POA.pdf	61275 e5bec092d9ea2a21607e4db70821206d0c217bc8	no	2
Warnings:					
Information:					
5	Fee Worksheet (PTO-875)	fee-info.pdf	32998 538a1b24f0fe14d5e1a03cd851b6115983fa13ce	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	1910316		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Electronic Acknowledgement Receipt	
EFS ID:	8688161
Application Number:	12910706
International Application Number:	
Confirmation Number:	8703
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Customer Number:	22206
Filer:	Scott R. Zingerman/Jamie Robinson
Filer Authorized By:	Scott R. Zingerman
Attorney Docket Number:	57442/10-351
Receipt Date:	22-OCT-2010
Filing Date:	
Time Stamp:	19:28:41
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$462
RAM confirmation Number	5421
Deposit Account	060540
Authorized User	ROBINSON,JAMIE A.
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Application Data Sheet	ADS.pdf	1168045 6c3675f4b71f2aa1f79525ee370feea83467a2d0	no	4
Warnings:					
Information:					
2		SCANNED_Spec_Cl_Abs.pdf	575631 dd8e432a68b5844f5cab2cdbd04290b6f25c2706	yes	35

Multipart Description/PDF files in .zip description

Document Description	Start	End
Specification	1	29
Claims	30	34
Abstract	35	35

Warnings:					
Information:					
3	Drawings-only black and white line drawings	SCANNED_Figs.pdf	72367 631306dc2315e6997fb1595412c6469a7f914645	no	6
Warnings:					
Information:					
4	Oath or Declaration filed	SCANNED_Decl_POA.pdf	61275 e5bec092d9ea2a21607e4db70821206d0c217bc8	no	2
Warnings:					
Information:					
5	Fee Worksheet (PTO-875)	fee-info.pdf	32998 538a1b24f0fe14d5e1a03cd851b6115983fa13ce	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	1910316		

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New Applications Under 35 U.S.C. 111
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New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
12/910,706	10/22/2010		462	57442/10-351	11	3

CONFIRMATION NO. 8703

22206
FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

FILING RECEIPT

OC000000044330940

Date Mailed: 11/05/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

J. David Payne, Broken Arrow, OK;

Assignment For Published Patent Application

MACROSOLVE, INC., Tulsa, OK

Power of Attorney:

Billy McCarthy--26772
Scott Zingerman--35422
Paul Johnson--35559
Richard Weeks--36050
Randall McCarthy--39297
James Lea III--41143
Terry Watt--42214
Fred Holmes--43677
Daniel Dooley--46369

Domestic Priority data as claimed by applicant

This application is a CON of 10/643,516 08/19/2003 PAT 7,822,816
which claims benefit of 60/404,491 08/19/2002

Foreign Applications

If Required, Foreign Filing License Granted: 11/03/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/910,706**

Projected Publication Date: 02/17/2011

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

SYSTEM AND METHOD FOR DATA MANAGEMENT

Preliminary Class

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier

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NOT GRANTED

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PTO/SB/06 (12-04)

Date: **10/22/10**

Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD
Substitute for Form PTO-875

Application or Docket Number
12/910,706

APPLICATION AS FILED – PART I

	(Column 1)	(Column 2)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA	RATE ($)	FEE ($)		RATE ($)	FEE ($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	**82**		N/A	
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	**270**		N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	**110**		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	**11** minus 20 =		x$26		OR	x$52	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	**3** minus 3 =	*	x$110			x$220	
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $260 ($130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR						
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))			195			390	
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	**462**		TOTAL	

APPLICATION AS AMENDED – PART II

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDI-TIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDI-TIONAL FEE ($)
AMENDMENT A	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					N/A		OR	N/A	
						TOTAL ADD'T FEE		OR	TOTAL ADD'T FEE	

		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDI-TIONAL FEE ($)	OR	RATE ($)	ADDI-TIONAL FEE ($)
AMENDMENT B	Total (37 CFR 1.16(i))	*	Minus	**	=	x =		OR	x =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	x =		OR	x =	
	Application Size Fee (37 CFR 1.16(s))									
	FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))					N/A		OR	N/A	
						TOTAL ADD'T FEE		OR	TOTAL ADD'T FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".
The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/910,706	10/22/2010	J. David Payne	57442/10-351

CONFIRMATION NO. 8703

PUBLICATION NOTICE

22206
FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

Title:SYSTEM AND METHOD FOR DATA MANAGEMENT

Publication No.US-2011-0040831-A1
Publication Date:02/17/2011

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently http://www.uspto.gov/patft/.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently http://pair.uspto.gov/. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Office of Data Managment, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/910,706	10/22/2010	J. David Payne	71855/10-351	8703

22206 7590 03/16/2011

FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

EXAMINER	
TRAN, NGHI V	
ART UNIT	**PAPER NUMBER**
2451	

MAIL DATE	DELIVERY MODE
03/16/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	12/910,706	PAYNE, J. DAVID	
	Examiner	Art Unit	
	NGHI V. TRAN	2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10/22/2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-11 are presented for examination.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to

be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-11 of the instance application are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 7,822,816. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitation of claims 1-11 of the instance application is overlapping with the limitation of claims 1-14 of U.S. Patent No. 7,822,816 as following:

U.S. Patent No. 7,266,600	**Instant Application No. 11/738,732**
1. A method for managing data including the steps of:	1. A method for managing data including the steps of:
a) creating a questionnaire comprising a series of questions;	(a) creating a questionnaire comprising a series of questions;
(b) tokenizing said questionnaire; thereby producing a plurality of tokens representing said questionnaire;	(b) tokenizing said questionnaire; thereby producing a plurality of tokens representing said questionnaire;
(c) <u>establishing a first wireless modem</u>	

or wireless LAN network connection with a remote computing device;	
(d) transmitting said plurality of tokens to a remote computing device via said first wireless modem or wireless LAN network connection;	(c) transmitting said plurality of tokens to a remote computing device;
e) terminating said first wireless modem or wireless LAN network connection with said remote computing device;	
(f) after said first wireless modem or wireless LAN network connection is terminated, executing at least a portion of said plurality of tokens representing said questionnaire at said remote computing device to collect a response from a user;	(d) executing at least a portion of said plurality of tokens representing said questionnaire at said remote computing device to collect a response from a user;
(g) establishing a second wireless modem or wireless LAN network connection between said remote computing device and a server;	
(h) after said second wireless modem or wireless LAN network connection is established, transmitting at least a portion	(e) transmitting at least a portion of said response from the user to a server via a network; and

of said response from the user to said server via said second wireless modem or wireless LAN network connection; and	
(i) storing <u>said transmitted</u> response at said server.	(f) storing said response at said server.

4. Therefore, the limitation of claims 1-11 of the instance application is anticipated by the limitations of claims 1-14 of U.S. Patent No 7,822,816, and as such is unpatentable for obvious-type double patenting.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Lew et al., United States Patent Publication Number 2004/0210472 (hereinafter Lew).

7. With respect to claim 1, Lew teaches a method for managing data [see abstract] including the steps of:

(a) creating a questionnaire [= survey] comprising a series of questions [paragraphs 0005-0009];

(b) tokenizing said questionnaire [= encrypted survey information, paragraph 0013]; thereby producing a plurality of tokens representing said questionnaire [paragraphs 0005-0009];

(c) transmitting said plurality of tokens to a remote computing device [= the survey transmitter may transmit to the remote responding device in either a wired or a wireless manner, paragraph 0053];

(d) executing at least a portion of said plurality of tokens representing said questionnaire at said remote computing device to collect a response [= feedback] from a user [= feed back from a user, paragraph 0036];

(e) transmitting at least a portion of said response from the user to a server [= a central facility] via a network [paragraph 0050]; and

(f) storing said response at said server [= all feedback is transmitted to the central facility, S6100 of fig.2 and paragraph 0048].

8. With respect to claim 5, Lew further teaches wherein the transmission of said tokens in step (c) occurs via the network of step (e) [fig.3].

9. Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Sendowski et al., United States Patent Publication Number 2003/0198934 (hereinafter Sendowski).

10. With respect to claim 7, Sendowski teaches a method for collecting survey data from a user [see abstract] comprising:

(a) designing a questionnaire [= survey] having branching logic [= branch script object 124] on a first computer platform [= web server 121] [paragraphs 0023-0028 and 0041-0048];

(b) automatically transferring said designed questionnaire to at least one loosely networked computer [= automatically generate an HTML question page or question form, paragraph 0024-0031];

(c) executing said transferred questionnaire on said loosely networked computer, thereby collecting responses from the user [see abstract];

(d) automatically transferring via the loose network any responses so collected to a central computer [= medical survey provider 120] [paragraph 0020 and table 3]; and,

(e) making available on the Web any responses transferred to said central computer in step (d) [fig.1].

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 2-4, 6, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lew as applied in claim 1 above, in view of Sendowski et al., U.S. Patent Application Publication No. 2003/0198934 (hereinafter Sendowski).

13. With respect to claim 2, Lew does not explicitly show the step of: (g) translating said response to a format recognizable by a particular computer program; and (h) accessing the translated response from a computer executing said particular computer program.

In a method of managing data, Sendowski discloses the step of: (g) translating said response to a format recognizable [= XML data structural] by a particular computer program [= branching script engine, paragraphs 0007-0008]; and (h) accessing the translated response from a computer executing said particular computer program [paragraphs 0034-0053 and fig.2].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lew in view of Sendowski by accessing a translated response to a format recognizable because this feature provides a framework of reusable software object implementing the creation and execution of any question-answer branching scripts [Sendowski, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to support thousands of concurrent users when it is required [Sendowski, paragraph 0005].

14. With respect to claim 3, Lew does not explicitly show wherein step (a) includes the sub-steps of:(a) creating a questionnaire by: (i) entering a series of questions into a questionnaire design computer program; (ii) identifying within said questionnaire design computer program the type of response allowed for each question of said series of questions; and (iii) identifying within said questionnaire design computer program a branching path in said questionnaire for each possible response to each question of said series of questions.

In a method of managing data, Sendowski discloses wherein step (a) includes the sub-steps of:(a) creating a questionnaire by: (i) entering a series of questions into a questionnaire design computer program [paragraphs 0034-0054]; (ii) identifying within said questionnaire design computer program the type of response allowed for each question of said series of questions [= answer types, paragraph 0019 and table 2]; and (iii) identifying within said questionnaire design computer program a branching path in said questionnaire for each possible response to each question of said series of questions [paragraph 0018 and table 1].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lew in view of Sendowski by identifying within said questionnaire design computer program a branching path in said questionnaire for each possible response to each question of said series of questions because this feature provides a framework of reusable software object implementing the creation and execution of any question-answer branching scripts [Sendowski, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have

been motivated in order to support thousands of concurrent users when it is required [Sendowski, paragraph 0005].

15. With respect to claim 4, Lew does not explicitly show wherein step (b) includes the sub-steps of: (b) tokenizing said questionnaire thereby producing a plurality of tokens representing said questionnaire by: (i) assigning at least one token to each question of said series of questions; (ii) assigning at least one token to each response called for in said series of questions to identify the type of response required; and (iii) assigning at least one token to each branch in said questionnaire to identify the required program control associated with said branch.

In a method of managing data, Sendowski discloses wherein step (b) includes the sub-steps of: (b) tokenizing said questionnaire thereby producing a plurality of tokens representing said questionnaire by: (i) assigning at least one token to each question of said series of questions [= a question uses tokens, paragraph 0019]; (ii) assigning at least one token to each response called for in said series of questions to identify the type of response required [= allows the answer to be collected into a name toke, paragraph 0020]; and (iii) assigning at least one token to each branch in said questionnaire to identify the required program control associated with said branch [paragraphs 0041-0049].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lew in view of Sendowski by assigning at least one token to each question of said series of questions, to each response called for

in said series of questions, and to each branch in said questionnaire because this feature provides a framework of reusable software object implementing the creation and execution of any question-answer branching scripts [Sendowski, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to support thousands of concurrent users when it is required [Sendowski, paragraph 0005].

16. With respect to claims 6 and 9, Lew teaches a method for managing data transfers between computers [see abstract and fig.1] including the steps of:

(a) creating a questionnaire [= survey] at a first site [= modulator 10] in a first computer [= media conveyor 20] located at a second site [paragraphs 0026-0029], said first site and said second site being connected by a network [fig.1];

(b) transmitting said question to a remote computer [= remote responding device] via said network, said remote computer running an OIS [paragraph 0053];

However, Lew does not explicitly show step (c) modifying said questionnaire with incremental changes at a third site in said first computer located at said second site; and step (d) modifying said questionnaire in said remote computer with said incremental changes.

In a method of managing data, Sendowski discloses step (c) modifying said questionnaire with incremental changes at a third site in said first computer located at said second site [= TSLastModified of table 2 and paragraph 0058]; and step (d)

modifying said questionnaire in said remote computer with said incremental changes [= TSLastModified of table 2 and paragraph 0058].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lew in view of Sendowski by modifying said questionnaire with incremental changes at a third site in said first computer located at said second site and modifying said questionnaire in said remote computer with said incremental changes because this feature provides a framework of reusable software object implementing the creation and execution of any question-answer branching scripts [Sendowski, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to support thousands of concurrent users when it is required [Sendowski, paragraph 0005].

17. With respect to claim 10, Lew further teaches wherein said first site and said third site are the same [fig.1].

18. With respect to claim 11, Lew further teaches wherein said third site is at said remote computer [fig.1].

19. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sendowski, as applied in claim 7 above, in view of Joao, U.S. Patent Application Publication No. 2001/0056374 (hereinafter Joao).

20. With respect to claim 8, Sendowski does not explicitly show assessing a charge for each transferred response received by said central computer.

In a method for collecting survey data, Joao discloses assessing a charge [i.e. compensation, rewards, rebates and/or incentives can be provided for viewing, reviewing, participating in and/or interacting with, the entire survey, poll and/or questionnaire, paragraph 0230] for each transferred response received by said central computer [paragraphs 0228-0037].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Sendowski in view of Joao by assessing a charge for each transferred response received by said central computer because this feature can receive compensation, a reward, a rebate, and/or an incentive [Joao, paragraph 0009]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to facilitate commerce between any parties and/or any number of parties [Joao, paragraph 0009].

Conclusion

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/John Follansbee/

Supervisory Patent Examiner, Art Unit 2451

Notice of References Cited	Application/Control No. 12/910,706	Applicant(s)/Patent Under Reexamination PAYNE, J. DAVID	
	Examiner NGHI V. TRAN	Art Unit 2451	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-2004/0210472	10-2004	Lew et al.	705/010
*	B	US-2003/0198934	10-2003	Sendowski et al.	434/350
*	C	US-2001/0056374	12-2001	Joao, Raymond Anthony	705/14
*	D	US-2004/0117244	06-2004	Scott, Anthony	705/012
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12910706	PAYNE, J. DAVID
	Examiner	**Art Unit**
	NGHI V TRAN	2451

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	03/09/2011								
	1	✓								
	2	✓								
	3	✓								
	4	✓								
	5	✓								
	6	✓								
	7	✓								
	8	✓								
	9	✓								
	10	✓								
	11	✓								

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12910706	PAYNE, J. DAVID
	Examiner	Art Unit
	NGHI V TRAN	2451

SEARCHED			
Class	Subclass	Date	Examiner
709	203	03/09/2011	NT
709	223	03/09/2011	NT
709	224	03/09/2011	NT

SEARCH NOTES		
Search Notes	Date	Examiner
Keyword search using EAST	03/09/2011	NT

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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BIB DATA SHEET

CONFIRMATION NO. 8703

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
12/910,706	10/22/2010	709	2451	71855/10-351

APPLICANTS
J. David Payne, Broken Arrow, OK;

**** CONTINUING DATA ***************************
This application is a CON of 10/643,516 08/19/2003 PAT 7,822,816
which claims benefit of 60/404,491 08/19/2002

**** FOREIGN APPLICATIONS ***************************

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED **** ** SMALL ENTITY **
11/03/2010

Foreign Priority claimed ☐ Yes ☑ No 35 USC 119(a-d) conditions met ☐ Yes ☑ No Verified and Acknowledged /NGHI V TRAN/ Examiner's Signature	☐ Met after Allowance Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
		OK	6	11	3

ADDRESS

FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318
UNITED STATES

TITLE

SYSTEM AND METHOD FOR DATA MANAGEMENT

FILING FEE RECEIVED		
462	FEES: Authority has been given in Paper No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

BIB (Rev. 05/07).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Payne Application No.: 12/910,706 Filed: 10/22/2010 Title: SYSTEM AND METHOD FOR DATA MANAGEMENT Attorney Docket No.: 71855/10-351	Confirmation No.: 8703 Art Unit: 2451 Examiner: Nghi V. Tran

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE

This paper is filed in response to the Office Action mailed 03/16/2011. Please consider the instant filing to be a Petition for a Three Month Extension of Time to Respond. A **USPTO credit card payment form PTO 2038 is attached to this filing or charge to a credit card will be authorized through EFS Web filing**.

Please amend the application as follows:

In the claims:

This listing of claims will replace all prior versions and listings of the claims in this application.

Please enter new Claims **12 – 31**.

1. (*Previously Presented*) A method for managing data including the steps of:

(a) creating a questionnaire comprising a series of questions;

(b) tokenizing said questionnaire; thereby producing a plurality of tokens representing said questionnaire;

(c) transmitting said plurality of tokens to a remote computing device;

(d) executing at least a portion of said plurality of tokens representing said questionnaire at said remote computing device to collect a response from a user;

(e) transmitting at least a portion of said response from the user to a server via a network; and

(f) storing said response at said server.

2. (*Previously Presented*) The method for managing data of claim 1 further comprising the step of:

(g) translating said response to a format recognizable by a particular computer program; and

(h) accessing the translated response from a computer executing said particular computer program.

3. (*Previously Presented*) The method for managing data of claim 1 wherein step (a) includes the substeps of:

(a) creating a questionnaire by:

(i) entering a series of questions into a questionnaire design computer program;

(ii) identifying within said questionnaire design computer program the type of response allowed for each question of said series of questions; and

(iii) identifying within said questionnaire design computer program a branching path in said questionnaire for each possible response to each question of said series of questions.

4. (*Previously Presented*) The method for managing data of claim 1 wherein step (b) includes the substeps of:

(b) tokenizing said questionnaire thereby producing a plurality of tokens representing said questionnaire by:

(i) assigning at least one token to each question of said series of questions;

(ii) assigning at least one token to each response called for in said series of questions to identify the type of response required; and

(iii) assigning at least one token to each branch in said questionnaire to identify the required program control associated with said branch.

5. (*Previously Presented*) The method of data management of claim 1 wherein the transmission of said tokens in step (c) occurs via the network of step (e).

6. (*Previously Presented*) A method for modifying a questionnaire used in data management according to the method of claim 1 including the steps of:

(a) making at least one incremental change to a portion of the questionnaire;

(b) tokenizing said at least one incremental change to said questionnaire;

(c) transmitting at least a portion of said tokens resulting from step (b) to a remote computing device, said transmitted tokens comprising less than the entire tokenized questionnaire;

(d) incorporating said transmitted tokens into said questionnaire at said remote computing device.

7. (*Previously Presented*) A method for collecting survey data from a user comprising:

(a) designing a questionnaire having branching logic on a first computer platform;

(b) automatically transferring said designed questionnaire to at least one loosely networked computer;

(c) executing said transferred questionnaire on said loosely networked computer, thereby collecting responses from the user;

(d) automatically transferring via the loose network any responses so collected to a central computer; and,

(e) making available on the Web any responses transferred to said central computer in step (d).

8. (*Previously Presented*) The method for collecting survey data according to claim 7 further comprising:

(f) assessing a charge for each transferred response received by said central computer.

9. (*Currently Amended*) A method for managing data transfers between computers including the steps of:

(a) creating a questionnaire at a first site in a first computer located at a second site, said first site and said second site being connected by a network;

(b) transmitting said questionnaire to a remote computer via said network, said remote computer running an OIS;

(c) modifying said questionnaire with incremental changes at a third site in said first computer located at said second site; ~~and~~

(d) transmitting said incremental changes from said first computer to said remote computer via said network; and,

(e)~~(d)~~ modifying said questionnaire in said remote computer with said incremental changes.

10. (*Previously Presented*) The method for managing data transfers between computers according to claim 9 wherein said first site and said third site are the same.

11. (*Previously Presented*) The method for managing data transfers between computers according to claim 9 wherein said third site is at said remote computer.

12. (*New*) A method for managing data comprising the steps of:

(a) establishing communications between a handheld computing device and an originating computer;

(b) receiving within said handheld computing device a transmission of a tokenized questionnaire from said originating computer, said tokenized questionnaire comprising a plurality of tokens;

(c) ending said communications between said handheld computing device and said originating computer;

(d) after said communications has been ended,

(d1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a user, and,

(d2) storing within said computing device said at least one response from the user;

(e) establishing communications between said handheld computing device and a recipient computer; and,

(f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer.

13. The method for managing data according to Claim 12, wherein step (b) comprises the steps of:

(b1) creating a questionnaire,

(b2) tokenizing said questionnaire, thereby producing a plurality of tokens representing said questionnaire,

(b3) storing said plurality of tokens on a computer readable medium accessible by said originating computer,

(b4) accessing said stored plurality of tokens from said originating computer,

(b5) transmitting said stored plurality of tokens from said originating computer to said handheld computing device, and,

(b6) receiving within said handheld computing device said transmission of said tokenized questionnaire from said originating computer

14. (*New*) The method for managing data according to Claim 12, wherein said originating computer and said recipient computer are a same computer.

15. (*New*) The method for managing data according to Claim 12, wherein said step (d1) comprises the steps of:

(i) requiring a user to authenticate with said handheld computing device,

(ii) only if the user is able to authenticate with said handheld computing device, executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a user, and,

(iii) if the user is unable to authenticate with said handheld computing device, taking no further action.

16. (*New*) The method for managing data according to Claim 12, wherein said questionnaire comprises at least one question.

17. (*New*) The method for managing data according to Claim 16, wherein at least one of said at least one question is selected from a group consisting of a food quality question, a service quality question, a waiting time question, a store number question, a location question, a time question, a date question, a temperature question, and a time of day question.

18. (*New*) The method for managing data according to Claim 12, wherein step (a) comprises the step of establishing communications via the Internet between said handheld computing device and said originating computer.

19. (*New*) A method for managing data comprising the steps of:

(a) establishing communications between a handheld computing device and an originating computer, said handheld device having at least a capability to determine a current location thereof;

(b) receiving within said handheld computing device a transmission of a tokenized questionnaire, said tokenized questionnaire comprising a plurality of tokens;

(c) ending said communications between said handheld computing device and said originating computer;

(d) after said communications has been terminated,

(d1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least said current location of said handheld computing device, and,

(d2) storing within said handheld computing device said current location;

(e) establishing communications between said handheld computing device and a recipient computer; and,

(f) transmitting at least one value representative of said stored current location to said recipient computer.

20. (*New*) The method for managing data according to Claim 19 wherein said current location of said handheld computing device is determined using GPS.

21. (*New*) The method for managing data according to Claim 19, wherein said originating computer and said recipient computer are a same computer.

22. (*New*) The method for managing data according to Claim 19, wherein step (d2) comprises the steps of:

(i) determining at least one parameter value based on said current location,

(ii) storing within said handheld computing device said current location,

(iii) storing within said handheld computing device said determined at least one parameter value; and,

wherein step (f) comprises the steps of:

(f1) transmitting a value representative of said stored current location to said recipient computer, and,

(f2) transmitting at least one of said at least one stored parameter value to said recipient computer.

23. (*New*) The method for managing data according to Claim 22, wherein each of said at least one parameter value is selected from a group consisting of a store number, a store location, a time of day, and a date.

24. (*New*) A method for managing data comprising the steps of:

(a) establishing communications between a handheld computing device and an originating computer;

(b) receiving within said handheld computing device a transmission of a tokenized questionnaire from said originating computer, said tokenized questionnaire comprising a plurality of tokens;

(c) ending said communications between said handheld computing device and said originating computer;

(d) after said communications has been ended,

(d1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a first user, and,

(d2) storing within said computing device said at least one response from the first user;

(e) establishing communications between said handheld computing device and a recipient computer;

(f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer; and,

(g) after receipt of said transmission of step (f), transmitting a notice of said received value representative of each of said at least one response to a second user.

25. (*New*) The method for managing data according to Claim 24, wherein the first user and the second user are a same user.

26. (*New*) A method for managing data comprising the steps of:

(a) within a central computer, accessing at least one user data item stored in a recipient computer, wherein said at least one data item is obtained via the steps of:

(1) establishing communications between a handheld computing device and an originating computer;

(2) receiving within said handheld computing device a transmission of a tokenized questionnaire, said tokenized questionnaire comprising a plurality of tokens;

(3) ending said communications between said handheld computing device and said originating computer;

(4) after said communications has been ended,

(i) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device,

(ii) presenting said at least one question to a user;

(iii) receiving at least one response from the user to each of said presented at least one question,

(iv) storing at least one value representative of said at least one response within said handheld computing device;

(5) establishing a communications link between said handheld computing device and a recipient computer;

(6) transmitting said stored at least one value representative of said at least one response stored within said handheld computing device to said recipient computer; and,

(7) storing within said recipient computer any of said transmitted at least one value representative of said at least one response, thereby creating said at least one user data item stored in said recipient computer; and,

(b) forming a visually perceptible report from any of said at least one stored user data item so accessed.

27. (*New*) The method according to Claim 26, wherein said central computer and said recipient computer are a same computer.

28. (*New*) A method for managing data comprising the steps of:

(a) establishing communications between a handheld computing device and an originating computer;

(b) receiving within said handheld computing device a transmission of a tokenized questionnaire, said tokenized questionnaire comprising a plurality of tokens;

(c) ending said communications between said handheld computing device and said originating computer;

(d) after said communications have been ended,

(d1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one item of data, and,

(d2) storing within said handheld computing device said at least one item of data;

(e) establishing communications between said handheld computing device and a recipient computer; and,

(f) transmitting at least one value representative of said at least one item of data to said recipient computer.

29. (*New*) A method for managing data according to Claim 28, wherein at least one of said at least one item of data is selected from a group consisting of a GPS location, a temperature, an event timing, a current date, a current time, a user authentication information, an item of text, a numeric item, a time stamp, a user response, and, a user response to a question.

30. (*New*) A method for managing data according to Claim 28, wherein said established communications between said handheld computing device and said originating computer is established using the Internet.

31. (*New*) A method for managing data according to Claim 28, wherein said originating computer and said recipient computer are a same computer.

REMARKS

Claims **1-11** are pending in the application. Claims **1-11** stand as rejected in the Office Action. New claims **12-31** have been added. Reconsideration and allowance of Claims **1-31** is respectfully requested.

Amendments to the Specification

Not applicable.

Amendments to the Claims

Step (b) of Claim **9** has been amended to correct an obvious typographical error. As such, this amendment does not constitute new matter nor is it made to overcome prior art. Additionally, this claim has been amended to make clearer that the incremental changes that are transmitted to the remote computer and used in modifying the questionnaire that was transmitted there. This feature is discussed, among others, in paragraphs [**0020**] and [**0031**] of the instant application and, as such, this amendment does not constitute new matter.

New Claims **12-26** have been added to make clearer the invention claimed by Applicant.

Claim group **12-18** describes a method of managing data in which a connection is established between a handheld computing device and an originating computer, a tokenized questionnaire is transmitted to the handheld computing device, the communications are ended, the tokenized questionnaire is executed to collect at least one response from a user, and, after communications are again established, the at least one response is transmitted to a recipient computer. This series of steps in independent Claim **12** is described in great detail throughout

the instant application (e.g., paragraphs [**0047**] to [**0058**]) and, as such, Claim **12**, and claims dependent therefrom, do not constitute new matter.

New Claim **16** provides some examples of the types of questions that might be asked of a user including a waiting time question ([**0066**]), a food quality question ([**0066**]), a service quality question ([**0066**]), a store number ([**0067**]), a location ([**0067**]), a time question ([**0067**]), a date question ([**0067**]), a temperature question ([**0070**]), and a time of day question ([**0081**]).

Claim group **19-23** sets out claim language that covers a method in which a connection is established between a handheld computing device that has a capability of determining its current location and an originating computer, a tokenized questionnaire is transmitted to the handheld computing device, the communications are ended, the tokenized questionnaire is executed to collect at least the current location of the handheld, and, after communications are again established, at least one value representative of the then-current location is transmitted to a recipient computer. This series of steps in independent Claim **19** is generally described throughout the instant application (e.g., paragraphs [**0047**] to [**0058**]). Additionally, location determination is discussed in paragraph [**0067**], among others, and, as such, Claim **19**, and claims dependent therefrom, do not constitute new matter.

Claims **24** and **25** claim methods substantially similar to those described above, but wherein an alert is sent to a second user after data has been uploaded. This feature of the invention is discussed [**0077**], among others. As such, these claims do not constitute new matter.

Claims **26** and **27** are substantially similar to those presented previously except that they contain the further step of accessing and using data collected via the previous methods. Accessing and using such data is, of course, discussed throughout the instant application including, for example, in paragraph [**0062**]. As such, these claims do not constitute new matter.

Claim **28** is substantially similar to those described previously except that the questionnaire is said to collect at least one item of data. Such functionality is discussed throughout the instant application including, for example, paragraph [**0035**]. Additionally, and with respect to Claim **29**, examples of such a data item include a GPS location ([**0067**]), a temperature ([**0070**]), an event timing ([**0072**]), a current date ([**0032**]), a current time ([**0067**]), a user authentication information ([**0081**]), an item of text ([**0055**]), a numeric item ([**0055**]), a time stamp ([**0081**]), and a user response (discussed throughout, e.g., [**0059**]-[**0061**]). As such, these claims do not constitute new matter.

Finally, new Claims **30** and **31** adds a further limitation to Claim **26** in that these claims require that the communications between the handheld computing devices and the originating / recipient computers be established using the Internet. This capability is disclosed in, among others, paragraphs [**0026**] and [**0038**]. As such, these two claims do not constitute new matter.

CLAIM OBJECTIONS AND REJECTIONS

Double Patenting

Claims **1-11** stand as rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims **1-14** of USPN 7,822,816.

In reply, the Applicant has included herewith a terminal disclaimer that is believed to have made this rejection moot.

Claim Rejections – 35 USC 102

Claims **1**, **5**, and **7** stand as rejected under 35 USC 102(e) as being anticipated by Lew, et al., US Patent Pub. 2004/0210472.

It is said on page 6 of the Office Action that, with respect to Claim **1**, Lew teaches a method for managing data that includes the steps of:

(a) creating a questionnaire [= survey] comprising a series of questions [paragraphs 0005-0009];

(b) tokenizing said questionnaire [= encrypted survey information, paragraph 0013]; thereby producing a plurality of tokens representing said questionnaire [paragraphs 0005-0009];

(c) transmitting said plurality of tokens to a remote computing device [= the survey transmitter may transmit to the remote responding device in either a wired or a wireless manner, paragraph 0053];

(d) executing at least a portion of said plurality of tokens representing said questionnaire at said remote computing device to collect a response [= feedback] from a user [= feed back from a user, paragraph 0036];

(e) transmitting at least a portion of said response from the user to a server [= a central facility] via a network [paragraph 0050]; and

(f) storing said response at said server [= all feedback is transmitted to the central facility, S6100 of Fig. 2 and paragraph 0048].

With respect to Claim **5**, it is said that Lew further teaches wherein the transmission of said tokens in step (c) occurs via the network of step (e).

Applicant respectfully disagrees that Claims **1**, **5**, and **7** of the instant application are anticipated by Lew. Specifically, Applicant believes that Lew fails to teach or suggest at least Applicant's steps of tokenizing said questionnaire and/or executing at least a portion of the plurality of tokens to collect a response from a user.

However, assuming only for purposes of argument that Lew does indeed teach or suggest each and every step of Applicant's claimed invention as set out in Claim **1**, Applicant hereby offers, pursuant to 37 CFR 1.131, the Inventor's Declaration that is attached hereto as Exhibit A, which declaration establishes conception of the instant invention prior to Lew's earliest claimed priority date and at least as early as January 1, 2002, coupled with diligence from prior to Lew's earliest priority date through the date of filing of this application.

Applicant additionally submits herewith pursuant to 37 CFR 1.131 and attached hereto as Exhibit "B," a document entitled "*Bama Companies, Inc. Field Service Survey Application Technical Design"* that is dated August 30, 2001 (hereinafter referred to as the "Technical Design") to provide further evidence regarding Applicant's conception of the invention as set forth in the claims.

It should be noted that both Exhibit A and Exhibit B have been previously presented to the Examiner in papers filed by the Applicant on September 24, 2007, and April 30, 2008, respectively, with Exhibit B being provided at the request of the Examiner to further establish Applicant's claim to priority. Additionally, the Examiner is reminded that he found Applicant's arguments in this regard persuasive as indicated in the Office Action of September 9, 2008 in paragraph 26, page 14.

Turning to Exhibit B, all of the steps of the method of at least Applicant's Claim **1** can be found in the Technical Design. It is believed that Applicant's attached declaration, in combination with the demonstration below, is clear evidence of the early conception of each of the independent claims of this application. Thus, and as an example only, the step-by-step elements of Claim **1** is set forth below with reference to the Technical Design.

1. A method for managing data including the steps of:

The Technical Design, p. 3 of 19 includes a Mission Vision statement consistent with the method of the preamble.

(a) creating a questionnaire comprising a series of questions;

The Technical Design, p. 4 of 19, in a section titled "Workflow", includes "Survey Design and Preparation" that will "take place on PCs or servers." In the section titled "Question Types" the different formats of questions are identified.

(b) tokenizing said questionnaire; thereby producing a plurality of tokens representing said questionnaire;

The Technical Design describes tokenizing of the designed questionnaire on p. 12 of 19, 13 of 19, and 14 of 19.

(c) transmitting said plurality of tokens to a remote computing device;

The "Workflow" section on p. 4 of 19 describes the transfer of the questionnaire (survey) from the "Administrator" to the "Shopper" via "HotSync."

(d) executing at least a portion of said plurality of tokens representing said questionnaire at said remote computing device to collect a response from a user;

The "Workflow" section on p. 4 of 19 identifies "Complete Assigned Survey".

(e) transmitting at least a portion of said response from the user to a server via a network; and

The "Workflow" section on p. 4 of 19 identifies "Send Completed Surveys and Email" via Hot sync.

(f) storing said response at said server.

The Technical Design, p. 10 of 19, last paragraph, identifies that once the surveys have been uploaded, they are placed into the corporate survey answer database.

Accordingly, taken together Exhibits A and B conclusively establish Applicant's conception at least as early as January 1, 2002, and diligence from that date until the filing of the instant application. Lew was published on October 21, 2004, from an application filed on July 24, 2003, claiming priority to a Provisional application filed on July 25, 2002.

Further, Lew does not claim the same subject matter as that claimed by Applicant. As stated previously, the claims of the Lew reference do not recite "tokenizing said questionnaire", as is required by Claims **1**, **5**, and **7** of the instant application. As a consequence, and for at least this reason, these claims do not claim the same patentable invention as Lew. MPEP 715.

Still further, Lew, a pending application, published during the pendency of the instant application — i.e., Lew published in October of 2004, and the instant application was filed in August of 2003 claiming the benefit of an August of 2002 provisional application. Thus, Applicant is not barred by Lew's published patent under 35 USC 102(b).

As a consequence, by virtue of the enclosed Declaration under Rule 1.131 and other evidence, Lew has been removed as a prior-art reference with respect to the subject matter of the instant application. Reconsideration and allowance of Claim **1** is respectfully requested.

Additionally, and for at least the reasons set out above, Applicant respectfully requests reconsideration and allowance of Claims **5** and **7** which both depend from Claim **1** and have been rejected based on the same reference.

Claim Rejections – 35 USC 103

Claims **2-4**, **6**, and **9-11** stand as rejected under 35 USC 103(a) as being unpatentable over Lew as applied to Claim **1** and further in view of Sendowski.

In reply, Applicant notes that the foregoing has established a Claim **1** conception date at least as early as January 1, 2002, and diligence at least from that date until the instant filing date. As a consequence, Lew has been removed as a reference at least with respect to Claims **2-4** and **6**.

Further, Applicant's previous demonstration has additionally removed Sendowski as a reference at least with respect to these claims. Sendowski was filed March 29, 2002 and published October 23, 2003. However, the Applicant has conclusively demonstrated in his attached Declaration that he conceived at least as early as January 1, 2002, and that he exercised due diligence from at least the date of conception until the instant application was filed on August 19, 2003, claiming priority from a United States Provisional patent application filed August 19, 2002. Further, Sendowski does not claim the same invention as that claimed by the

Applicant. Each pending claim (1-51) of the Sendowski reference requires a "branch script object", whereas the claims of the instant application do not include such an element. As a consequence, at least Applicant's Claims **2-4** do not claim the same patentable invention as that claimed by Sendowski.

Still further, Sendowski, a pending application, published during the pendency of the instant application — i.e., Sendowski was published in October of 2003, and the instant application was filed in August of 2003 claiming the benefit of August of 2002. Thus, Applicant is not barred by Sendowski's published patent under 35 USC 102(b).

As a consequence, by virtue of the enclosed Declaration under Rule 1.131, Sendowski has been removed as a prior-art reference with respect to the subject matter of the instant application, and rejection based on this reference for any reason is improper. Thus, Sendowski is traversed and **2-4** and **6** which depend from Claim **1** should be allowed to issue, which is respectfully requested.

With respect to Claims **9-11** as-amended, it is believed that Applicant's attached Declaration and other evidence have established a conception date for Claim **9** that predates both Lew and Sendowski.

Further, neither Lew nor Sendowski claim the same invention as that claimed by the Applicant. Each pending claim (1-51) of the Sendowski reference requires a "branch script object", whereas the claims of the instant application do not include such an element. As a consequence, at least Applicant's Claims **9-11** do not claim the same patentable invention as that claimed by Sendowski.

As stated previously, the claims of the Lew reference do not teach or suggest modifying a questionnaire with incremental changes as is required by Claims **9-11** of the instant application. As a consequence, and for at least this reason, Applicant's claims **9-11** do not claim the same patentable invention as Lew.

Still further, neither Sendowski, nor Lew bar Applicant's claims under 35 USCV 102(b) as has been discussed previously.

As a consequence, by virtue of the enclosed Declaration under Rule 1.131, Sendowski and/or Lew have been removed as prior-art references with respect to the subject matter of the instant application and rejection based on this reference for any reason is improper. Thus, Sendowski is traversed and Claims **9-11** should be allowed to issue, which is respectfully requested.

The Examiner has additionally rejected Claim **8** as being unpatentable over Sendowski as applied to Claim **7** and in view of Joao, US Pat. Pub. 2001/0056374. It is said that Sendowski does not explicitly show assessing a charge for each transferred response received by the central computer, but Joao does.

Claim **8** depends from Claim **7** from which, as Applicant has already established, Sendowski has been removed as a reference.

Thus, Claim **8** depends from a claim believed to be allowable and, as such, should similarly be allowed. Thus, reconsideration and allowance of the instant rejection is requested.

Applicant's Newly Presented Claims

Finally, and specifically with respect to Applicant's new claims, as has been indicated previously, it is believed that Lew and Sendowski have been removed as references and, thus, any rejection founded on one or the other of these references is improper .

However, assuming for purposes of argument that Applicant's previous 37 CFR 1.131 Declaration and additional information are not accepted for any reason, Applicant would additionally note that each of the new independent claims (i.e., Claims **12**, **19**, **24**, **26**, and **28)** requires some variation of the steps: establish communications between an originating computer and a handheld device, transfer a tokenized questionnaire comprised of a plurality of tokens to the handheld device, end communications, execute at least a portion of the tokens to collect data of some sort, establish communications with a recipient computer, and transfer at least one value representative of the collected data to the recipient computer.

Nothing of record in the prior art performs each and every one of these steps. As such, it is believed that each of the new independent claims (as well as those claims that are dependent therefrom) is allowable over Lew, Sendowski, and/or Joao – either individually or in any combination.

As such, it is requested that Applicant's new claims be allowed to issue.

In addition, it is believed that rejection of any of the new claims of the instant application based on this combination of references would be improper.

* * *

This paper is intended to constitute a complete response to the Examiner's Office Action mailed 03/16/2011.

In view of the foregoing, Applicant submits that the rejections and objections offered in the Office Action have been overcome and should be withdrawn. It is further believed that the claims as-filed and as-amended are in condition for allowance which is respectfully requested. Early and favorable action is earnestly solicited.

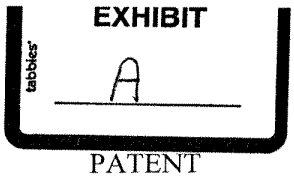
Respectfully submitted,

September 16, 2011
Date

Scott R. Zingerman
Attorney/Agent for Applicant(s)
Reg. No. 35422
FELLERS, SNIDER, BLANKENSHIP,
BAILEY & TIPPENS, P.C.

321 S. BOSTON, SUITE 800
TULSA, OK 74103-3318
Tel. 918/599-0621

#4988 v1 -



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	J. David PAYNE
Serial No.:	10/643,516
Filed:	08/19/2003
Confirmation No.:	4504
Title:	System and Method for Data Management
Art Unit:	2151
Examiner:	Nghi V. Tran

DECLARATION OF PRIOR INVENTION IN THE UNITED STATES TO OVERCOME CITED PATENTS UNDER 37 CFR 1.131

I, J. DAVID PAYNE, declare concerning the subject matter claimed in the above-identified application that:

1. I conceived and invented the entire subject matter of the above-identified patent application.

2. All of the acts of invention described herein took place in the United States.

3. Prior to January 1, 2002, I conceived the idea of a system and method for the management of data collected from a remote computing device wherein a questionnaire which may be represented by a plurality of tokens is transmitted to the remote computing device; the questionnaire is then executed by the remote computing device and at least a portion of the response(s) to the questionnaire is/are transmitted to a network which may be a loosely networked computer.

4. As is set out in more detail below, subsequent to January 1, 2002, I and others under my direction worked diligently to further reduce to practice and improve various

embodiments of this invention until the filing of my provisional patent application on August 19, 2002.

5. Prior to January 1, 2002 and at least until August 19, 2002, I was President of Macrosolve, Inc. ("Macrosolve"), the assignee of the present patent application.

6. Beginning in January 2002, Macrosolve moved to a larger facility to accommodate the hiring of additional employees, and specifically computer programmers, primarily for the purpose of writing code for my invention which was internally named "anyforms."

7. Macrosolve, Inc. kept track of the percentage of time each computer programmer and other related employees dedicated to projects within the company in the relevant time period. Schedules, with employee names redacted, including the percentage of time devoted by each such employee between January 1, 2002 and July 31, 2002, is attached hereto as Exhibit B.

8. Based on Exhibit B, the table below shows number of employees working on the "anyforms" project and the average percentage of each employee's time devoted to the "anyforms" project for the month indicated. The column on the right shows a calculation of the approximate total number of person hours spent on the "anyforms" project by month (assuming 4 weeks of 40 total hours per week).

MONTH	NO. OF EMPLOYEES WORKING ON THE "ANYFORMS" PROJECT	AVERAGE PERCENTAGE OF EACH EMPLOYEE'S TIME	TOTAL HOURS DEVOTED TO "ANYFORMS"
Jan. 2002	6	8	80
Feb. 2002	6	12	120
Mar. 2002	6	18	170
Apr. 2002	7	38	430
May 2002	7	76	850
June 2002	9	83	1190
July 2002	9	80	1150
		TOTAL	3990

9. Accordingly, between January 1, 2002 and August 2002, approximately 3990 hours were spent by me, and others under my direction, diligently and without interruption on the "anyforms" invention which was the subject matter of the provisional patent application (USSN 60/404,491) filed on August 19, 2002, the date from which the present application claims benefit.

Declaration

I hereby declare that all statements made herein of my own knowledge are true and that statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that willful, false statements may jeopardize the validity of this application or any patent issuing therefrom.

Date: 8.17.07

J. DAVID PAYNE

#412571 v1

Exhibit "B"



Bama Companies, Inc.
Field Service Survey Application

Technical Design

Version 1.3
August 30, 2001

Document: BAMA Technical Design.doc

Copyright © 2001 by MacroSolve, INC
Confidential and Trade Secret

Application No. 10/643,516
Applicant: J. David Payne
Tc/A.U.: 2151
Examiner: TRAN, NGHI V.
Docket No. 57442/03-533

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Part 1

Project Overview

EXECUTIVE SUMMARY

Based upon the further discussions between representatives from the Bama Companies, Inc. (BAMA) and MacroSolve, Inc. along with the database design provided by Brian Davis of BAMA, MacroSolve has defined and prepared the following technical design based upon meetings on August 8th, 2001 and on August 27th, 2001, the application survey, and previously released handheld application prototype.

This proposed solution would be an invaluable tool in expediting data flow as well as communication between BAMA and their Field Service Agents. The infrastructure of this solution will allow for simplistic introduction of new mobile enterprise solutions as they arise. In addition, it will include a high-level of software flexibility that will allow for simple questionnaire design and deployment to many Field Service Agents, with centralized system management. This flexibility combined with expedited data flow will enable vendors to better assure the quality of the products being served nation-wide.

Using this model as a foundation, BAMA will quickly be able to collect and retrieve data relevant to their products. This model will also allow for rapid system expansion into other arenas, and could provide for a future revenue stream for BAMA. In addition, by laying this foundation, BAMA will quickly and cheaply be able to respond to other mobile data collection needs as they arise in the future.

PROJECT TEAM

Mike Payne	MacroSolve	Project Manager	mike@macrosolve.com	918.280.8693
Geremy Ferguson	MacroSolve	Lead Developer	geremy@macrosolve.com	918.280.8693
Brian Davis	BAMA		bdavis@bama.com	918.732.2010
Parks Pendergraft	BAMA		ppenderg@bama.com	918.732.2123
Mike Slimak	BAMA		mslimak@bama.com	

MISSION VISION

To design, develop, and deploy a cost-effective handheld-based application that will provide a user-friendly interface for effectively designing surveys or questionnaires and then collecting the corresponding data. All the while including great flexibility for future enhancements.

TECHNICAL DESIGN APPROVAL

The MacroSolve Technical Design for BAMA Field Service system is accepted in full.

Client

Approved by BAMA: _____ Date: _____

MacroSolve

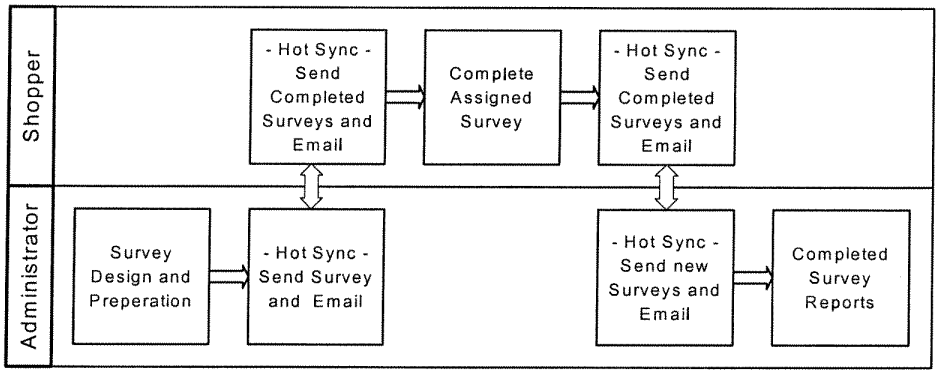
Project Manager: _____ Date: _____

Lead Developer: _____ Date: _____

Part 2 Application Overview

WORKFLOW

The figure below shows the two distinct areas of the *Field Service Survey Application*. The "Shopper" part of the workflow illustrates processes that will reside on the handheld and be designed by MacroSolve. The lower "Administrator" section illustrates processes that will take place on PCs or servers. These processes will be designed via the combined efforts of MacroSolve and BAMA.



QUESTION TYPES

Text – Answers based upon words or phrases
- Prompt Example: Describe the location of the filling.
- Palm OS object used: Field

Scale – Answers are based upon a specified range of numbers
- Prompt Example: Rate the color of the pie from 1 to 7:
- Palm OS object used: Spinner

Numeric – Only a number is accepted as a correct answer
- Prompt Example: Temperature of the pie?
- Palm OS object used: Field

Multiple Choices – Several answers are given of which one must be chosen.
- Prompt Example: Select the crust color:
- Palm Os object used: Pull Down List

Date – Date will be accessed from the handheld unit. User will have the option to change it.
- Prompt Example: Date of visit? 8/16/2001.
- Palm OS object used: Field

Yes/No – Question in which only "Yes" or "No" are appropriate answers.
- Prompt Example: Was the 2 for 1 special going on?
- Palm OS object used: Checkboxes or Buttons

Rich Text – This *Lotus Notes* defined question will need to be further examined before including it in the *Field Service Survey Application* and should be seen as a future add-on.

ELECTRONIC MESSAGING SYSTEM

The *Electronic Messaging* System provides a communication link between the handheld user and the system administrator. It will be an imperative component so that the Survey Administrator may give out assignments to shoppers as well as passing on any other important messages. It has been decided that the Palm OS Mail version 3.0 that comes with each Handspring Visor Deluxe will be the mail system used in the *Field Service Application*. The user will have to exit out of the *Field Service Application* in order to access the Palm OS Mail system and then reenter the *Field Service Application* to continue the survey process. Application details of the Palm OS Mail system can be presented at a later date if needed.

Part
3 Survey Design & Preparation Process

NARRATIVE

The design and processes that follow are at the discretion of BAMA. The MacroSolve imperative components include how the data looks and where it is located. This is further defined in *Section 8: PC Storage Specifications.*

FLOW CHART

Task Allocation: BAMA

Please provide a process flow and any other necessary information that describes the Survey Design & Preparation Process.

SCREEN IMAGES

Task Allocation: BAMA

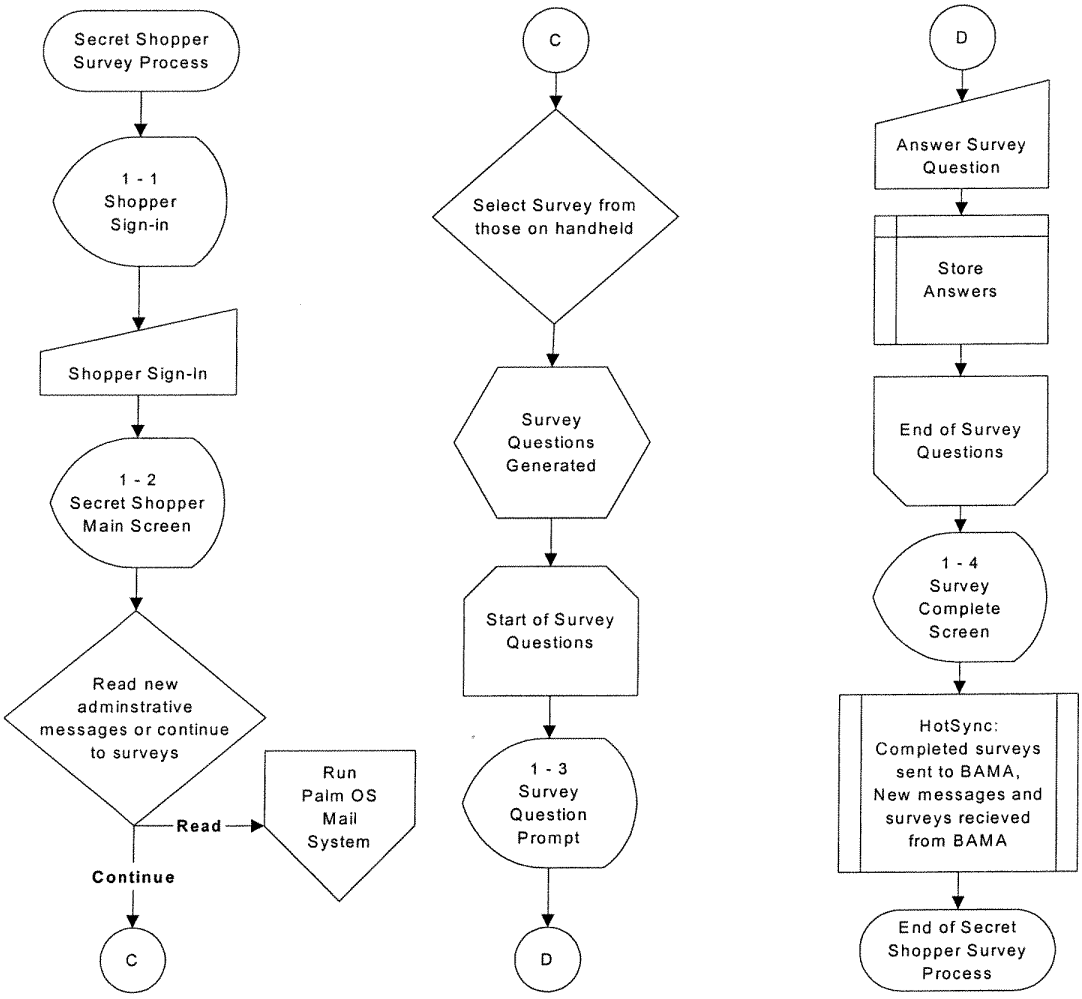
Please provide screen images and any other necessary information that describes the Survey Design & Preparation Process.

Part
4 Field Service Survey Process

NARRATIVE

The following process depicts the handheld relevant processes involved in the *Field Service Application.* This process allows the Shopper to complete surveys and allows a method by which to start the Palm OS Mail System. Also depicted are several of the screens involved in the illustrating and collecting the data. Technical details of how this data is collected along with more complete listing of the data to be collected can be found in the diagrams and tables below.

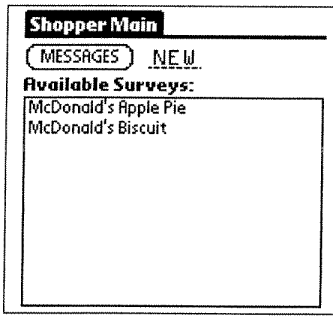
FLOW CHARTS





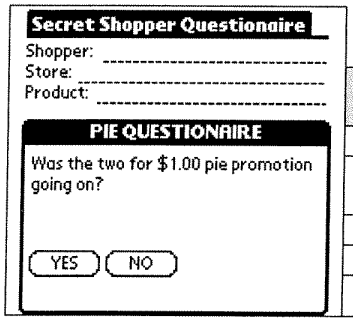
Flow 1 – 1
Screen Name Sign-in

Object Name	Object Type	Object Purpose	Table.Field
Sign-in	Field	Input Shopper Identification	answer.shopper_id
Go	Button	Go to Main Screen	N/A



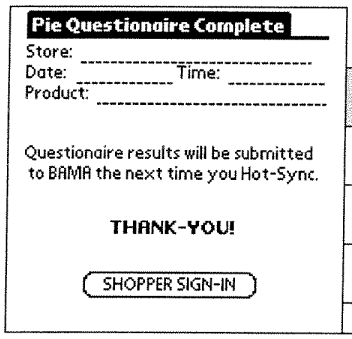
Flow 1 – 2
Screen Name Main

Object Name	Object Type	Object Purpose	Table.Field
Messages	Button	Go to Messages Screen	N/A
New	Field	Display only when new messages	N/A
Surveys	List	Display surveys present on handheld	Σ(question)



Flow 1 – 3
Screen Name Question

Object Name	Object Type	Object Purpose	Table.Field
Shopper	Field	Display Shopper ID	answer.shopper_id
Store	Field	Display Store Name and Number	answer.company_name + answer.store_num
Product	Field	Display product	answer.product_name
Question	Field	Display question	question.question_text
Answer	Various	Survey Answer to Store	answer.survey_answer



Flow 1 – 4
Screen Name Finish

Object Name	Object Type	Object Purpose	Table.Field
Store	Field	Display Store Name and Number	answer.company_name
Date	Field	Display Date product test completed	answer.date
Time	Field	Display time product test completed	answer.time
Product	Field	Display product	answer.product_name

Part
5 Conduits Processes

CONDUIT OVERVIEW

A conduit is a software plug-in for the *HotSync Server* that enables the exchange of information between Palm OS devices and corporate data stores. Conduits do not routinely require user interaction with the data and are run upon initiation of a HotSync. Once implemented, conduits will allow data to flow freely and easily between handheld units and the desired data stores, while not requiring any difficult data conversion by technical or administrative personnel.

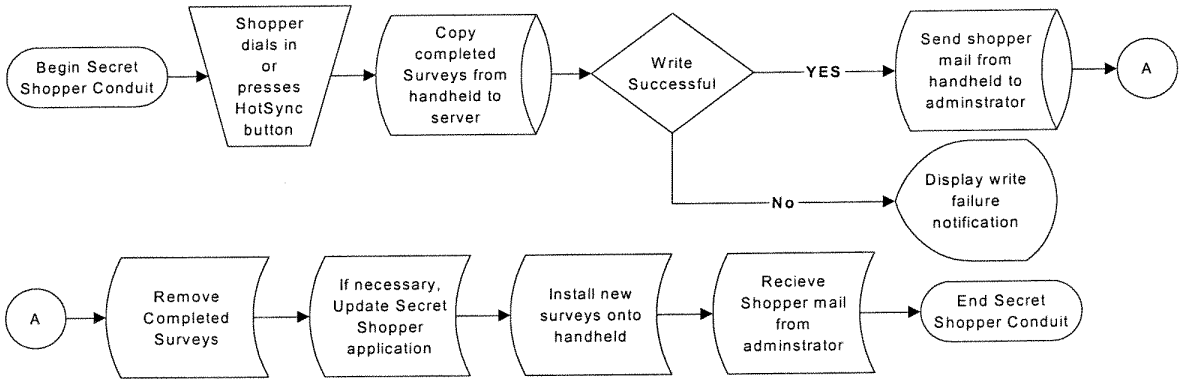
Currently, two conduits have been identified as necessary for this solution. The first, a pre-packaged conduit, included with *HotSync Server,* which allows Palm OS devices to share information with *Lotus Notes Server.* This conduit will be used to transfer messages between the handheld and the Survey Administrator client PC. The second is a custom-built conduit necessary for information exchange between the *Field Service Survey Application* and BAMA corporate survey databases. Since the conduit for the *Lotus Notes Server* comes standard with *HotSync Server*, it will not be elaborated upon here. A detailed process flow of *Lotus Notes Server* conduits may be produced, upon request, at a later date.

CUSTOM CONDUIT NARRATIVE

The MacroSolve designed conduit will take a *Lotus Domino* database and extract the necessary data components in order to create a Palm Database capable of then producing the surveys. It will also provide a method by which information will flow from the handheld unit through the *HotSync Server* to *Lotus Notes.* Below is the basic conduit process flow for information exchange between the handheld unit and the *HotSync Server.*

During the design and early testing phases of this project the conduit will be setup to interact with a Microsoft SQL 7 Server database. As the project nears completion and in the final testing and implementation phases the conduit will be setup to interact with the BAMA survey databases using the *Lotus NotesSQL 3.0* as discussed on August 27th, 2001.

FLOW CHART



Part
6 HotSync Server

HOTSYNC SERVER OVERVIEW

HotSync Server enables the transfer of data between the handheld and the server. Combining *HotSync Server* with the proper conduits, will allow a shopper to easily transfer information, i.e. completed surveys and messages, from the handheld into the corporate network where the MacroSolve designed conduit and the *Lotus Notes* conduit will reformat the data so that it can be interrupted by the *Lotus Notes* system. *HotSync Server* will allow the *Field Service Survey Application* to be updated with out requiring the shopper to do anything other than HotSync the unit. *HotSync Server* will also provide for easy backup and restoration of handheld data should they be necessary.

HotSyncing can be accomplished in several ways.

1. *Modem HotSync* - The preferred method for the *Field Service Survey Application* is a HotSync connection via a Handspring Springboard Modem. After inserting the modem module into the Handspring Visor and then connecting the modem to a typical phone jack, the shopper must then initiate the modem HotSync by starting the Palm OS standard HotSync application on the handheld, and selecting a properly setup modem connection that will connect the shopper to the BAMA corporate network through a *RAS (Remote Access Server).*

2. *Desktop HotSync* - Pressing the HotSync button on the handheld cradle will initiate a direct cable connection to a desktop PC. This connection only works assuming that the cradle is connected to a PC that then has a network connection to the BAMA corporate network or that the PC has a modem that can dial out and connect to a server that resides on the BAMA corporate network.

3. *Infrared HotSync* - Since the *Handspring Visor Deluxe* has an infrared port, it can synchronize with a desktop computer equipped with an infrared (IR) port that supports the IrCOMM implementation of the Infrared Data Association (IrDA) standard. The user would set up the HotSync Manager to use the desktop's IR port and selects the IR option in the HotSync client on the handheld.

When a HotSync is initiated several functions are carried out. First, a list of creator IDs on the handheld is compared to a list of conduits registered to the various creator IDs. When corresponding IDs are found, the conduit for that ID is executed and information is exchanged. In the case of the *Field Service Survey Application,* the MacroSolve designed conduit will first check for new surveys or new versions of surveys to upload to the handheld. When a newer version of a survey is placed on the handheld, the old version is removed. In order to retire a survey or take it out of circulation and "00" will be used as the version number. This "00" will tell the conduit to remove the existing handheld survey, but not to upload a different version of the survey.

Once the surveys have been uploaded, updated, or removed, any answer databases located on the handheld are removed from the handheld and placed into BAMA corporate survey answer database. Once these *Field Service Survey Application Conduit* sequences are complete, HotSync will continue through its list of conduits until all have been completed. Using the HotSync technology it is possible to control how information is exchanged between the BAMA corporate network and each shopper's handheld.

Installation and setup of the server software will require the following procedures:

1. Install Palm *HotSync Server* software
2. Install *Lotus Notes* conduit
3. Set up Shopper profiles
4. Test Palm *HotSync Server* software *Lotus Notes* conduit
5. Distribute Palm OS User Setup Program and Palm *HotSync Server* connection information
6. Run the Palm OS User Setup Program for each Shopper
    a. The Palm OS User Setup Program installs the Palm OS client and desktop proxy agent and allows entry of the Palm *HotSync Server* connection information. This will be an optional function depending upon whether or not desktop connectivity from Shopper to BAMA is desired. The User Setup Program can be distributed via the corporate intranet or via enterprise system management tools that proactively distribute software to the desktop. Each Palm handheld user will run the User Setup Program followed by the familiar desktop synchronization process to install the Palm OS client on the handheld.
7. Install the Palm OS client on each Shopper's handheld

Part 7

Handheld Storage Specifications

NARRATIVE

This section describes the basic design of the database tables, relationships between the tables, and detailed definitions of the table fields, as they will appear on the handheld unit. Both the Question and Answer tables for each survey will reside separately in its own file while on the handheld. Each file will be named using the following naming conventions discussed below.

QUESTION TABLE DESIGN

Database Name: "Survey Name" + "Survey Version".pdb
Database Type: SURV
Database Creator: BAMA
Database Purpose: Stores the Survey Question Information on the Handheld

R	Field #1	Field #2	Field #3	Field #4	Field #5	Field #6	Field #7+
0	Company Name	Product Name	Survey Version	N/A	N/A	N/A	N/A
1	Q Num	Q Type	L Num	Q Text	Default A	Instructions	L Value
2	Q Num	Q Type	L Num	Q Text	Default A	Instructions	L Value
3	Q Num	Q Type	L Num	Q Text	Default A	Instructions	L Value
...	...	...	...	...	...	...	...

ANSWER TABLE DESIGN

Database Name: "Survey Name" + "Survey Version" + "Store Number".pdb
Database Type: ANSR
Database Creator: BAMA
Database Purpose: Stores the Survey Answers on the Handheld

R	Field #1	Field #2	Field #3	Field #4	Field #5	Field #6	Field #7
0	Company	Product Name	Survey Version	Shopper ID	Store Num	Date	Time
1	Q Num	Survey Answer	N/A	N/A	N/A	N/A	N/A
2	Q Num	Survey Answer	N/A	N/A	N/A	N/A	N/A
3	Q Num	Survey Answer	N/A	N/A	N/A	N/A	N/A
...	...	...	...	...	...	...	...

TABLE RELATIONSHIPS

The relationship between the Question and Answer Database tables is based upon:

- Survey Name
- Survey Version
- Question Number

QUESTION FIELDS DEFINED

Name	Type	Length	Purpose
Company_Name	String	25	Name of the company where the survey is being taken
Product_Name	String	25	Name of the product being surveyed
Survey_Version	Integer	5	Version number of the survey
Question_Number	Integer	5	Number of the question in the survey
Question_Type	String	25	Type of question in the survey (see *Part 2: Question Types)*
List_Number	Integer	5	If the question type is "Multiple Choice" this will be the number of possible values
Question_Text	String	150	Actual text of the question
Default_Answer	String	25	Default answer for the question
Instructions	String	150	Any instructions that are needed
List_Value	String	25	A possible "Multiple Choice" answer, a new field will be appended to the database for each multiple choice answer

ANSWER FIELDS DEFINED

Name	Type	Length	Purpose
Company_Name	String	25	Name of the company where the survey is being taken
Product_Name	String	25	Name of the product being surveyed
Survey_Version	Integer	5	Version number of the survey
Shopper_ID	String	10	Unique ID of shopper
Store_Number	Integer	10	Unique store ID number
Survey_Date	Integer	8	Date survey completed
Survey_Time	Integer	8	Time survey completed
Question_Number	Integer	5	Number of the question in the survey
Survey_Answer	String	150	Answer to the survey question

Part
8 PC Storage Specifications

NARRATIVE

This section describes the detailed definitions of the table fields, as they will appear on the Survey Administrator Client or on the main server. The database files will be flat and un-normalized. The conduit *(See Section 5: Conduit Processes)* will take the data in a given table and set it up in the Palm OS format. In a similar fashion the conduit will take the *Answer Palm Database*, and set it up so that it can be placed into the BAMA corporate survey databases. As of the MacroSolve – Brian Davis meeting on August 27, 2001, it was decided that two large tables would house the Question and Answer tables' separately.

During the aforementioned meeting, Mr. Davis stated that he wanted to combine the "Company_Name" and "Product_Name" fields into on field called "Survey_Name". This was done but during the revision and review processes of this document, it was decided that for future enhancements and to enable the ability to access each piece of data separately (i.e. if only the "Product_Name" was needed and not the entire "Survey_Name") that the two fields should remain separated from one another. If requested by BAMA, it is possible for the conduit to combine the "Company_Name" and "Product_Name" fields into one field named "Survey_Name" when the Answer table is transferred from the handheld into the BAMA corporate survey databases.

QUESTION FIELDS SPECIFIED

Name	Type	Length	Purpose
Company_Name	String	25	Name of the company where the survey is being taken
Product_Name	String	25	Name of the product being surveyed
Survey_Version	Integer	5	Version number of the survey
Question_Number	Integer	5	Number of the question in the survey
Question_Type	String	25	Type of question in the survey (see *Part 2: Question Types)*
List_Number	Integer	5	If the question type is "Multiple Choice" this will be the number of possible values
Question_Text	String	150	Actual text of the question
Default_Answer	String	25	Default answer for the question
Instructions	String	150	Any instructions that are needed
List_Value	String	25	A possible "Multiple Choice" answer, a new field will be appended to the database for each multiple choice answer

ANSWER FIELDS SPECIFIED

Name	Type	Length	Purpose
Company_Name	String	25	Name of the company where the survey is being taken
Product_Name	String	25	Name of the product being surveyed
Survey_Version	Integer	5	Version number of the survey
Shopper_ID	String	10	Unique ID of shopper
Store_Number	Integer	10	Unique store ID number
Survey_Date	Integer	8	Date survey completed
Survey_Time	Integer	8	Time survey completed
Question_Number	Integer	5	Number of the question in the survey
Survey_Answer	String	150	Answer to the survey question

Part 9 Future Components

SCHEDULING

The Scheduling component mentioned in the *Application Survey* was removed for the *Technical Document's* scope of *Field Service* Survey Project. Adding the Scheduling component back into future versions could enable the Survey Administrator to send a message to a specified user that would appear as appointment in the Schedule component rather than just a message in the Palm OS Mail System as has been set up in this document.

PROFILES

A Profile component was mentioned in the *Application Survey*. Based upon a Shopper's unique identification number, the Profile component would allow the individual user to easily update personal information (i.e. address, phone, etc.) without having to call in or compose a full-length message to the Survey Administrator.

HARDWARE

Selecting the Handspring Visor Deluxe allows a great deal of flexibility in software and hardware. As mention in the scope meeting between MacroSolve and BAMA on August 8, 2001, the Visor's Springboard port allows for the addition of many different but useful pieces of hardware.

Those hardware modules that have been discussed are:

- Cameras
- Temperature Probes
- Wireless Connectivity Modules

Part 10 Investment Summary

SOFTWARE AND SERVICES

Part Number	Description	Investment
MS-APPDEV	Application Development per approved BAMA Technical Design – 1-3	$ 16,500.00
MS-ASDISC	Application Survey Discount	- $ 1,500.00
	TOTAL SOFTWARE AND SERVICES	**$ 15,000.00**

Terms:

- Quote expires: 30 Days from receipt
- Travel and allowance: Billed as actual per occurrence
- Payment: 50% Start/50% Delivery
- Order Cancellation: Orders cancelled after PO has been issued are subject to 15% surcharge + applicable manufacturers restock fee.
- Hardware Warranty: Manufacturers warranty pass through
- Shipping: Billed as actual per occurrence to client
- This quotation should be considered **proprietary and confidential**

HARDWARE AND INFRASTRUCTURE

Proposed Handheld Unit: Handspring Visor™ Deluxe

The Handspring Visor™ Deluxe is the handheld computer that will best fit the Field Service Application requirements. It features an expandability port that will allow for easy addition of a modem or camera. Each Visor™ Deluxe features 8MB of internal memory, uses two AAA batteries and includes *Field Service Application* required HotSync USB cradle, Stylus, Palm Desktop software, and Leather slip-case.
Suggested Retail Price: $199/unit

Proposed Handheld Modem: 56K Thinmodem-Plus

The 56K Thinmodem-Plus provides a fast 56k/v.90 wireline modem while not requiring an additional battery unit or consuming additional battery power from the Visor™ Deluxe's internal power supply. This will mean longer Visor™ Deluxe battery life when compared to certain modems and will not add any substantial weight or size to the Visor™ Deluxe unit. It also provides 8MB of Flash Memory in the same card unit, which will be necessary if a nonvolatile data backup solution is also desired. This solution would add a greater level of fault tolerance and data reliability for the proposed handheld units.
Suggested Retail Price: $149.95/unit

Proposed HotSync Server: Palm HotSync Server

HotSync is the foundation server technology that powers an extended information infrastructure - enabling connection and management of handheld devices being used in the field by Field Service Agents. HotSync works in both wired and wireless environments in batch and real-time modes to connect and manage handheld devices and applications.

User Licenses	Cost
5	$2,111
50	$11,872
250	$24,425
500	$30,339

Part 11 Schedule

Project Schedule will be provide upon approval of Technical Design.

Part 12 Glossary

A	Abbreviation for "Answer(s)"
Button	Buttons display a text label in a box. The default style for a button is a text string centered within a rounded rectangle. Buttons have rounded corners unless a rectangular frame is specified. A button without a frame inverts a rounded rectangular region when pressed. When the user taps a button with the pen, the button highlights until the user releases the pen or drags it outside the bounds of the button.
Checkbox	Check boxes display a setting, either on (checked) or off (unchecked). Touching a check box with the pen toggles the setting. The check box appears as a square, which contains a check mark if the check box's setting is on. A check box can have a text label attached to it; selecting the label also toggles the check box. Push buttons and check boxes can be arranged into exclusive groups; one and only one control in a group can be on at a time.
Creator, Database	This is a field stored in the Palm OS database header that is 4 bytes in size. The system uses this field to distinguish application databases from data databases and to associate data databases with the appropriate application.
Field	A field object displays one or more lines of text.
L	Abbreviation for "List(s)"
List	The list object appears as a vertical list of choices in a box. The current selection of the list is inverted.
Pull Down List	A pull down list is a combination of a Palm OS selector trigger and a Palm OS list.
Q	Abbreviation for "Question(s)"
R	Abbreviation for "Record(s)"
S	Abbreviation for "Survey(s)"
Selector Trigger	A selector trigger displays a text label surrounded by a gray rectangular frame. If the text label changes, the width of the control expands or contracts to the width of the new label.
Spinner	A MacroSolve designed object that is the summation of a Palm OS field and two Palm OS buttons. Essentially with each press of the button the corresponding field is either incremented or decremented.
Type, Database	This is a field stored in the Palm OS database header that is 4 bytes in size. The system uses this field to distinguish application databases from data databases and to associate data databases with the appropriate application.

Electronic Patent Application Fee Transmittal

Application Number:	12910706
Filing Date:	22-Oct-2010
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Filer:	Scott R. Zingerman/Carol Welch
Attorney Docket Number:	71855/10-351

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Claims in excess of 20	2202	11	26	286
Independent claims in excess of 3	2201	5	110	550
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Extension - 3 months with $0 paid	2253	1	555	555
Miscellaneous:				
			Total in USD ($)	**1391**

Electronic Acknowledgement Receipt	
EFS ID:	10965685
Application Number:	12910706
International Application Number:	
Confirmation Number:	8703
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Customer Number:	22206
Filer:	Scott R. Zingerman/Carol Welch
Filer Authorized By:	Scott R. Zingerman
Attorney Docket Number:	71855/10-351
Receipt Date:	16-SEP-2011
Filing Date:	22-OCT-2010
Time Stamp:	14:09:30
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$1391
RAM confirmation Number	457
Deposit Account	060540
Authorized User	ZINGERMAN,SCOTT R.
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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment/Req. Reconsideration-After Non-Final Reject	ResponseToOfficeActionMailed3_16_2011.pdf	1299019 20a41f1334507e52459c49d7be8a94385705ba51	no	48
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	33634 e42534a0eafd43dbe76901f2251466a4d3b82537	no	2
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If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	12910706
Filing Date	2010-10-22
First Named Inventor	Payne
Art Unit	2451
Examiner Name	Nghi V. Tran
Attorney Docket Number	71835/10-351

U.S.PATENTS Remove

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	6826726		2004-11-30	HSING, ET AL.	
	2	7739658		2010-06-15	WATSON, ET AL.	

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	Application Number	12910706
	Filing Date	2010-10-22
	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	Nghi V. Tran
	Attorney Docket Number	71835/10-351

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
	1	"dcLINK The Total Solution", 08/1999, Publisher: Internet printout, Published in: US	☐
	2	DSI Internet Printout entitled "Marketing Collateral," dated 02/24/2002, Publisher: Internet Printout, Published in: US	☐
	3	2002 DSI Press Releases dated 4/08/2002 , Publisher: Internet	☐

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Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12910706
	Filing Date	2010-10-22
	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	Nghi V. Tran
	Attorney Docket Number	71835/10-351

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☒ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☒ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/scott r. zingerman/	Date (YYYY-MM-DD)	2011-09-21
Name/Print	Zingerman, Scott R.	Registration Number	35422

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

Application Number:	12910706
Filing Date:	22-Oct-2010
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Filer:	Scott R. Zingerman/Carol Welch
Attorney Docket Number:	71855/10-351

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
		Total in USD ($)		**180**

Electronic Acknowledgement Receipt	
EFS ID:	10998697
Application Number:	12910706
International Application Number:	
Confirmation Number:	8703
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Customer Number:	22206
Filer:	Scott R. Zingerman/Carol Welch
Filer Authorized By:	Scott R. Zingerman
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1	Non Patent Literature	dcLinkDataCollectionSystemExecOverview.pdf	5091510 f58bbe363ccdc527f7ac8fbd02c77123218ea985	no	22
Warnings:					
Information:					
2	Non Patent Literature	dcLinkWebPage_MarketingCollateral.pdf	47436 d1f17b75c9f9b94dcb45ec4e0d21600d168c86b5	no	1
Warnings:					
Information:					
3	Information Disclosure Statement (IDS) Form (SB08)	SupplementalIDS.pdf	612284 5dbf427b6d6489fe8338cdd5585c4562cc119d83	no	4
Warnings:					
Information:					
4	Non Patent Literature	dcLinkMediaRelease04-08-2002.pdf	445749 6d630bae237022529b35f32d61644e8c80d8ddfc	no	6
Warnings:					
Information:					
5	Fee Worksheet (SB06)	fee-info.pdf	30430 f2ea028208536f7439122596fa12b22044efdc7a	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	6227409		

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New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/06 (07-06)
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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
12/910,706	10/22/2010	

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY ☒ RATE ($)	SMALL ENTITY ☒ FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT 09/16/2011	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 31	Minus	** 20	= 11	X $26 =	286	OR	X $ =	
Independent (37 CFR 1.16(h))	* 8	Minus	***3	= 5	X $110 =	550	OR	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE	836	OR	TOTAL ADD'L FEE	

AMENDMENT	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)		RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

Legal Instrument Examiner:
/CAROL BARNES/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/910,706	10/22/2010	J. David Payne	71855/10-351	8703

22206 7590 09/20/2012

FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

EXAMINER	
TIV, BACKHEAN	
ART UNIT	PAPER NUMBER
2451	

MAIL DATE	DELIVERY MODE
09/20/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	12/910,706	PAYNE, J. DAVID	
	Examiner	Art Unit	
	BACKHEAN TIV	2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 September 2011*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) *1-31* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-31* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/21/11*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-31 are pending. Claims 12-31 were newly added. This is a response to the Remarks/Amendments filed on 9/16/11.

Note: This application has been assigned to a new examiner.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 9/21/11 has been considered.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-31 of the instance application are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 7,822,816. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitation of claims 1-31 of the instance application is overlapping with the limitation of claims 1-14 of U.S. Patent No. 7,822,816 in view of US Patent 5,704,029 issued to Wright, Jr.(Wright) , Warthen, US Publication 2002/0007303 issued to Brookler et al.(Brookler)., US Patent 6,477,373 issued to Rappaport et al.(Rappaport) and/or an obvious and well-known variant.

U.S. Patent No. 7,266,600	**Instant Application No. 11/738,732**
1. A method for managing data including the steps of:	1. A method for managing data including the steps of:
a) creating a questionnaire comprising a	(a) creating a questionnaire comprising a

series of questions;	series of questions;
(b) tokenizing said questionnaire; thereby producing a plurality of tokens representing said questionnaire;	(b) tokenizing said questionnaire; thereby producing a plurality of tokens representing said questionnaire;
(c) establishing a first wireless modem or wireless LAN network connection with a remote computing device;	
(d) transmitting said plurality of tokens to a remote computing device via said first wireless modem or wireless LAN network connection;	(c) transmitting said plurality of tokens to a remote computing device;
e) terminating said first wireless modem or wireless LAN network connection with said remote computing device;	
(f) after said first wireless modem or wireless LAN network connection is terminated, executing at least a portion of said plurality of tokens representing said questionnaire at said remote computing device to collect a response from a user;	(d) executing at least a portion of said plurality of tokens representing said questionnaire at said remote computing device to collect a response from a user;
(g) establishing a second wireless modem or wireless LAN network	

connection between said remote computing device and a server;	
(h) after said second wireless modem or wireless LAN network connection is established, transmitting at least a portion of said response from the user to said server via said second wireless modem or wireless LAN network connection; and	(e) transmitting at least a portion of said response from the user to a server via a network; and
(i) storing said transmitted response at said server.	(f) storing said response at said server.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 12-31 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The applicant has provided para.0047-0058, for support for claims 12-31, however, those paragraph does not teach at least the limitation of, "ending said

communication between said handheld computing device and said originating computer; after said communication has ended…….", the closest support for this limitation is para.0048,

[0048] As noted above, with regard to the present invention, the term "loosely networked" is used to describe a networked computer system wherein devices on the network are tolerant of intermittent network connections. In particular, if any communication connection is available between devices wishing to communicate, network transmissions occur normally, in real time. If a network connection is unavailable, the information is temporarily stored in the device and later transmitted when the connection is restored. Unless otherwise specified, hereinafter the terms "network" or "networked" refer to loosely networked devices.

Which only describes that the network connection is unavailable. It does not describe the "ending of communication", and after the communication has ended, to perform the steps of (d1). Ending communication and a network connection being unavailable are different as ending communication is an active step while having a network connection being unavailable is merely the state of connection.

As per claim 15, recites the steps of "authenticate with said handheld computing device.....(ii) only if the user is able to authenticate....(iii) if the user is unable to authenticate", the closest support for this limitation is para. 0084, in which only describes "optional authentication of users", this support is insufficient to support the totality of claim 15.

As per claim 22, recites the steps of "determining at least one parameter…….", the closest support is para.0070 which describes, "handheld computer is equipped with GPS receiver", this support is insufficient to support the totality of claim 22.

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-11,18, 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 7,8, recites “making available on **the Web**”, there is insufficient antecedent basis for this limitation in the claim.

As per claim 9-11, recites, the creation at a first site in a first computer located at a second site, where the first and second site is connected by a network, which is unclear and indefinite. As it unclear to the meaning of "site", it appears the specification recites only "site" as web site. In which, it is unclear how a first web site in a first computer can be located at a second web site.

As per claim 18 recites “**the Internet**”, there is insufficient antecedent basis for this limitation in the claim.

As per claim 26, recites, "(b) forming a visually.....user data **item so** accessed", it is unclear to what the applicant is claiming.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent 6,584,464 issued to Warthen in view of US Publication 2002/0007303 issued to Brookler et al.(Brookler).

As per claim 1, Wright teaches a method for managing data including the steps of: (a) creating a questionnaire comprising a series of questions(Figs.1-11, Abstract); (b) thereby producing a plurality of tokens representing said questionnaire(Figs.1-11, Abstract); (c) transmitting said plurality of tokens to a remote computing device(col.13, lines 38-65); (d) executing at least a portion of said plurality of tokens representing said questionnaire at said remote computing device to collect a response from a user(col.13, lines 38-65).

Wright however does not explicitly teach tokenizing said questionnaire; (e) transmitting at least a portion of said response from the user to a server via a network; and (f) storing said response at said server. Wright however does suggest that the questionnaire is tokenized(Figs.1-11, Abstract, col.25, lines 1-50).

Warthen explicitly teaches the known art of tokenizing(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright to use the known method of tokenizing as taught by Warthen in order to provide the predictable result of tokenizing a survey.

One ordinary skill in the art would have been motivated to combine the teachings in order to produce electronic surveys and feedback(Wright, Abstract).

Wright in view of Warthen does not explicitly teach (e) transmitting at least a portion of said response from the user to a server via a network; and (f) storing said response at said server.

Brookler explicitly teaches (e) transmitting at least a portion of said response from the user to a server via a network; and (f) storing said response at said server(Fig.1, para.0033).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Warthen to include storing user's responses at the server as taught by Brookler in order to provide the predictable result of having all answered survey questions stored on the server.

One ordinary skill in the art would have been motivated to combine the teachings in order to have a central location, e.g. server, for all results of a survey which provides ease of access for the surveyors(Brookler, para.0002).

As per claim 2, the method for managing data of claim 1 further comprising the step of: (g) translating said response to a format recognizable by a particular computer program; and (h) accessing the translated response from a computer executing said particular computer program(Wright, Figs.1-11, Abstract, Brookler, para.0051). Motivation to combine set forth in claim 1 and/or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 3, the method for managing data of claim 1 wherein step (a) includes the substeps of: (a)creating a questionnaire by: (i) entering a series of questions into a questionnaire design computer program; (ii) identifying within said questionnaire design computer program the type of response allowed for each question of said series of questions; and (iii) identifying within said questionnaire design computer program a branching path in said questionnaire for each possible response to each question of said series of questions(Wright, Figs.1-11, Abstract). Motivation to combine set forth in claim 1 and/or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 4, the method for managing data of claim 1 wherein step (b) includes the substeps of: (b) tokenizing said questionnaire thereby producing a plurality of tokens representing said questionnaire by: (i) assigning at least one token to each question of said series of questions; (ii) assigning at least one token to each response called for in said series of questions to identify the type of response required; and (iii) assigning at least one token to each branch in said questionnaire to identify the required program control associated with said branch(Wright, Figs.1-11, Abstract, Warthen, Abstract). Motivation to combine set forth in claim 1 and/or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 5, the method of data management of claim 1 wherein the transmission of said tokens in step (c) occurs via the network of step (e) (Brookler, Fig.1). Motivation to combine set forth in claim 1 and/or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 6, a method for modifying a questionnaire used in data management according to the method of claim 1 including the steps of:
(a) making at least one incremental change to a portion of the questionnaire;
(b) tokenizing said at least one incremental change to said questionnaire;
(c) transmitting at least a portion of said tokens resulting from step (b) to a remote computing device, said transmitted tokens comprising less than the entire tokenized questionnaire; (d) incorporating said transmitted tokens into said questionnaire at said remote computing device(Wright, Figs.1-11, col.16, lines50-55, Abstract, Warthen, Abstract). Motivation to combine set forth in claim 1 and/or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claims 7, 9-11 rejected for the same reasons as set forth above or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

Claims 8 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent 6,584,464 issued to Warthen in view of US Publication 2002/0007303 issued to Brookler et al.(Brookler) in view of US Publication 2001/0056374 issued to Joao.

As per claim 8, Wright in view of Warthen in view of Brookler does not explicitly teach the method for collecting survey data according to claim 7 further comprising: (f) assessing a charge for each transferred response received by said central computer.

Joao explicitly teaches (f) assessing a charge for each transferred response received by said central computer(para.0230).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Warthen in view of Brookler to include assessing a charge for each transferred response received by said central computer as taught by Joao in order to receive compensation, a reward, a rebate, and/or an incentive (Joao, para. 0009).

One ordinary skill in the art would have been motivated to combine the teachings in order to facilitate commerce between any parties and/or any number of parties (Joao, para. 0009).

Claims 12-14, 16-18, 24,25, 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent 6,584,464 issued to Warthen in view of US Publication 2002/0007303 issued to Brookler et al.(Brookler) in view of US Patent 6,477,373 issued to Rappaport et al.(Rappaport).

As per claim 12, Wright teaches a method for managing data comprising the steps of: (a) establishing communications between a handheld computing device and an originating computer; (b) receiving within said handheld computing device a transmission of a questionnaire from said originating computer, said questionnaire comprising a plurality of tokens; (d 1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a user, and, (d2) storing within said computing device said at least one response from the user(Fig.1-11, Abstract, col.13, lines 38-65).

Wright however does not explicitly teach tokenizing said questionnaire;(c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been ended, (e) establishing communications between said handheld computing device and a recipient computer; (f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer.

Wright however does suggest that the questionnaire is tokenized(Figs.1-11, Abstract, col.25, lines 1-50).

Warthen explicitly teaches the known art of tokenizing(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright to use the known method of tokenizing as taught by Warthen in order to provide the predictable result of tokenizing a survey.

One ordinary skill in the art would have been motivated to combine the teachings in order to produce electronic surveys and feedback(Wright, Abstract).

Wright in view of Warthen does not explicitly teach ;(c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been ended, (e) establishing communications between said handheld computing device and a recipient computer; (f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer.

Brookler explicitly teaches (f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer(Fig.1, para.0033).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Warthen to include transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer as taught by Brookler in order to provide the predictable result of having all answered survey questions stored on the server.

One ordinary skill in the art would have been motivated to combine the teachings in order to have a central location, e.g. server, for all results of a survey which provides ease of access for the surveyors(Brookler, para.0002).

Wright in view of Warthen in view of Brookler does not explicitly teach ;(c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been ended, (e) establishing communications between said handheld computing device and a recipient computer.

Rappaport explicitly teaches the known art of connection failure and reconnecting of mobile devices(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Warthen in view of Brookler to include the known art of connection failure and reconnecting of mobile devices as

taught by Rappaport in order to provide the predictable result of when connection fails, the mobile device reconnects and sends information once there is a connection.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide reconnection to transfer information to a server.

As per claim 13, the method for managing data according to Claim 12, wherein step (b) comprises the steps of: (b 1) creating a questionnaire, (b2) tokenizing said questionnaire, thereby producing a plurality of tokens representing said questionnaire, (b3) storing said plurality of tokens on a computer readable medium accessible by said originating computer, (b4) accessing said stored plurality of tokens from said originating computer, (b5) transmitting said stored plurality of tokens from said originating computer to said handheld computing device, and, (b6) receiving within said handheld computing device said transmission of said tokenized questionnaire from said originating computer(Wright, Figs.1-11, col.16, lines50-55, Abstract, Warthen, Abstract). Motivation to combine set forth in claim 1 and/or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 14, the method for managing data according to Claim 12, wherein said originating computer and said recipient computer are a same computer(Wright, Figs.1-11, col.16, lines50-55, Abstract, Warthen, Abstract). Motivation to combine set forth in claim 1 and/or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 16, the method for managing data according to Claim 12, wherein said questionnaire comprises at least one question(Wright, Figs.1-11, col.16, lines50-

55, Abstract, Warthen, Abstract). Motivation to combine set forth in claim 1 and/or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 17, the method for managing data according to Claim 16, wherein at least one of said at least one question is selected from a group consisting of a food quality question, a service quality question, a waiting time question, a store number question, a location question, a time question, a date question, a temperature question, and a time of day question(Wright, Figs.1-11, col.16, lines50-55, Abstract, Warthen, Abstract). Motivation to combine set forth in claim 1 and/or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 18, the method for managing data according to Claim 12, wherein step (a) comprises the step of establishing communications via the Internet between said handheld computing device and said originating computer(Wright, Figs.1-11, col.16, lines50-55, Abstract, Warthen, Abstract). Motivation to combine set forth in claim 1 and/or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 24 rejected for the same reasons as set for above, and further (g) after receipt of said transmission of step (f), transmitting a notice of said received value representative of each of said at least one response to a second user(Brookler, para.0033) or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claims 25,28-31 rejected for the same reasons as set forth above or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

Claims 15 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent 6,584,464 issued to Warthen in view of US Publication 2002/0007303 issued to Brookler et al.(Brookler) in view of US Patent 6,477,373 issued to Rappaport et al.(Rappaport) in view of US Publication 2002/0137524 issued to Bade et al.(Bade).

Wright in view of Warthen in view of Brookler in view of Rappaport teaches As per claim 15, the method for managing data according to Claim 12, wherein said step (dl) comprises the steps of: executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a user.

However does not explicitly teach the art of authentication.

Bade explicitly teaches the well known method of authentication(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Warthen in view of Brookler in view of Rappaport to include the known method of authentication as taught by Bade in order to provide the predictable result of authentication of a device.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide security for a mobile device and information.

Claims 19-23, 26, 27 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent 6,584,464 issued to Warthen in view of in view of US Patent 6,477,373 issued to Rappaport et al.(Rappaport) in view of US Patent 6,462,708 issued to Tsujimoto et al.(Tsujimoto).

As per claim 19 Wright teaches method for managing data comprising the steps of: (a) establishing communications between a handheld computing device and an originating computer, (b) receiving within said handheld computing device a transmission of a questionnaire, said questionnaire comprising a plurality of tokens; (d l) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to (Figs.1-11, Abstract, col.25, lines 1-50).

Wright does not explicitly teach tokenizing a questionnaire;

(c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been terminated, (e) establishing communications between said handheld computing device and a recipient computer;

said handheld device having at least a capability to determine a current location thereof; collect at least said current location of said handheld computing device, and, (d2) storing within said handheld computing device said current location; (f) transmitting

at least one value representative of said stored current location to said recipient computer.

Warthen explicitly teaches the known art of tokenizing(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright to use the known method of tokenizing as taught by Warthen in order to provide the predictable result of tokenizing a survey.

One ordinary skill in the art would have been motivated to combine the teachings in order to produce electronic surveys and feedback(Wright, Abstract).

Wright in view of Warthen does not explicitly teach

(c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been terminated, (e) establishing communications between said handheld computing device and a recipient computer;

said handheld device having at least a capability to determine a current location thereof; collect at least said current location of said handheld computing device, and, (d2) storing within said handheld computing device said current location; (f) transmitting at least one value representative of said stored current location to said recipient computer.

Rappaport explicitly teaches the known art of connection failure and reconnecting of mobile devices(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Warthen to include the known art of connection failure and reconnecting of mobile devices as taught by Rappaport in order to provide the predictable result of when connection fails, the mobile device reconnects and sends information once there is a connection.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide reconnection to transfer information to a server.

Wright in view of Warthen in view of Rappaport does not explicitly teach said handheld device having at least a capability to determine a current location thereof; collect at least said current location of said handheld computing device, and, (d2) storing within said handheld computing device said current location; (f) transmitting at least one value representative of said stored current location to said recipient computer.

Tsujimoto explicitly teaches the known system of a mobile device with a GPS to determine location(col.1, lines 17-20).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Warthen in view of Rappaport to include the use of GPS for mobile devices as taught by Tsujimoto in order to provide the predictable result of a determination of a GPS location of a mobile device.

One ordinary skill in the art would have been motivated to combine the teachings in order to determine of a GPS location of a mobile device.

As per claim 20, the method for managing data according to Claim 19 wherein said current location of said handheld computing device is determined using GPS(Tsujimoto, col.1, lines 17-20). Motivation to combine set forth in claim 1 and/or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 21, the method for managing data according to Claim 19, wherein said originating computer and said recipient computer are a same computer(Wright, Figs.1-11, col.16, lines50-55, Abstract, Warthen, Abstract). Motivation to combine set forth in claim 1 and/or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 22, the method for managing data according to Claim 19, wherein step (d2) comprises the steps of: (i) determining at least one parameter value based on said current location, (ii) storing within said handheld computing device said current location, (iii) storing within said handheld computing device said determined at least one parameter value; and, wherein step (f) comprises the steps of: (fl) transmitting a value representative of said stored current location to said recipient computer, and, (t2) transmitting at least one of said at least one stored parameter value to said recipient computer(Wright, Figs.1-11, col.16, lines50-55, Abstract, Warthen, Abstract, Tsujimoto, col.1, lines 17-20). Motivation to combine set forth in claim 1 and/or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 23, the method for managing data according to Claim 22, wherein each of said at least one parameter value is selected from a group consisting of a store

number, a store location, a time of day, and a date(Wright, Figs.1-11, col.16, lines50-55, Abstract, Warthen, Abstract, Tsujimoto, col.1, lines 17-20). Motivation to combine set forth in claim 1 and/or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claims 26, 27 rejected for the same reasons as set forth above or Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Lew et al., United States Patent Publication Number 2004/0210472 (hereinafter Lew).

As per claim 1, Lew teaches a method for managing data [see abstract] including the steps of: (a) creating a questionnaire [= survey] comprising a series of questions [paragraphs 0005-0009]; (b) tokenizing said questionnaire [= encrypted survey information, paragraph 0013]; thereby producing a plurality of tokens representing said questionnaire [paragraphs 0005-0009];(c) transmitting said plurality of tokens to a remote computing device [= the survey transmitter may transmit to the remote

responding device in either a wired or a wireless manner, paragraph 0053]; (d) executing at least a portion of said plurality of tokens representing said questionnaire at said remote computing device to collect a response [= feedback] from a user [= feed back from a user, paragraph 0036]; (e) transmitting at least a portion of said response from the user to a server [= a central facility] via a network [paragraph 0050]; and (f) storing said response at said server [= all feedback is transmitted to the central facility, S6100 of fig.2 and paragraph 0048].

As per claim 5, Lew further teaches wherein the transmission of said tokens in step (c) occurs via the network of step (e) [fig.3].

Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Sendowski et al., United States Patent Publication Number 2003/0198934 (hereinafter Sendowski).

As per claim 7, Sendowski teaches a method for collecting survey data from a user [see abstract] comprising: (a) designing a questionnaire [= survey] having branching logic [= branch script object 124] on a first computer platform [= web server 121] [paragraphs 0023-0028 and 0041-0048]; (b) automatically transferring said designed questionnaire to at least one loosely networked computer [= automatically generate an HTML question page or question form, paragraph 0024-0031]; (c) executing said transferred questionnaire on said loosely networked computer, thereby collecting responses from the user [see abstract]; (d) automatically transferring via the loose network any responses so collected to a central computer [= medical survey

provider 120] [paragraph 0020 and table 3]; and, (e) making available on the Web any responses transferred to said central computer in step (d) [fig.1].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-4, 6, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lew as applied in claim 1 above, in view of Sendowski et al., U.S. Patent Application Publication No. 2003/0198934 (hereinafter Sendowski).

As per claim 2, Lew does not explicitly show the step of: (g) translating said response to a format recognizable by a particular computer program; and (h) accessing the translated response from a computer executing said particular computer program.

In a method of managing data, Sendowski discloses the step of: (g) translating said response to a format recognizable [= XML data structural] by a particular computer program [= branching script engine, paragraphs 0007-0008]; and (h) accessing the translated response from a computer executing said particular computer program [paragraphs 0034-0053 and fig.2].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lew in view of Sendowski by accessing a translated response to a format recognizable because this feature provides a framework

of reusable software object implementing the creation and execution of any question-answer branching scripts [Sendowski, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to support thousands of concurrent users when it is required [Sendowski, paragraph 0005].

As per claim 3, Lew does not explicitly show wherein step (a) includes the sub-steps of:(a) creating a questionnaire by: (i) entering a series of questions into a questionnaire design computer program; (ii) identifying within said questionnaire design computer program the type of response allowed for each question of said series of questions; and (iii) identifying within said questionnaire design computer program a branching path in said questionnaire for each possible response to each question of said series of questions.

In a method of managing data, Sendowski discloses wherein step (a) includes the sub-steps of:(a) creating a questionnaire by: (i) entering a series of questions into a questionnaire design computer program [paragraphs 0034-0054]; (ii) identifying within said questionnaire design computer program the type of response allowed for each question of said series of questions [= answer types, paragraph 0019 and table 2]; and (iii) identifying within said questionnaire design computer program a branching path in said questionnaire for each possible response to each question of said series of questions [paragraph 0018 and table 1].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lew in view of Sendowski by identifying within

said questionnaire design computer program a branching path in said questionnaire for each possible response to each question of said series of questions because this feature provides a framework of reusable software object implementing the creation and execution of any question-answer branching scripts [Sendowski, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to support thousands of concurrent users when it is required [Sendowski, paragraph 0005].

As per claim 4, Lew does not explicitly show wherein step (b) includes the sub-steps of: (b) tokenizing said questionnaire thereby producing a plurality of tokens representing said questionnaire by: (i) assigning at least one token to each question of said series of questions; (ii) assigning at least one token to each response called for in said series of questions to identify the type of response required; and (iii) assigning at least one token to each branch in said questionnaire to identify the required program control associated with said branch.

In a method of managing data, Sendowski discloses wherein step (b) includes the sub-steps of: (b) tokenizing said questionnaire thereby producing a plurality of tokens representing said questionnaire by: (i) assigning at least one token to each question of said series of questions [= a question uses tokens, paragraph 0019]; (ii) assigning at least one token to each response called for in said series of questions to identify the type of response required [= allows the answer to be collected into a name toke, paragraph 0020]; and (iii) assigning at least one token to each branch in said

questionnaire to identify the required program control associated with said branch [paragraphs 0041-0049].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lew in view of Sendowski by assigning at least one token to each question of said series of questions, to each response called for in said series of questions, and to each branch in said questionnaire because this feature provides a framework of reusable software object implementing the creation and execution of any question-answer branching scripts [Sendowski, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to support thousands of concurrent users when it is required [Sendowski, paragraph 0005].

As per claims 6 and 9, Lew teaches a method for managing data transfers between computers [see abstract and fig.1] including the steps of: (a) creating a questionnaire [= survey] at a first site [= modulator 10] in a first computer [= media conveyor 20] located at a second site [paragraphs 0026-0029], said first site and said second site being connected by a network [fig.1]; (b) transmitting said question to a remote computer [= remote responding device] via said network, said remote computer running an OIS [paragraph 0053];

However, Lew does not explicitly show step (c) modifying said questionnaire with incremental changes at a third site in said first computer located at said second site; and step (d) modifying said questionnaire in said remote computer with said incremental changes.

In a method of managing data, Sendowski discloses step (c) modifying said questionnaire with incremental changes at a third site in said first computer located at said second site [= TSLastModified of table 2 and paragraph 0058]; and step (d) modifying said questionnaire in said remote computer with said incremental changes [= TSLastModified of table 2 and paragraph 0058].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Lew in view of Sendowski by modifying said questionnaire with incremental changes at a third site in said first computer located at said second site and modifying said questionnaire in said remote computer with said incremental changes because this feature provides a framework of reusable software object implementing the creation and execution of any question-answer branching scripts [Sendowski, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to support thousands of concurrent users when it is required [Sendowski, paragraph 0005].

As per claim 10,11 Lew further teaches wherein said first site and said third site are the same [fig.1] and teaches wherein said third site is at said remote computer [fig.1].

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sendowski, as applied in claim 7 above, in view of Joao, U.S. Patent Application Publication No. 2001/0056374 (hereinafter Joao).

As per claim 8, Sendowski does not explicitly show assessing a charge for each transferred response received by said central computer.

In a method for collecting survey data, Joao discloses assessing a charge [i.e. compensation, rewards, rebates and/or incentives can be provided for viewing, reviewing, participating in and/or interacting with, the entire survey, poll and/or questionnaire, paragraph 0230] for each transferred response received by said central computer [paragraphs 0228-0037].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Sendowski in view of Joao by assessing a charge for each transferred response received by said central computer because this feature can receive compensation, a reward, a rebate, and/or an incentive [Joao, paragraph 0009]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to facilitate commerce between any parties and/or any number of parties [Joao, paragraph 0009].

Response to Arguments

Applicant's arguments filed 9/16/11 have been fully considered but they are not persuasive.

The applicant has not overcome the Double Patent Rejection, no Terminal Disclaimer was filed.

The applicant has filed a Declaration under 37 CFR 1.131 to try to overcome Lew. However, the Declaration filed on 9/16/11, is deemed to be insufficient.

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Lew reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by

a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897).

The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Lew reference to either a constructive reduction to practice or an actual reduction to practice. It is unclear to what Exhibit B is showing. As on page 2(7) of the Declaration, the applicant states that Exhibit B is a schedule and percentage of time employees spend on programming, however nowhere in Exhibit B does it shows what the applicant contends. It is unclear to what the applicant intends for Exhibit B to show, conception, diligence, or actual/constructive reduction to practice as required.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BACKHEAN TIV whose telephone number is (571)272-5654. The examiner can normally be reached on M-T 7-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Backhean Tiv/
Primary Examiner, Art Unit 2451

Notice of References Cited	Application/Control No. 12/910,706	Applicant(s)/Patent Under Reexamination PAYNE, J. DAVID	
	Examiner BACKHEAN TIV	Art Unit 2451	Page 1 of 2

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,555,101 A	09-1996	Larson et al.	358/403
*	B	US-5,704,029 A	12-1997	Wright, Jr., Gerald V.	715/223
*	C	US-5,757,916 A	05-1998	MacDoran et al.	380/258
*	D	US-6,230,142 B1	05-2001	Benigno et al.	705/3
*	E	US-2002/0007303 A1	01-2002	Brookler et al.	705/10
*	F	US-2002/0026338 A1	02-2002	BUKOW, HANS MAX THEODORE	705/7
*	G	US-2002/0087361 A1	07-2002	Benigno et al.	705/3
*	H	US-2002/0137524 A1	09-2002	Bade et al.	455/456
*	I	US-6,462,708 B1	10-2002	Tsujimoto et al.	342/357.43
*	J	US-6,477,373 B1	11-2002	Rappaport et al.	455/436
*	K	US-2002/0194219 A1	12-2002	Bradley et al.	707/506
*	L	US-2003/0022656 A1	01-2003	Hinnant et al.	455/410
*	M	US-6,519,571 B1	02-2003	Guheen et al.	705/14.66

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	O					
	P					
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	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Notice of References Cited	Application/Control No. 12/910,706	Applicant(s)/Patent Under Reexamination PAYNE, J. DAVID	
	Examiner BACKHEAN TIV	Art Unit 2451	Page 2 of 2

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*	A	US-6,584,464 B1	06-2003	Warthen, David	1/1
*	B	US-6,615,166 B1	09-2003	Guheen et al.	703/27
*	C	US-6,631,184 B1	10-2003	Weiner, Moshe	379/92.01
*	D	US-6,826,726 B2	11-2004	Hsing et al.	715/234
*	E	US-2007/0242809 A1	10-2007	Mousseau et al.	379/088.18
*	F	US-7,310,350 B1	12-2007	Shao et al.	370/466
*	G	US-2008/0098291 A1	04-2008	Bradley et al.	715/223
*	H	US-7,693,283 B2	04-2010	Livesay, Paul Owen	380/255
*	I	US-7,739,658 B2	06-2010	Watson et al.	717/108
*	J	US-2012/0008560 A1	01-2012	Lewis et al.	370/328
*	K	US-2001/0056374	12-2001	Joao, Raymond Anthony	705/14
	L	US-			
	M	US-			

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	N					
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	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L4	367	tokenizer and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 09:17
L5	1	tokenizer near4 question and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 09:18
L6	2	tokenizer with question and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 09:18
L7	2	tokenizer with (question or survey) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 09:19
L8	68	tokenizer same (question or survey) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 09:19
L9	0	tokenizer same (question or survey) same feedback and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 09:20
L10	56	tokenizer same (question or survey) and feedback and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 09:20
L12	6	(("5704029") or ("6584464") or ("20020007303")).PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/09/16 09:45
L13	2	l12 and updat$4	US-PGPUB; USPAT;	OR	ON	2012/09/16 09:46

			USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			
L14	0	("20010056837").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/09/16 10:06
L15	0	("200100568374").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/09/16 10:07
L16	2	("20010056374").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/09/16 10:07
L17	1	charg$4 near4 response with survey and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:09
L18	5	(charg$4 or fee) near4 response with survey and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:09
L19	14	(charg$4 or fee) with response with survey and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:11
L20	0	mobile near3 re$connect near4 server and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:50
L21	1	mobile with re$connect near4 server and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:50
L22	18	mobile with re$connect$4 near4 server and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:50
L23	0	mobile with re$connect$4 near4 server same GPS and	US-PGPUB; USPAT;	OR	ON	2012/09/16 10:50

		(@ad<="20010831" or @rlad<="20010831")	USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			
L24	1	mobile with re$connect$4 near4 server and GPS and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:51
L25	1	mobile with re$connect$4 with server and GPS and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:51
L26	44	mobile with re$connect$4 and GPS and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:52
L27	10	mobile with re$connect$4 and connection with (fail$4 or un$available) and GPS and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:53
L28	53	mobile with re$connect$4 and connection with (fail$4 or un$available) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:55
L29	24237412	authenticate near3 mobile (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 11:07
L30	663	authenticate near3 mobile and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 11:08
L31	2	authenticate near3 mobile same GPS and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 11:09
L32	33	send$4 near4 GPS near4 location with server and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 11:18
S1	2	("20040210472").PN.	US-PGPUB; USPAT;	OR	OFF	2012/09/15 15:56

			USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			
S2	2	("20030198934").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/09/15 15:57
S3	643	creat$4 near4 (survey or questionnaire) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/15 16:18
S4	33	creat$4 near4 (survey or questionnaire) same feedback and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/15 16:18
S5	0	creat$4 near4 (survey or questionnaire) with token$4 and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/15 16:20
S6	0	creat$4 near4 (survey or questionnaire) same token$4 and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/15 16:20
S7	23	creat$4 near4 (survey or questionnaire) and token$4 and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/15 16:20
S8	9	creat$4 near4 (survey or questionnaire) same mobile and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/15 16:29
S9	242	creat$4 near4 (survey or questionnaire or form) same mobile and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/15 16:31
S10	19	creat$4 near4 (survey or questionnaire or form) same mobile and (download$4 or upload$4) near4 (survey or questionnaire or form) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/15 16:32
S11	2	("5555101").PN.	US-PGPUB;	OR	OFF	2012/09/15

			USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			16:33
S12	4	(("6826726") or ("7739658")).PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/09/15 16:37

EAST Search History (Interference)

<This search history is empty>

9/16/2012 11:50:27 AM
C:\Users\btiv\Documents\EAST\Workspaces\12910706_creating_survey_feedback_mobile.wsp

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12910706	PAYNE, J. DAVID
	Examiner	**Art Unit**
	BACKHEAN TIV	2451

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	03/09/2011	09/16/2012							
	1	✓	✓							
	2	✓	✓							
	3	✓	✓							
	4	✓	✓							
	5	✓	✓							
	6	✓	✓							
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	27		✓							
	28		✓							
	29		✓							
	30		✓							
	31		✓							

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12910706
	Filing Date	2010-10-22
	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	Nghi V. Tran
	Attorney Docket Number	71835/10-351

U.S.PATENTS Remove

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	6826726		2004-11-30	HSING, ET AL.	
	2	7739658		2010-06-15	WATSON, ET AL.	

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	1							☐

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Receipt date: 09/21/2011	Application Number	12910706 12910706 - GAU: 2451
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (**Not for submission under 37 CFR 1.99)**	Filing Date	2010-10-22
	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	Nghi V. Tran
	Attorney Docket Number	71835/10-351

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
	1	"dcLINK The Total Solution", 08/1999, Publisher: Internet printout, Published in: US	☐
	2	DSI Internet Printout entitled "Marketing Collateral," dated 02/24/2002, Publisher: Internet Printout, Published in: US	☐
	3	2002 DSI Press Releases dated 4/08/2002 , Publisher: Internet	☐

If you wish to add additional non-patent literature document citation information please click the Add button **Add**

EXAMINER SIGNATURE

Examiner Signature	/Backhean Tiv/ (09/15/2012)	Date Considered	09/15/2012

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /BT/

Receipt date: 09/21/2011	Application Number	12910706	12910706 - GAU: 2451
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (**Not for submission under 37 CFR 1.99)**	Filing Date	2010-10-22	
	First Named Inventor	Payne	
	Art Unit	2451	
	Examiner Name	Nghi V. Tran	
	Attorney Docket Number	71835/10-351	

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☒ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☒ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/scott r. zingerman/	Date (YYYY-MM-DD)	2011-09-21
Name/Print	Zingerman, Scott R.	Registration Number	35422

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /BT/

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /BT/

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12910706	PAYNE, J. DAVID
	Examiner	**Art Unit**
	BACKHEAN TIV	2451

SEARCHED			
Class	**Subclass**	**Date**	**Examiner**
709	203	03/09/2011	NT
709	223	03/09/2011	NT
709	224	03/09/2011	NT

SEARCH NOTES		
Search Notes	**Date**	**Examiner**
Keyword search using EAST	03/09/2011	NT
UPDATE SEARCH	9/16/2012	BT

INTERFERENCE SEARCH			
Class	**Subclass**	**Date**	**Examiner**

	/BACKHEAN TIV/ Primary Examiner.Art Unit 2451

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/910,706	10/22/2010	J. David Payne	71855/10-351	8703

22206 7590 11/16/2012

FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

EXAMINER	
TIV, BACKHEAN	
ART UNIT	PAPER NUMBER
2451	

MAIL DATE	DELIVERY MODE
11/16/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Applicant-Initiated Interview Summary	Application No.	Applicant(s)	
	12/910,706	PAYNE, J. DAVID	
	Examiner	Art Unit	
	BACKHEAN TIV	2451	

All participants (applicant, applicant's representative, PTO personnel):

(1) *BACKHEAN TIV*.

(2) *SCOTT ZINGERMAN(35422)*.

(3) *TERRY WATT(42214)*.

(4) *JAMES MCGILL*.

Date of Interview: *11/15/12*.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☐ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☒112 ☐102 ☒103 ☒Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: *ALL*.

Identification of prior art discussed: *PRIOR ART OF RECORD*.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

THE APPLICANT DESCRIBED THE INVENTION AS IT RELATES TO DATA COLLECTION FOR MOBILE DEVICES, IN WHICH A SERVER HAVING "A PROGRAM"(QUESTIONNAIRE) WHICH IS DEVICE INDEPENDENT IS SENT TO USERS OF A MOBILE DEVICE AND A SERIES OF QUESTIONS ARE ASKED OF THE CLIENT. THIS INFORMATION FIRST STORED ON THE DEVICE AND THEN CONNECTS TO THE SERVER FOR TRANSMISSION AND STORAGE. THE APPLICANT ALSO DESCRIBED THAT BEFORE THE INFORMATION OF THE QUESTIONNAIRE IS DELETED THAT THERE IS A VERIFICATION PROCESS OF WHETHER THE DATA WAS SUCESSFULLY RECEIVED BY THE SERVER. DISCUSSED WHETHER,THE SPECIFICATION SUPPORTS THE LIMITATION OF "ENDING COMMUNICATION", THE APPLICANT POINTS TO THE PROVISIONAL APPLICATION, APPENDIX 3(PAGE 26) STEP 4, WHERE A REMOTE USER LOGINS AND THAT IT'S INHERENT THAT THIS IS AN ACTIVE "DISCONNECT"/"ENDING OF COMMUNICATION" THROUGH THE USE OF LOGOUT. THE APPLICANT FURTHER DESCRIBES TOKENIZATION/TOKENS AS HAVING SEVERAL SPECIAL MEANING, E.G. LOGICAL, MATHMATICAL OR BRANCHING OPERATION. DISCUSS EVIDENCE SUBMISSION TO SHOW DUE DILIGENCE. THE APPLICANT IS ADVISED TO CLARIFY THE RECORD TO WHICH WAY THE APPLICANT IS TRYING TO SHOW PRIORITY OF THE INVENTION UNDER 131, ACTUAL REDUCTION TO PRATICE OR CONSTRUCTIVE REDUCTION TO PRATICE. THE APPLICANT INTENDS TO FILE TERMINAL DISCLAIMER. ALL ARGUMENTS AND/OR EVIDENCE SHOULD BE FORMALLY SUBMITTED WITH SPECIFIC LOCATION FOR SUPPORT FOR ANY AMENDMENTS MADE. THE EXAMINER WILL RE-CONSIDER THE ART AND APPLICANT'S ARGUMENT. NO AGREEMENT WAS REACHED .

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/Backhean Tiv/ Primary Examiner, Art Unit 2451	

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
   (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Payne Application No.: 12/910,706 Filed: 10/22/2010 Title: SYSTEM AND METHOD FOR DATA MANAGEMENT Attorney Docket No.: 71855/10-351	Confirmation No.: 8703 Art Unit: 2451 Examiner: BACKHEAN TIV

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE

This paper is filed in response to the Office Action mailed September 20, 2012. Please consider the instant filing to be a Petition for a One Month Extension of Time to Respond. A charge to a credit card will be authorized through EFS Web filing. If any additional fee is required by virtue of the filing of this paper, please also consider this a general authorization to charge Deposit Account No. 06-0540 for the same. Please amend the application as follows:

In the claims:

This listing of claims will replace all prior versions and listings of the claims in this application.

1. (*Previously Presented*) A method for managing data including the steps of:

(a) creating a questionnaire comprising a series of questions;

(b) tokenizing said questionnaire; thereby producing a plurality of tokens representing said questionnaire;

(c) transmitting said plurality of tokens to a remote computing device;

(d) executing at least a portion of said plurality of tokens representing said questionnaire at said remote computing device to collect a response from a user;

(e) transmitting at least a portion of said response from the user to a server via a network; and

(f) storing said response at said server.

2. (*Previously Presented*) The method for managing data of claim 1 further comprising the step of:

(g) translating said response to a format recognizable by a particular computer program; and

(h) accessing the translated response from a computer executing said particular computer program.

3. (*Previously Presented*) The method for managing data of claim 1 wherein step (a) includes the substeps of:

(a) creating a questionnaire by:

(i) entering a series of questions into a questionnaire design computer program;

(ii) identifying within said questionnaire design computer program the type of response allowed for each question of said series of questions; and

(iii) identifying within said questionnaire design computer program a branching path in said questionnaire for each possible response to each question of said series of questions.

4. (*Previously Presented*) The method for managing data of claim 1 wherein step (b) includes the substeps of:

(b) tokenizing said questionnaire thereby producing a plurality of tokens representing said questionnaire by:

(i) assigning at least one token to each question of said series of questions;

(ii) assigning at least one token to each response called for in said series of questions to identify the type of response required; and

(iii) assigning at least one token to each branch in said questionnaire to identify the required program control associated with said branch.

5. (*Previously Presented*) The method of data management of claim 1 wherein the transmission of said tokens in step (c) occurs via the network of step (e).

6. (*Previously Presented*) A method for modifying a questionnaire used in data management according to the method of claim 1 including the steps of:

(a) making at least one incremental change to a portion of the questionnaire;

(b) tokenizing said at least one incremental change to said questionnaire;

(c) transmitting at least a portion of said tokens resulting from step (b) to a remote computing device, said transmitted tokens comprising less than the entire tokenized questionnaire;

(d) incorporating said transmitted tokens into said questionnaire at said remote computing device.

7. (*Currently Amended*) A method for collecting survey data from a user and making responses available on the Web, comprising:

(a) designing a questionnaire having branching logic on a first computer platform;

(b) automatically transferring said designed questionnaire to at least one loosely networked computer;

(c) executing said transferred questionnaire on said loosely networked computer, thereby collecting responses from the user;

(d) automatically transferring via the loose network any responses so collected to a central computer; and,

(e) making available on the Web any responses transferred to said central computer in step (d).

8. (*Previously Presented*) The method for collecting survey data according to claim 7 further comprising:

(f) assessing a charge for each transferred response received by said central computer.

9. (*Currently Amended*) A method for managing data transfers between computers including the steps of:

(a) creating a questionnaire at a first [[site]] location in a first computer located at a second [[site]] location, said first [[site]] location and said second [[site]] location being connected by a network; tokenizing said questionnaire;

(b) transmitting said tokenized questionnaire to a remote computer via said network, said remote computer running an OIS;

(c) modifying said questionnaire with incremental changes at a third [[site]] location in said first computer located at said second [[site]] location; tokenizing said incremental changes;

(d) transmitting said tokenized incremental changes from said first computer to said remote computer via said network; and,

(e) modifying said questionnaire in said remote computer with said incremental changes.

10. (*Currently Amended*) The method for managing data transfers between computers according to claim 9 wherein said first [[site]] location and said third [[site]] location are the same.

11. (*Currently Amended*) The method for managing data transfers between computers according to claim 9 wherein said third [[site]] location is at said remote computer.

12. (*Previously Presented*) A method for managing data comprising the steps of:

(a) establishing communications between a handheld computing device and an originating computer;

(b) receiving within said handheld computing device a transmission of a tokenized questionnaire from said originating computer, said tokenized questionnaire comprising a plurality of tokens;

(c) ending said communications between said handheld computing device and said originating computer;

(d) after said communications has been ended,

(d1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a user, and,

(d2) storing within said computing device said at least one response from the user;

(e) establishing communications between said handheld computing device and a recipient computer; and,

(f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer.

13. (*Previously Presented*) The method for managing data according to Claim 12, wherein step (b) comprises the steps of:

(b1) creating a questionnaire,

(b2) tokenizing said questionnaire, thereby producing a plurality of tokens representing said questionnaire,

(b3) storing said plurality of tokens on a computer readable medium accessible by said originating computer,

(b4) accessing said stored plurality of tokens from said originating computer,

(b5) transmitting said stored plurality of tokens from said originating computer to said handheld computing device, and,

(b6) receiving within said handheld computing device said transmission of said tokenized questionnaire from said originating computer

14. (*Previously Presented*) The method for managing data according to Claim 12, wherein said originating computer and said recipient computer are a same computer.

15. (*Previously Presented*) The method for managing data according to Claim 12, wherein said step (d1) comprises the steps of:

(i) requiring a user to authenticate with said handheld computing device,

(ii) only if the user is able to authenticate with said handheld computing device, executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a user, and,

(iii) if the user is unable to authenticate with said handheld computing device, taking no further action.

16. (*Previously Presented*) The method for managing data according to Claim 12, wherein said questionnaire comprises at least one question.

17. (*Previously Presented*) The method for managing data according to Claim 16, wherein at least one of said at least one question is selected from a group consisting of a food quality question, a service quality question, a waiting time question, a store number question, a location question, a time question, a date question, a temperature question, and a time of day question.

18. (*Currently Amended*) The method for managing data according to Claim 12, wherein step (a) comprises the step of establishing communications via ~~the Internet~~ a global

computer network between said handheld computing device and said originating computer.

19. (*Previously Presented*) A method for managing data comprising the steps of:

(a) establishing communications between a handheld computing device and an originating computer, said handheld device having at least a capability to determine a current location thereof;

(b) receiving within said handheld computing device a transmission of a tokenized questionnaire, said tokenized questionnaire comprising a plurality of tokens;

(c) ending said communications between said handheld computing device and said originating computer;

(d) after said communications has been terminated,

(d1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least said current location of said handheld computing device, and,

(d2) storing within said handheld computing device said current location;

(e) establishing communications between said handheld computing device and a recipient computer; and,

(f) transmitting at least one value representative of said stored current location to said recipient computer.

20. (*Previously Presented*) The method for managing data according to Claim 19 wherein said current location of said handheld computing device is determined using GPS.

21. (*Previously Presented*) The method for managing data according to Claim 19, wherein said originating computer and said recipient computer are a same computer.

22. (*Canceled*)

23. (*Canceled*)

24. (*Previously Presented*) A method for managing data comprising the steps of:

(a) establishing communications between a handheld computing device and an originating computer;

(b) receiving within said handheld computing device a transmission of a tokenized questionnaire from said originating computer, said tokenized questionnaire comprising a plurality of tokens;

(c) ending said communications between said handheld computing device and said originating computer;

(d) after said communications has been ended,

(d1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a first user, and,

(d2) storing within said computing device said at least one response from the first user;

(e) establishing communications between said handheld computing device and a recipient computer;

(f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer; and,

(g) after receipt of said transmission of step (f), transmitting a notice of said received value representative of each of said at least one response to a second user.

25. (*Previously Presented*) The method for managing data according to Claim 24, wherein the first user and the second user are a same user.

26. (*Currently Amended*) A method for managing data comprising the steps of:

(a) within a central computer, accessing at least one user data item stored in a recipient computer, wherein said at least one data item is obtained via the steps of:

(1) establishing communications between a handheld computing device and an originating computer;

(2) receiving within said handheld computing device a transmission of a tokenized questionnaire, said tokenized questionnaire comprising a plurality of tokens;

(3) ending said communications between said handheld computing device and said originating computer;

(4) after said communications has been ended,

(i) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device,

(ii) presenting said at least one question to a user;

(iii) receiving at least one response from the user to each of said presented at least one question,

(iv) storing at least one value representative of said at least one response within said handheld computing device;

(5) establishing a communications link between said handheld computing device and a recipient computer;

(6) transmitting said stored at least one value representative of said at least one response stored within said handheld computing device to said recipient computer; and,

(7) storing within said recipient computer any of said transmitted at least one value representative of said at least one response, thereby creating said at least one user data item stored in said recipient computer; and,

(b) forming a visually perceptible report from any of said at least one stored user data item ~~so accessed~~.

27. (*Previously Presented*) The method according to Claim 26, wherein said central computer and said recipient computer are a same computer.

28. (*Previously Presented*) A method for managing data comprising the steps of:

(a) establishing communications between a handheld computing device and an originating computer;

(b) receiving within said handheld computing device a transmission of a tokenized questionnaire, said tokenized questionnaire comprising a plurality of tokens;

(c) ending said communications between said handheld computing device and said originating computer;

(d) after said communications have been ended,

(d1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one item of data, and,

(d2) storing within said handheld computing device said at least one item of data;

(e) establishing communications between said handheld computing device and a recipient computer; and,

(f) transmitting at least one value representative of said at least one item of data to said recipient computer.

29. (*Previously Presented*) A method for managing data according to Claim 28, wherein at least one of said at least one item of data is selected from a group consisting of a GPS location, a temperature, an event timing, a current date, a current time, a user

authentication information, an item of text, a numeric item, a time stamp, a user response, and, a user response to a question.

30. (*Previously Presented*) A method for managing data according to Claim 28, wherein said established communications between said handheld computing device and said originating computer is established using the Internet.

31. (*Previously Presented*) A method for managing data according to Claim 28, wherein said originating computer and said recipient computer are a same computer.

REMARKS

Claims 1-31 are pending in the application. Claims 1-31 stand as rejected in the Office Action. By way of this Amendment and Response, claims 7, 9, 10, 11, 18 and 26 are amended. Claims 22 and 23 are canceled without prejudice. Reconsideration and allowance of claims 1-21 and 24-31 is respectfully requested.

Double Patenting

In the Office Action, claims 1-31 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 7,822,816. Pursuant to 37 C.F.R. 1.321, Applicants herewith submit a terminal disclaimer. Accordingly, the double patenting rejection in the Office Action is overcome. Reconsideration and allowance of claims 1-31 is respectfully requested.

Claim Rejections - 35 USC § 112

Claims 12-31 are rejected in the Office Action under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Reconsideration and allowance of claims 12-31 is respectfully requested.

Claims 12-31 stand as rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. It is said that these claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor at the time the application was filed had possession of the claimed invention. It is further said that the Applicant has provided support in the specification for claims 12-31, but that those paragraphs do not teach at least the limitation of, "ending said

communication between said handheld computing device and said originating computer". It is further said that the passage relied upon by the Applicant only describes that the network connectivity is unavailable. It is said that this does not describe the step of "ending of communication", and after the communication has ended to perform the step of (d1). Finally, the Examiner states that any communication or network connection being unavailable are different as any communication is an "active step" whereas having a network connection being unavailable is merely a state of the connection.

In reply, and as an initial matter, the Examiner apparently accepts that Applicant's step of "establishing communications", which is undeniably an "active step", is fully supported in the application. In Examiner's view, the specification does not reasonably convey that instant inventor contemplated an active disconnection from an available network. However, acceptance of that premise leads to the inevitable conclusion (*reductio ad absurdum)* that the inventor intended that the invention would establish a connection to a remote server (an active step) and then *never* actively terminate that connection but, instead, rely on the failure of the network to perform that function. That view is obviously misplaced.

In brief, Applicant believes that the step of "ending the connection" is inherent in the instant disclosure.

By way of support, Applicant would first direct the Examiner's attention to Appendix 3 (pg. 26), step 4 of the Provisional Application to which this application claims priority (USSN 60/404,491). Attention is specifically directed to the following passage from this reference:

> 4. A remote user, upon successful login, receives a set of small cryptic instructions transferred to the PDA.

As was discussed with the Examiner during the teleconference of November 15, 2012, Applicant believes that this passage clearly supports the claim language "establishing communications" of claim step 12(a), and the Examiner has not challenged this. However, those of ordinary skill in the art would immediately recognize that a statement that teaches the step of "login" would inherently teach an ability to "logout", an active step.

Attention is further directed to pg. 24 of the same Appendix wherein under the heading "Preferred Feature List" it is indicated that "user authentication based on encrypted user name and password" is a feature of the instant invention. Once again, applicant believes it is inherent that if a login is provided that a logout would also be provided and such logout would in fact be precisely the "active step" which occurs while the network connection is still available.

Finally, consider the definition of "log in" from the 1994 edition of the "IBM Dictionary of Computing", attached herewith as Exhibit C:

> **log in** ... (2) To begin a session with a remote resource.

Id. At page 401 (underlining added). The definition of "session" from that same reference is as follows:

> **session** (1) In network architecture, for the purpose of data communication between functional units, all the activities which take place during the establishment, maintenance, and release of the connection.

Id. At p. 615.

Thus, based on standard industry definitions that were in use from a time before the instant application was filed, the act of logging in begins a session that inherently contemplates there will ultimately be a release of the connection, an active step.

As such, it is believed that Applicant's reference to "login" inherently contemplates an active release of the connection, an operation that is distinct from a disconnection caused by the unavailability of the network. Thus, it is believed that the claim language "ending said communications between said handheld computing device and said originating computer" is fully and inherently supported by at least the reference to a "login" in the instant provisional application.

In view of the foregoing it is believe the instant rejection under §112 is improper and the claims rejected on this basis should be allowed to issue.

Claim 15 has been rejected in the Office Action in that it recites the steps of "authenticate with said handheld computing device...(ii) only if the user is able to authenticate...(iiii) if the user is unable to authenticate" wherein reference is made to ¶[0084] which describes "optional authentication of users". Applicant further cites to the Provisional Application (USSN 60/404,491), Appendix 2 (pg. 24) which additionally recites "[u]ser authentication based on encrypted user name and password." Additionally, Appendix 3 of the Provisional Application recites "4. A remote user, upon successfully login, receives a set of small cryptic instructions transferred to the PDA." Accordingly, the Applicant's disclosure recites that the user authenticates with a user name and password and upon successful login receives a small set of instructions. Applicant submits that a person having ordinary skill in the art would readily understand that if login is unsuccessful (the user is unable to authenticate with the handheld computing device) that no further action would be taken. Accordingly, Applicant submits that support for the recitation of claim 15 can be found in Applicant's disclosure. Reconsideration and allowance of claim 15 is respectfully requested.

The Office Action further rejects claim 22 in that it recites the steps of "determining at least one parameter value based on said current location". The Office Action cites to ¶[0070] which describes "handheld computer is equipped with GPS receiver." Applicant has canceled claims 22 and 23 without prejudice by way of this Amendment and Response. Accordingly, the rejection of claim 22 is moot.

Claims 7-11, 18, 26 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In light of the above amendments, reconsideration of claims 7-11, 18, and 26 is respectfully requested.

Claims 7 and 8 are rejected as reciting "making available on **the Web**" as lacking sufficient antecedent basis for this limitation in the claim. Claim 7 has been amended to recite "[a] method for collecting survey data from a user and making responses available on the Web, comprising". Accordingly, sufficient antecedent basis is provided for the term "the Web" in claims 7 and 8.

Claims 9-11 are rejected as reciting the term "site" which it is asserted in the Office Action to be unclear and indefinite. Applicant has replaced the term "site" with the term "location". Applicant's amendment to claims 9-11 makes it clear that the word "site" recited therein refers to a location and not a website.

With regard to claim 18 which is rejected in the Office Action for reciting "the Internet", Applicant has replaced the term "the Internet" with "a global computer network." Support for this amendment can be found in Applicant's ¶[0076] and elsewhere.

Claim 26 has been rejected in the Office Action as reciting "(b) forming a visually … user data item so accessed". Claim 26 has been amended herein to delete the term "so accessed."

In light of the above-identified amendments to claims 7-11, 18, and 26, the rejection in the Office Action under 35 U.S.C. §112, second paragraph, is overcome. Reconsideration and allowance of claims 7-11, 18, and 26 is respectfully requested.

Claim Rejections - 35 USC § 103

Claims 1-7, 9-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,704,029 issued to Wright, Jr. (hereinafter the "Wright Reference") in view of U.S. Patent 6,584,464 issued to Warthen (hereinafter the "Warthen Reference") in view of U.S. Publication 2002/0007303 issued to Brookler, et al. (hereinafter the "Brookler Reference"). Reconsideration of claims 1-7, and 9-11 is respectfully requested.

Applicant's claim 1 recites "(b) tokenizing said questionnaire; thereby producing a plurality of tokens representing said questionnaire." Claim 9 has been amended herein to recite "(a) creating a tokenized questionnaire at a first location at a first computer located at a second location."

Applicant agrees with the Office Action in that Wright does not explicitly teach tokenizing a questionnaire. Applicant disagrees however, with the Office Action and submits that Wright does not even suggest that the questionnaire is tokenized.

The Office Action, however, asserts that the Warthen Reference explicitly teaches "the known art of tokenizing (Abstract)". Applicant respectfully disagrees. Although the Warthen References uses the word "tokenizing" (abstract and elsewhere), this term is used in a substantially different manner than in Applicant's claim 1 and 9.

With regard to the Warthen Reference, column 5, lines 28-30 read "Tokenizer **150** converts the initial user query into a list of words and provides the list to parser **155**." Then in the abstract Warthen reads:

> In some systems, the question processor includes a tokenizer for tokenizing the initial user query into a list of words, a parser for generating a syntactic structure from the list of words, a normalizer for reducing the syntactic structure to a canonical syntactic structure, and a matcher for matching the canonical syntactic structure against a semantic network to obtain a weighted list of well-formed questions representative of possible semantic meanings for the initial user query.

Thus in the Warthen Reference, the term "tokenizing" merely means to take a search query which has been entered into a computer program and convert it into a list of words. That is all that the Warthen Reference teaches regarding tokenizing. A syntactic structure is derived from the list of words which is in turn reformed into canonical forms by replacing synonyms with a canonical term (Col. 5, lines 45-47). The canonical structure is then matched against a semantic network to obtain well-formed questions which are representative of the possible meanings for the initial user query.

In contrast, tokenizing is much different pursuant to Applicant's disclosure and specifically ¶¶[0054] and [0055] which reads:

> **[0054]** As the client creates a list of questions, symbols from a tool bar may be used to control conditional branching based on the user's response. As the client enters questions and selects response types, server **24** builds a stack of questions and responses, and assigns indices, or tokens, which point to each question or response. Each token preferably corresponds to a logical, mathematical, or branching operation and is preferably selected and made a part of the questionnaire through a graphical user interface. By this mechanism, a user is able to create a series of questions, the precise nature of which is dependent on the user's

> responses. For example, the questionnaire designer might desire to create a form that asks the user different questions; depending on whether the user was male or female. In order to do this, the designer would enter the questions ("Are you a man or woman?"); select a response (a "pop up" list of two entries male and female); select a token (branch if "male"); assign that token to this question; and, specify an "end" location for the "branch" (i.e., the first question asked of "males").
>
> **[0055]** When the questionnaire **40** is complete, server **24** sends the stack of questions and defined responses to the appropriate handheld devices, as represented by handheld **28**, via the loosely networked connection **34**. In addition, server **24** sends the operating logic for that questionnaire, which is simply a list of tokens which point to the questions and responses to each question as well as tokens for program control or math operations. As will be apparent to those skilled in the art, if a question or response is repeated within the questionnaire, only a pointer need be repeated in the program list, not the entire question.

Thus, pursuant to Applicant's claims 1 and 9, a plurality of tokens are transmitted to the remote computing device and at least a portion of them are executed. Those tokens are executed by the remote device to create a questionnaire. A token of Applicant's claims 1 and 9 is not a list of words as defined by the Warthen Reference. As a result the Warthen Reference does not teach tokenizing as recited in Applicant's claims 1 and 9.

Additionally, and significantly, claim 1 recites "(d) executing at least a portion of said plurality of tokens representing said questionnaire at said remote computing device…" As stated above, at least a portion of the tokens are commands instructions and those instructions are executed by the remote computer. Neither the Wright Reference, Warthen Reference, nor the Brookler Reference teach or suggest executing the tokens at the remote computer.

In sum it would not have been obvious to one having ordinary skill in the art at the time of the Applicant's invention to modify the Wright Reference with the Warthen and Brookler

References as asserted in the Office Action to arrive at the method of Applicant's claims 1 and 9. As a result the rejection in the Office Action of claims 1 and 9 under 35 U.S.C. §103(a) is overcome. Reconsideration and allowance of claims 1 and 9 is respectfully requested.

Claims 2-7 depend from claim 9 and are allowable at least for the reasons set forth with regard to claim 1. Reconsideration and allowance of claims 2-7 is respectfully requested.

Claims 10-11 depend from claim 9 and are allowable at least for the reasons set forth above with regard to claim 9. Reconsideration and allowance of claims 10-11 is respectfully requested.

Claim 8 is rejected in the Office Action under 35 U.S.C. §103(a) as being unpatentable over the Wright Reference in view of the Warthen Reference, in view of the Brookler Reference in view of U.S. Publication 2001/0056374 issued to Joao (hereinafter the "Joao Reference"). Claim 8 depends from claim 1 and is allowable at least for the reasons set forth above with regard to claim 1. Reconsideration and allowance of claim 8 is respectfully requested.

Claims 12-14, 16-18, 24, 25, 28-31 are rejected in the Office Action under 35 U.S.C. §103(a) as being unpatentable over the Wright Reference, in view of the Warthen Reference, in view of the Brookler Reference, in view of U.S. Patent 6,477,373 issued to Rappaport et al. (the "Rappaport Reference"). Reconsideration of claims 12-14, 16-18, 24, 25, and 28-31 is respectfully requested.

Applicant's claims 12, 24 and 28 recite "receiving within said handheld computing device a transmission of a tokenized questionnaire". Applicant incorporates herein by reference the remarks set forth above with regard to claims 1 and 9. Specifically, as set forth above, neither the Wright Reference, the Warthen Reference, nor the Brookler Reference teach or

suggest tokenizing. Moreover, the Rappaport Reference also does not teach tokenizing as set forth in Applicant's claims 12, 24 and 28. As a result, and for the reasons set forth above, the rejection of claims 12, 24 and 28 under 35 U.S.C. §103(a) is overcome. Reconsideration and allowance of claims 12, 24 and 28 is respectfully requested.

Claims 29-31 depend from claim 28 and are allowable at least for the reasons set forth above with regard to claim 28. Reconsideration and allowance of claims 29-31 is respectfully requested.

Claims 13, 14, and 16-18 depend from claim 12 and are allowable at least for the reasons set forth above with regard to claim 12. Reconsideration and allowance of claims 13, 14, and 16-18 is respectfully requested.

Claim 25 depends from claim 24 and is allowable at least for the reasons set forth above with regard to claim 24. Reconsideration and allowance of claim 25 is respectfully requested.

Claim 15 is rejected in the Office Action under 35 U.S.C. §103(a) as being unpatentable over the Wright Reference, in view of the Warthen Reference, in view of the Brookler Reference, in view of the Rappaport Reference, in view of U.S. Publication 2002/0137524 issued to Bade, et al. (hereinafter the "Bade Reference"). Claim 15 depends from claim 12 and is allowable at least for the reasons set forth above with regard to claim 15. Reconsideration and allowance of claim 15 is respectfully requested.

Claims 19-23, 26, and 27 are rejected in the Office Action under 35 U.S.C. §103(a) as being unpatentable over the Wright Reference, in view of the Warthen Reference, in view of the Rappaport Reference, in view of U.S. Patent 6,462,708 issued to Tsujimoto, et al. (hereinafter the "Tsujimoto Reference"). Reconsideration of claims 19-23, 26, and 27 is respectfully requested.

Applicant's claims 19 and 26 recite "receiving within said handheld computing device a transmission of a tokenized questionnaire". Applicant incorporates herein by reference the remarks set forth above with regard to claims 1 and 9. Specifically, as set forth above neither the Wright Reference, the Warthen Reference, the Brookler Reference, nor the Rappaport Reference teach or suggest tokenizing. Moreover, the Tsujimoto Reference also does not teach tokenizing as set forth in Applicant's claims 19 and 26. As a result, and for the reasons set forth above, the rejection of claims 19 and 26 under 35 U.S.C. §103(a) is overcome. Reconsideration and allowance of claims 19 and 26 is respectfully requested.

Claims 20-21 depend from claim 19 and are allowable at least for the reasons set forth above with regard to claim 19. Claims 22 and 23 have been canceled herein. Reconsideration and allowance of claims 20 and 21 is respectfully requested.

Claim 27 depends from claim 26 and is allowable at least for the reasons set forth above with regard to claim 26. Reconsideration and allowance of claim 27 is respectfully requested.

Claim Rejections - 35 USC § 102

Claims 1 and 5 are rejected in the Office Action under 35 U.S.C. §102(e) as being anticipated by Lew, et al., U.S. Publication No. 2004/0210472 (hereinafter the "Lew Reference").

It is said on page 22 of the Office Action that, with respect to Claim 1, the Lew Reference teaches a method for managing data that includes the steps of:

(a) creating a questionnaire [= survey] comprising a series of questions [paragraphs 0005-0009];

(b) tokenizing said questionnaire [= encrypted survey information, paragraph 0013]; thereby producing a plurality of tokens representing said questionnaire [paragraphs 0005-0009];

(c) transmitting said plurality of tokens to a remote computing device [= the survey transmitter may transmit to the remote responding device in either a wired or a wireless manner, paragraph 0053];

(d) executing at least a portion of said plurality of tokens representing said questionnaire at said remote computing device to collect a response [= feedback] from a user [= feed back from a user, paragraph 0036];

(e) transmitting at least a portion of said response from the user to a server [= a central facility] via a network [paragraph 0050]; and

(f) storing said response at said server [= all feedback is transmitted to the central facility, S6100 of Fig. 2 and paragraph 0048].

With respect to claim 5, it is said that Lew further teaches wherein the transmission of said tokens in step (c) occurs via the network of step (e).

Applicant respectfully disagrees that claims 1 and 5 of the instant application are anticipated by the Lew Reference. Specifically, Applicant believes that the Lew Reference fails to teach or suggest at least Applicant's steps of tokenizing said questionnaire and/or executing at least a portion of the plurality of tokens to collect a response from a user.

However, assuming only for purposes of argument that the Lew Reference does indeed teach or suggest each and every step of Applicant's claimed invention as set out in claim **1**, Applicant has previously offered, pursuant to 37 C.F.R. §1.131, the Inventor's Declaration that

was attached to the Amendment and Response dated September 16, 2011 as Exhibit A, incorporated fully herein by reference, which declaration establishes conception of the instant invention prior to the earliest claimed priority date of the Lew Reference and at least as early as January 1, 2002. However, in the Office Action it is asserted that the evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Lew Reference to either a constructive reduction to practice or actual reduction to practice. Specifically, the issue appears to relate to Exhibit B which portends in the Declaration to be a schedule and percentage of time employees spent on programming. Applicant submits that the Exhibit attached to the declaration was the wrong Exhibit B. Applicant submits herein as Exhibit A the inventor's declaration of prior invention under 37 C.F.R. §1.131. The declaration attached hereto includes a correct Exhibit B which supports the table set forth in paragraph 8 of the declaration. As set forth in paragraphs 8 and 9 of the declaration supported by Exhibit B, between January 1, 2002 and August 2002 approximately 3,990 hours were spent by the inventor and others under the direction of the inventor diligently and without interruption on the (anyforms) invention which was the subject matter of the provisional patent application (USSN 60/404,491) which was filed on August 19, 2002, the date which the present application ultimately claims benefit.

Applicant additionally submitted pursuant to 37 §CFR 1.131 and attached as Exhibit B, to the previous amendment and response dated September 16, 2011 a document entitled "*Bama Companies, Inc. Field Service Survey Application Technical Design*" that is dated August 30, 2001 (hereinafter referred to as the "Technical Design") to provide further evidence regarding

Applicant's conception of the invention as set forth in the claims, attached as Exhibit B to the previous one and incorporated herein fully by reference.

It should be noted that Exhibit A and the correct Exhibit B have been previously presented to the Examiner in papers filed by the Applicant on September 24, 2007, and April 30, 2008, respectively, with Exhibit B being provided at the request of the Examiner to further establish Applicant's claim to priority. Additionally, the Examiner found Applicant's arguments in this regard persuasive as indicated in the Office Action.

As set forth in Applicant's amendment and response dated September 16, 2011, all of the steps of the method of at least Applicant's claim 1 can be found in the technical design document attached as Exhibit B to the previous amendment and response and incorporated fully herein. The Exhibit B attached hereto, as stated above, establishes diligence from a date prior to the date of reduction of practice of the Lew Reference, January 1, 2002 to Applicant's constructive reduction to practice date, the filing date of the provisional patent application on August 19, 2002.

Accordingly, taken all together, Exhibits A and B attached to the Applicant's Amendment and Response dated September 16, 2011 coupled with Exhibits A and B attached hereto inclusively establish Applicant's conception at least as early as January 1, 2002 and diligence from that date until the filing of the instant application. Lew was published on October 21, 2004 from an application filed on July 24, 2003 claiming priority to a provisional application filed on July 25, 2002. Further, Lew does not claim the same subject matter as that claimed by Applicant. As stated previously, the claims of the Lew Reference do not recite "tokenizing said questionnaire", as is required by claims 1 and 5 of the instant application. As a consequence, and

for at least this reason, these claims do not claim the same patentable invention as Lew. MPEP 715.

Still further, Lew, a pending application, published during the pendency of the instant application — i.e., Lew published in October of 2004, and the instant application was filed in August of 2003 claiming the benefit of an August of 2002 provisional application. Thus, Applicant is not barred by Lew's published patent under 35 USC 102(b).

In sum, by virtue of the Declaration attached to the Applicant's Amendment and Response dated September 16, 2011, incorporated herein by reference, and the enclosed Declaration under Rule 1.131 and other evidence, the Lew Reference has been removed as a prior-art reference with respect to the subject matter of the instant application. Reconsideration and allowance of claim 1 is respectfully requested.

Additionally, and for at least the reasons set out above, Applicant respectfully requests reconsideration and allowance of claims 5 and 7 which both depend from claim 1 and have been rejected based on the same reference.

Claim 7 is rejected in the Office Action under 35 U.S.C. §102(e) as being anticipated by Sendowski, et al., U.S. Publication No. 2003/0198934 (hereinafter the "Sendowski Reference"). Reconsideration of claim **7** is respectfully requested.

Applicant's previous demonstration has additionally removed the Sendowski Reference at least with respect to these claims. Sendowski was filed March 29, 2002 and published October 23, 2003. However, the Applicant has conclusively demonstrated in the Declaration attached as Exhibit A to the Amendment and Response dated September 16, 2011 and the Technical Design document attached as Exhibit B as set forth above and incorporated herein

fully by reference, that he conceived at least as early as January 1, 2002, and pursuant to the Declaration attached as Exhibit A hereto with its attachment Exhibit B that he exercised due diligence from at least the date of conception until the instant application was filed on August 19, 2003, claiming priority from a United States Provisional patent application filed August 19, 2002.

In addition, Sendowski does not claim the same invention as that claimed by the Applicant. Each pending claim (1-51) of the Sendowski Reference requires a "branch script object", whereas the claims of the instant application do not include such an element. As a consequence, at least Claim 7 does not claim the same patentable invention as that claimed by the Sendowski Reference.

Further, Sendowski, a pending application, published during the pendency of the instant application — i.e., Sendowski was published in October of 2003, and the instant application was filed in August of 2003 claiming the benefit of August of 2002. Thus, Applicant is not barred by Sendowski's published patent under 35 USC 102(b).

As a consequence, by virtue of the Declarations and submissions under Rule 1.131, set forth above, the Sendowski Reference has been removed as a prior-art reference with respect to the subject matter of the instant application, and rejection based on this reference for any reason is improper. Thus, Sendowski is traversed and claim 7 should be allowed to issue, which is respectfully requested.

Claim Rejections - 35 USC § 103

Claims 2-4, 6, and 9-11 are rejected in the Office Action under 35 U.S.C. 103(a) as being unpatentable over the Lew Reference as applied in claim **1** above, in view of the Sendowski

Reference. Claims 2-4 and 6 depend from claim 1 and are allowable at least for the reasons set forth above with regard to claim 1. Reconsideration and allowance of claims 2-4 and 6 is respectfully requested.

Applicant notes that the foregoing has established a claim 1 conception date at least as early as January 1, 2002, and diligence at least from that date until the instant filing date. As a consequence, Lew has been removed as a reference at least with respect to claims 2-4 and 6.

Further, Applicant's previous demonstration has additionally removed Sendowski as a reference at least with respect to these claims. Sendowski was filed March 29, 2002 and published October 23, 2003. However, the Applicant has conclusively demonstrated in his attached Declaration that he conceived at least as early as January 1, 2002, and that he exercised due diligence from at least the date of conception until the instant application was filed on August 19, 2003, claiming priority from a United States Provisional patent application filed August 19, 2002. Further, Sendowski does not claim the same invention as that claimed by the Applicant. Each pending claim (1-51) of the Sendowski reference requires a "branch script object", whereas the claims of the instant application do not include such an element. As a consequence, at least Applicant's claims 2-4 do not claim the same patentable invention as that claimed by Sendowski.

Still further, Sendowski, a pending application, published during the pendency of the instant application — i.e., Sendowski was published in October of 2003, and the instant application was filed in August of 2003 claiming the benefit of August of 2002. Thus, Applicant is not barred by Sendowski's published patent under 35 USC 102(b).

As a consequence, by virtue of the Declarations and submissions under Rule 1.131, set forth above, the Sendowski Reference has been removed as a prior-art reference with respect to the subject matter of the instant application, and rejection based on this reference for any reason is improper. Thus, Sendowski is traversed and claims 2-4 and 6 should be allowed to issue, which is respectfully requested.

With respect to Claims 9-11 as-amended, it is believed that Applicant's Declaration attached hereto, including the correct Exhibit B as well as the attachment B to the Amendment and Response dated September 16, 2011 incorporated herein fully by reference have established a conception date for claim **9** that predates both Lew and Sendowski coupled with the requisite diligence to Applicant's filing date on August 19, 2003, claiming priority from the United States Provisional Patent Application filed August 19, 2002.

Further, neither Lew nor Sendowski claim the same invention as that claimed by the Applicant. Each pending claim (1-51) of the Sendowski reference requires a "branch script object", whereas the claims of the instant application do not include such an element. As a consequence, at least Applicant's claims 9-11 do not claim the same patentable invention as that claimed by Sendowski.

As stated previously, the claims of the Lew reference do not teach or suggest modifying a questionnaire with incremental changes as is required by claims 9-11 of the instant application. As a consequence, and for at least this reason, Applicant's claims 9-11 do not claim the same patentable invention as Lew.

Still further, neither Sendowski, nor Lew bar Applicant's claims under 35 U.S.C. §102(b) as has been discussed previously.

As a consequence, by virtue of the enclosed Declaration under Rule 1.131, Sendowski and/or Lew have been removed as prior-art references with respect to the subject matter of the instant application and rejection based on this reference for any reason is improper. Thus, Sendowski is traversed and claims 9-11 should be allowed to issue, which is respectfully requested.

The Examiner has additionally rejected claim 8 as being unpatentable over Sendowski as applied to Claim 7 and in view of Joao, US Pat. Pub. 2001/0056374. It is said that Sendowski does not explicitly show assessing a charge for each transferred response received by the central computer, but Joao does.

Claim 8 depends from claim 7 from which, as Applicant has already established, Sendowski has been removed as a reference.

Thus, claim 8 depends from a claim believed to be allowable and, as such, should similarly be allowed. Thus, reconsideration and allowance of claim 8 is respectfully requested.

Conclusion

This paper is intended to constitute a complete response to the Examiner's Office Action mailed September 20, 2012. Please contact the undersigned if it appears that a portion of this response is missing or if there remain any additional matters to resolve. If the Examiner feels that processing of the application can be expedited in any respect by a personal conference, please consider this an invitation to contact the undersigned by phone.

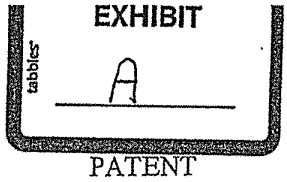
Respectfully submitted,

Date: December 28, 2012

Scott R. Zingerman, Reg. No. 35422

Fellers, Snider, Blankenship, Bailey & Tippens
321 S. Boston Ave., Suite 800
Tulsa, OK 74103-3318
Attorneys for Applicant(s)
Tel.: 918-599-0621
Fax: 918-583-9659
Customer No. 22206

#21001-v1



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	J. David PAYNE
Serial No.:	10/643,516
Filed:	08/19/2003
Confirmation No.:	4504
Title:	System and Method for Data Management
Art Unit:	2151
Examiner:	Nghi V. Tran

DECLARATION OF PRIOR INVENTION IN THE UNITED STATES TO OVERCOME CITED PATENTS UNDER 37 CFR 1.131

I, J. DAVID PAYNE, declare concerning the subject matter claimed in the above-identified application that:

1. I conceived and invented the entire subject matter of the above-identified patent application.

2. All of the acts of invention described herein took place in the United States.

3. Prior to January 1, 2002, I conceived the idea of a system and method for the management of data collected from a remote computing device wherein a questionnaire which may be represented by a plurality of tokens is transmitted to the remote computing device; the questionnaire is then executed by the remote computing device and at least a portion of the response(s) to the questionnaire is/are transmitted to a network which may be a loosely networked computer.

4. As is set out in more detail below, subsequent to January 1, 2002, I and others under my direction worked diligently to further reduce to practice and improve various

embodiments of this invention until the filing of my provisional patent application on August 19, 2002.

5. Prior to January 1, 2002 and at least until August 19, 2002, I was President of Macrosolve, Inc. ("Macrosolve"), the assignee of the present patent application.

6. Beginning in January 2002, Macrosolve moved to a larger facility to accommodate the hiring of additional employees, and specifically computer programmers, primarily for the purpose of writing code for my invention which was internally named "anyforms."

7. Macrosolve, Inc. kept track of the percentage of time each computer programmer and other related employees dedicated to projects within the company in the relevant time period. Schedules, with employee names redacted, including the percentage of time devoted by each such employee between January 1, 2002 and July 31, 2002, is attached hereto as Exhibit B.

8. Based on Exhibit B, the table below shows number of employees working on the "anyforms" project and the average percentage of each employee's time devoted to the "anyforms" project for the month indicated. The column on the right shows a calculation of the approximate total number of person hours spent on the "anyforms" project by month (assuming 4 weeks of 40 total hours per week).

MONTH	NO. OF EMPLOYEES WORKING ON THE "ANYFORMS" PROJECT	AVERAGE PERCENTAGE OF EACH EMPLOYEE'S TIME	TOTAL HOURS DEVOTED TO "ANYFORMS"
Jan. 2002	6	8	80
Feb. 2002	6	12	120
Mar. 2002	6	18	170
Apr. 2002	7	38	430
May 2002	7	76	850
June 2002	9	83	1190
July 2002	9	80	1150
		TOTAL	3990

9. Accordingly, between January 1, 2002 and August 2002, approximately 3990 hours were spent by me, and others under my direction, diligently and without interruption on the "anyforms" invention which was the subject matter of the provisional patent application (USSN 60/404,491) filed on August 19, 2002, the date from which the present application claims benefit.

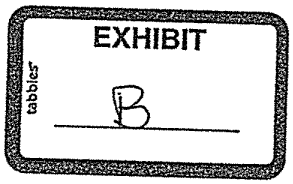
Declaration

I hereby declare that all statements made herein of my own knowledge are true and that statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that willful, false statements may jeopardize the validity of this application or any patent issuing therefrom.

Date: 8.17.07

J. DAVID PAYNE

#412571 v1



Employee 1

	anyforms	anycollect	Project En	Consulting	Support	Hardware	Royalty	MSI	TOTAL
January-02	10	15	5					70	100
February-02	15	55	5					25	100
March-02	20	75	3					2	100
April-02	50	49						1	100
May-02	100								100
June-02	100								100
July-02	100								100

Employee 2

	anyforms	anycollect	Project En	Consulting	Support	Hardware	Royalty	MSI	TOTAL
January-02	5	5	10					80	100
February-02	20	10	10					60	100
March-02	35	50						15	100
April-02	75		10					15	100
May-02	100								100
June-02	100								100
July-02	100								100

Employee 3

	anyforms	anycollect	Project En	Consulting	Support	Hardware	Royalty	MSI	TOTAL	
January-02	10	25	5	5					55	100
February-02	10	40	10						40	100
March-02	20	75							5	100
April-02	30	60	5						5	100
May-02	97	0							3	100
June-02	97	0							3	100
July-02	97	0							3	100

Employee 4

	anyforms	anycollect	Project En	Consulting	Support	Hardware	Royalty	MSI	TOTAL	
January-02		50							50	100
February-02		50							50	100
March-02		50							50	100
April-02	25	25							50	100
May-02	25	25							50	100
June-02	50								50	100
July-02	50								50	100

Employee 5

	anyforms	anycollect	Project En	Consulting	Support	Hardware	Royalty	MSI	TOTAL
January-02	10	10						80	100
February-02	15	30						55	100
March-02	15	75						10	100
April-02	60	30						10	100
May-02	100								100
June-02	100								100
July-02	100								100

Employee 6

	anyforms	anycollect	Project En	Consulting	Support	Hardware	Royalty	MSI	TOTAL
January-02	5	5	60		30				100
February-02	5	10	50		35				100
March-02	10	5	55		30				100
April-02	10	5	60		25				100
May-02	30		50		20				100
June-02	25		50		25				100
July-02	25		50		25				100

Employee 7

August

	anyforms	anycollect	Project En	Consulting	Support	Hardware	Royalty	MSI	TOTAL
January-02									0%
February-02									0%
March-02									0%
April-02									0%
May-02									0%
June-02	100%								100%
July-02	100%								100%

Employee 8

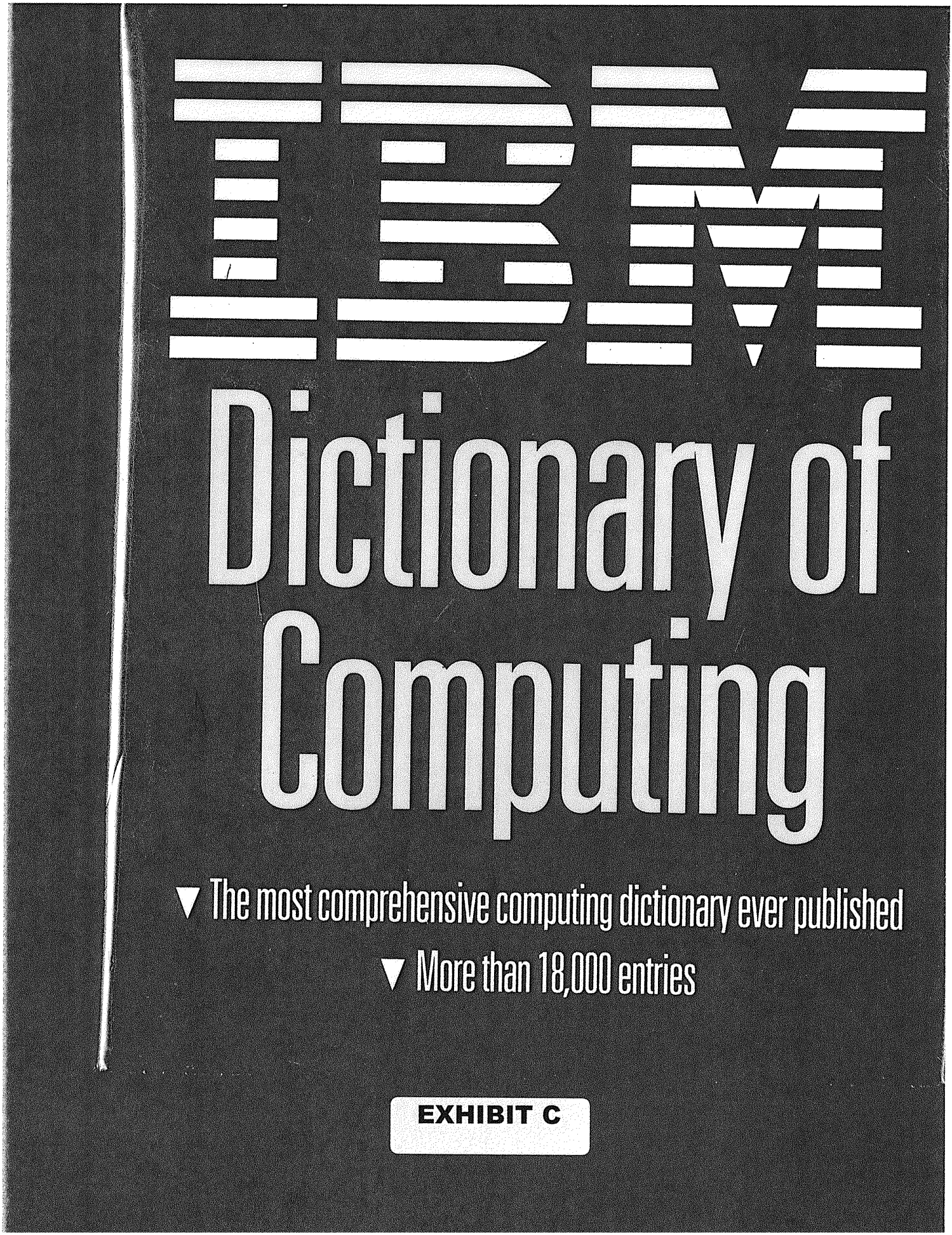
August

	anyforms	anycollect	Project Engagn	Consulting	Support	Hardware	Royalty	MSI	TOTAL
January-02	10%	20%						70%	100%
February-02	10%	20%						70%	100%
March-02	15%	50%						35%	100%
April-02	20%	50%						30%	100%
May-02	80%	5%						15%	100%
June-02	75%							25%	100%
July-02	50%							50%	100%

Employee 9

August

	anyforms	anycollect	Project En(	Consulting	Support	Hardware	Royalty	MSI	TOTAL
January-02									0%
February-02									0%
March-02									0%
April-02									0%
May-02									0%
June-02	100%								100%
July-02	100%								100%


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Dictionary of Computing
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▼ More than 18,000 entries
EXHIBIT C

IBM DICTIONARY OF COMPUTING

Compiled and edited by

GEORGE McDANIEL

McGRAW-HILL, INC.

New York San Francisco Washington, D.C. Auckland Bogotá
Caracas Lisbon London Madrid Mexico City Milan
Montreal New Delhi San Juan Singapore
Sydney Tokyo Toronto

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This is a major revision of the *IBM Dictionary of Computing,* SC20-1699-8, which is made obsolete by this edition. Changes are made periodically to the information provided herein.

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International Edition

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A portion of a physical volume
em as a volume. (2) In the AIX
collection of physical partitions
ical partitions all contained in a
). Logical volumes are expandable
al physical volumes in a volume

Manager In the AIX operating
hat manages disk space at a logical
fixed-disk resources by mapping
al and physical storage, allowing
iguous, span multiple disks, repli-
ally expanded.

n The combination of storage and a
ogram treated as a unit by the 3601
ation Controller.

nputer security, a resident computer
ers the perpetration of an unauthor-
ticular states of the system are real-

unctional design that uses formal
lescription, such as symbolic

evice that performs logic operations.

graphic representation of a logic

) Synonym for gate. (2) See combi-
ment, sequential logic element.

TAM, an error condition that results
equest (a program logic error).

Deprecated term for switching func-

An instruction in which the opera-
s a logic operation. (I) (A)

(1) An operation that follows the
ic logic. (I) (A) (2) An operation
haracter of the result depends only on
ling character of each operand.
Synonymous with logical operation.

ming A method for structuring pro-
of logical rules with predefined algo-
processing of input data to a program
rules of that program. (T)

onym for logical shift.

logic short fault A fault in logic circuitry in which a short circuit exists between logic blocks and that operates as if it were an additional logic block.

Note: The additional logic block can function either as a logic AND or a logic OR.

logic symbol A symbol that represents an operator, function, or functional relationship. (T) (A)

logic test In TPNS, a conditional test on an input or output message, a counter, or other item using the TPNS IF statement. The IF actions can be used to control the message generation process.

logic unit (1) A part of a computer that performs logic operations and related operations. (I) (A) (2) See arithmetic and logic unit.

logic variable Deprecated term for switching variable.

log in (1) To begin a session at a display station. (2) To begin a session with a remote resource. (3) The act of identifying oneself as authorized to use a resource. Often the system requires a user ID and password to check authorization to use the resource. (4) See also log on.

login In the AIX operating system, the act of gaining access to a computer system by entering identification and authentication information at the workstation.

login directory In the AIX operating system, the directory accessed when a user first logs in to the system.

login domain The location for the resources accessed when a user first logs in to a network.

log-initiated checkpoint See simple checkpoint, system scheduled checkpoint.

login name In the AIX operating system, string of characters that uniquely identifies a user to the system.

login session In the AIX operating system, the period of time during which a user of a workstation can communicate with an interactive system, usually the elapsed time between log in and log off.

login shell In the AIX operating system, the shell that is started when a user logs into the computer system. See also shell.

logmode table Synonym for logon mode table.

logo A letter, combination of letters, or symbol that identifies a product or company.

logical volume (1) A portion of a physical volume viewed by the system as a volume. (2) In the AIX operating system, a collection of physical partitions organized into logical partitions all contained in a single volume group. Logical volumes are expandable and can span several physical volumes in a volume group.

Logical Volume Manager In the AIX operating system, a program that manages disk space at a logical level. It controls fixed-disk resources by mapping data between logical and physical storage, allowing data to be discontiguous, span multiple disks, replicated, and dynamically expanded.

logical workstation The combination of storage and a 3601 application program treated as a unit by the 3601 Finance Communication Controller.

logic bomb In computer security, a resident computer program that triggers the perpetration of an unauthorized act when particular states of the system are realized.

logic design A functional design that uses formal methods of description, such as symbolic logic. (T) (A)

logic device A device that performs logic operations. (T) (A)

logic diagram A graphic representation of a logic design. (T) (A)

logic element (1) Synonym for gate. (2) See combinational logic element, sequential logic element.

logic error In VTAM, an error condition that results from an invalid request (a program logic error).

logic function Deprecated term for switching function.

logic instruction An instruction in which the operation part specifies a logic operation. (I) (A)

logic operation (1) An operation that follows the rules of symbolic logic. (I) (A) (2) An operation in which each character of the result depends only on the corresponding character of each operand. (I) (A) (3) Synonymous with logical operation.

logic programming A method for structuring programs as sets of logical rules with predefined algorithms for the processing of input data to a program according to the rules of that program. (T)

logic shift Synonym for logical shift.

logic short fault A fault in logic circuitry in which a short circuit exists between logic blocks and that operates as if it were an additional logic block.

Note: The additional logic block can function either as a logic AND or a logic OR.

logic symbol A symbol that represents an operator, function, or functional relationship. (T) (A)

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login shell In the AIX operating system, the shell that is started when a user logs into the computer system. See also shell.

logmode table Synonym for logon mode table.

logo A letter, combination of letters, or symbol that identifies a product or company.

log off (1) To end a session. Synonymous with log out. (T) (2) To request that a session be terminated. (3) See also sign-off.

logoff (1) The procedure by which a user ends a terminal session. (2) In VTAM, an unformatted session-termination request.

log on (1) To initiate a session. Synonymous with log in. (T) (2) In SNA products, to initiate a session between an application program and a logical unit (LU). (3) See also log in, sign-on.

logon (1) The procedure by which a user begins a terminal session. (2) In VTAM, an unformatted session-initiation request for a session between two logical units.

logon data (1) In VTAM, the user data portion of a field-formatted or unformatted session-initiation request. (2) In VTAM, the entire logon sequence or message from an LU. Synonymous with logon message.

logon-interpret routine In VTAM, an installation exit routine, associated with an interpret table entry, that translates logon information. It may also verify the logon.

logon message Synonym for logon data.

logon mode In VTAM, a subset of session parameters specified in a logon mode table for communication with a logical unit. See also session parameters.

logon mode table (1) In VTAM, a set of entries for one or more logon modes. Each logon mode is identified by a logon mode name. (2) In DPPX, a table in which each entry defines the characteristics of a session between two logical units.

logon request See logon.

logo screen On a personal computer, a hello screen that identifies the name and owner of an application software product.

log out Synonym for log off. (T)

logo window In SAA Advanced Common User Access architecture, a modal dialog box containing the application copyright notice and other information that identifies the application.

log tape write ahead (LTWA) In IMS/VS, an option that ensures that a database log record for a data change is written to the system log before the changed data are written to the database.

logtype entry In ACF/TCAM, a terminal-table entry associated with a queue on which complete messages reside while awaiting transfer to the logging medium. A logtype entry is not needed if message segments are only to be logged. See also cascade entry, group entry, line entry, process entry, single entry.

log write-ahead (LWA) In IMS/VS, the process of writing records of completed operations to the write-ahead data set before entering them in the online log data set.

long (1) In the AIX object data manager, a terminal descriptor type used to define a variable as a signed 4-byte number. See also terminal descriptor. (2) A signed 4-byte number.

long comment In the AS/400 system, up to a full-screen description of a field, record format, or file. Long comments are typed when the field, record format, or file is created or changed, and displayed either from IDDU or Query.

long constant In the AIX operating system, a 4-byte integer constant followed by the letter "l" or "L."

long format In binary floating-point storage formats, the 64-bit representation of a binary floating-point number, not-a-number, or infinity. Contrast with short format.

longitudinal magnetic recording A technique of magnetic recording in which magnetic polarities representing data is aligned along the length of the recording track. (T)

longitudinal offset loss In waveguide-to-waveguide coupling, synonym for gap loss. (E)

longitudinal parity check (1) A parity check on a row of binary digits that are members of a set forming a matrix; for example, a parity check on the bits of a track in a block on a magnetic tape. (T) (2) A system of error checking performed at the receiving station after a block check character has been accumulated. (3) See also transverse parity check. (4) Synonymous with longitudinal redundancy check.

longitudinal redundancy check (LRC) Synonym for longitudinal parity check.

longitudinal redundancy check character On a magnetic tape where each character is represented in a lateral row of bits, a character used for checking the parity of each track in the longitudinal direction. Such a character is usually the last character recorded in each block and is used in some magnetic recording systems to reestablish the initial recording status. (A)

long lens In photography, a telephoto lens.

service virtual machine In the VM/XA Migration Aid, a virtual machine that provides system services. These services include accounting, error recording, and services provided by licensed programs.

servo See servomechanism.

servo mark A standard mark printed below the print contrast mark. It is used by the printer to position the optical-mark-sensor head over the print contrast mark.

servomechanism (1) An automatic device that uses feedback to govern the physical position of an element. (A) (2) A feedback control system in which at least one of the system signals represents mechanical motion. (A)

SESSEND Session ended.

SESSER Session serialization.

session (1) In network architecture, for the purpose of data communication between functional units, all the activities which take place during the establishment, maintenance, and release of the connection. (T) (2) A logical connection between two network accessible units (NAUs) that can be activated, tailored to provide various protocols, and deactivated, as requested. Each session is uniquely identified in a transmission header (TH) accompanying any transmissions exchanged during the session. (3) The period of time during which a user of a terminal can communicate with an interactive system, usually, elapsed time between logon and logoff. (4) The activity of all tasks within a single System/38 RJEF subsystem communicating with a single host system. (5) In remote communications, a period of communication with a remote system or host system. (6) In the AS/400 system, the length of time that starts when a user signs on at a display station and ends when the user signs off. (7) In the AS/400 system with finance communications, a logical connection by which an AS/400 system communicates with a finance controller. (8) In the AS/400 system with RJE, the activity of all tasks within a single AS/400 system communicating with a single host system. (9) In the AS/400 system with 3270 emulation, the activity that occurs on the communications line between the time that the user enters the command to start emulation and the time the user ends the emulation job.

session activation In SNA, the process of exchanging a session activation request and a positive response between network addressable units (NAUs). See also LU-LU session initiation. Contrast with session deactivation.

session activation request In SNA, a request that activates a session between two network addressable units (NAUs) and specifies session parameters that control various protocols during session activity; for example, BIND and ACTPU. Contrast with session deactivation request.

session address space In VTAM, an ACB address space or an associated address space in which an OPNDST or OPNSEC macroinstruction is issued to establish a session. See also ACB address space, associated address space.

session awareness (SAW) data Data collected by the NetView program about a session that includes the session type, the names of session partners, and information about the session activation status. It is collected for LU-LU, SSCP-LU, SSCP-PU, and SSCP-SSCP sessions and for non-SNA terminals not supported by NTO. It can be displayed in various forms, such as most recent sessions lists.

SESSIONC indicators In VTAM, indicators that can be sent from one node to another without using SEND or RECEIVE macroinstructions; for example, SDT, clear, and STSN.

session collection The NPM subsystem that collects, monitors, and displays data collected in the host for analysis.

session connector A session-layer component in an APPN network node or in a subarea node boundary or gateway function that connects two stages of a session. Session connectors swap addresses from one address space to another for session-level intermediate routing, segment session message units as needed, and (except for gateway function session connectors) adaptively pace the session traffic in each direction. See also half-session.

session control (SC) In SNA: (a) one of the components of transmission control. Session control is used to purge data flowing in a session after an unrecoverable error occurs, resynchronize the data flow after such an error, and perform cryptographic verification; and (b) an RU category used for requests and responses exchanged between the session control components of a session and for session activation/deactivation requests and responses.

session control block (SCB) In NPM, control blocks in common storage area for session collection.

session control in-bound processing exit A user exit that receives control when certain request units (RUs) are received by VTAM.

session control record The first record in the chain of records in the transaction file of each display station.

Electronic Patent Application Fee Transmittal

Application Number:	12910706
Filing Date:	22-Oct-2010
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Filer:	Scott R. Zingerman/Jamie Robinson
Attorney Docket Number:	71855/10-351

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 1 month with $0 paid	2251	1	75	75

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Statutory or terminal disclaimer	2814	1	80	80
		Total in USD ($)		**155**

Electronic Acknowledgement Receipt	
EFS ID:	14575634
Application Number:	12910706
International Application Number:	
Confirmation Number:	8703
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Customer Number:	22206
Filer:	Scott R. Zingerman/Jamie Robinson
Filer Authorized By:	Scott R. Zingerman
Attorney Docket Number:	71855/10-351
Receipt Date:	28-DEC-2012
Filing Date:	22-OCT-2010
Time Stamp:	12:02:15
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$155
RAM confirmation Number	11475
Deposit Account	060540
Authorized User	ROBINSON, JAMIE A.
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Terminal Disclaimer Filed	SCANNED_TerminalDisclaimer12-28-2012.pdf	108619 27c3576cb5d8807524914ec36e8bef9f0ba67379	no	1
Warnings:					
Information:					
2	Amendment/Req. Reconsideration-After Non-Final Reject	SCANNED_AmendmentAndResponse12-28-2012.pdf	8836390 88cfb71a1cdebb8d06d73568ee8363ed249af490	no	53
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32020 b3f6e380233161d7764b064d908e179e8d26555e	no	2
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PTO/SB/26 (08-11)
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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT	Docket Number (Optional) 71855/10-351

In re Application of: Payne

Application No.: 12/910,706

Filed: 10/22/2010

For: SYSTEM AND METHOD FOR DATA MANAGEMENT

The owner*, MacroSolve, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 7,822,816 as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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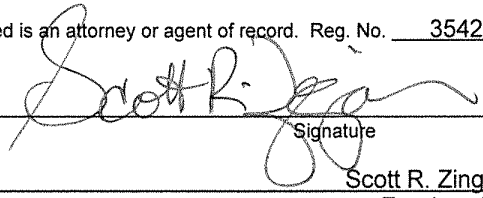
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 35422



Signature — December 28, 2012 (Date)

Scott R. Zingerman
Typed or printed name

918/599-0621
Telephone Number

☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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#21036-v1

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination	
	12/910,706	PAYNE, J. DAVID	

Document Code - DISQ	Internal Document – DO NOT MAIL

TERMINAL DISCLAIMER	☒ APPROVED	☐ DISAPPROVED
Date Filed : 12/28/12	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
Angie Walker

U.S. Patent and Trademark Office

PTO/SB/06 (07-06)
Approved for use through 1/31/2007. OMB 0651-0032
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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number	Filing Date	☐ To be Mailed
12/910,706	10/22/2010	

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY ☒ RATE ($)	SMALL ENTITY ☒ FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =		OR	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =			X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).						
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))							
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT 12/28/2012	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	SMALL ENTITY RATE ($)	SMALL ENTITY ADDITIONAL FEE ($)	OR	OTHER THAN SMALL ENTITY RATE ($)	OTHER THAN SMALL ENTITY ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 29	Minus	** 31	= 0	X $31 =	0	OR	X $ =	
Independent (37 CFR 1.16(h))	* 8	Minus	***8	= 0	X $125 =	0	OR	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	

AMENDMENT	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)	OR	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =		OR	X $ =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =		OR	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))									
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

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Legal Instrument Examiner:
/LINDA HUMES/

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Doc code: IDS
Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (**Not for submission under 37 CFR 1.99)**		
	Application Number	12910706
	Filing Date	2010-10-22
	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	
	Attorney Docket Number	71855/10-351

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
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	First Named Inventor	Payne
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12910706
	Filing Date	2010-10-22
	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	
	Attorney Docket Number	71855/10-351

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

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☐ See attached certification statement.

☐ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☒ A certification statement is not submitted herewith.

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A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/scott r. zingerman/	Date (YYYY-MM-DD)	2013-01-16
Name/Print	Scott R. Zingerman	Registration Number	35422

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7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

Application Number:	12910706
Filing Date:	22-Oct-2010
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Filer:	Scott R. Zingerman/Jamie Robinson
Attorney Docket Number:	71855/10-351

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
		Total in USD ($)		**180**

Electronic Acknowledgement Receipt	
EFS ID:	14717175
Application Number:	12910706
International Application Number:	
Confirmation Number:	8703
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Customer Number:	22206
Filer:	Scott R. Zingerman/Jamie Robinson
Filer Authorized By:	Scott R. Zingerman
Attorney Docket Number:	71855/10-351
Receipt Date:	16-JAN-2013
Filing Date:	22-OCT-2010
Time Stamp:	16:24:17
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$180
RAM confirmation Number	3380
Deposit Account	060540
Authorized User	ROBINSON, JAMIE A.
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	IDS2_01-16-2013.pdf	612147 b90e9b70eca0ccec54b8b7f8774753aa6ba431ee	no	4
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30200 f85fcd1d1080eefd7435f9b2c67249495d270cc5	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	642347		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

<u>New Applications Under 35 U.S.C. 111</u>
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

<u>National Stage of an International Application under 35 U.S.C. 371</u>
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

<u>New International Application Filed with the USPTO as a Receiving Office</u>
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/08a (01-10)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (**Not for submission under 37 CFR 1.99)**		
	Application Number	12910706
	Filing Date	2010-10-22
	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	BACKHEAN TIV
	Attorney Docket Number	71855/10-351

U.S.PATENTS						Remove
Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	5666553		1997-09-09	CROZIER	
	2	5684990		1997-11-04	BOOTHBY	
	3	5842195		1998-11-24	PETERS et al.	
	4	5943676		1999-08-24	BOOTHBY	
	5	6141664		2000-10-31	BOOTHBY	
	6	6151581		2000-11-21	KRAFTSON et al.	
	7	6163811		2000-12-19	PORTER	
	8	6212529	B1	2001-04-03	BOOTHBY et al.	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12910706
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	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	BACKHEAN TIV
	Attorney Docket Number	71855/10-351

	9	6405218	B1	2002-06-11	BOOTHBY	
	10	6421717	B1	2002-07-16	KLOBA et al.	
	11	6826540	B1	2004-11-30	PLANTEC et al.	
	12	7310350	B1	2007-12-18	SHAO et al.	

If you wish to add additional U.S. Patent citation information please click the Add button. Add

U.S.PATENT APPLICATION PUBLICATIONS Remove

Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20010056374	A1	2001-12-27	JOAO	
	2	20020007303	A1	2002-01-17	BROOKLER et al.	
	3	20020107931	A1	2002-08-08	SINGH et al.	
	4	20020143610	A1	2002-10-03	MUNYER	
	5	20020160773	A1	2002-10-31	GRESHAM et al.	

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	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	BACKHEAN TIV
	Attorney Docket Number	71855/10-351

	6	20030093405	A1	2003-05-15	MAYER	
	7	20030126010	A1	2003-07-03	BARNS-SLAVIN	
	8	20030198934	A1	2003-10-23	SENDOWSKI et al.	
	9	20040117244	A1	2004-06-17	SCOTT	
	10	20040210472	A1	2004-10-21	LEW et al.	
	11	20050009465	A1	2005-01-13	ROSS et al.	

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FOREIGN PATENT DOCUMENTS Remove

Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] i	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
	1	WO0184433	WO	A1	2001-11-08	Mobliss, Inc.		☐

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NON-PATENT LITERATURE DOCUMENTS Remove

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12910706
	Filing Date	2010-10-22
	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	BACKHEAN TIV
	Attorney Docket Number	71855/10-351

	1	GIRARDOT, ET AL., "EFFICIENT REPRESENTATION AND STREAMING OF XML CONTENT OVER THE INTERNET MEDIUM", 07/30/2000, Page(s) 67-70, Publisher: MULTIMEDIA AND EXPO 2000 ICME 2000.	☐
	2	PETSAS, ET AL. , "WAP-Based personalised health care services; ", "Proceedings of the 23rd Annual International Conference of the IEEE Engineering in Medicine and Biology Society", 10/25/2001, Page(s) 3536-3539, Volume 1 of 4	☐
	3	ANONYMOUS, "WAP BINARY XML CONTENT FORMAT", 06/24/1999, Page(s) 1-14, Published in: INTERNET DOCUMENT (ONLINE)	☐

If you wish to add additional non-patent literature document citation information please click the Add button Add

EXAMINER SIGNATURE

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12910706
	Filing Date	2010-10-22
	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	BACKHEAN TIV
	Attorney Docket Number	71855/10-351

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☒ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/scott r. zingerman/	Date (YYYY-MM-DD)	2013-02-06
Name/Print	Scott R. Zingerman	Registration Number	35422

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these record s.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

Application Number:	12910706
Filing Date:	22-Oct-2010
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Filer:	Scott R. Zingerman/Jamie Robinson
Attorney Docket Number:	71855/10-351

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
		Total in USD ($)		**180**

Electronic Acknowledgement Receipt	
EFS ID:	14889817
Application Number:	12910706
International Application Number:	
Confirmation Number:	8703
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Customer Number:	22206
Filer:	Scott R. Zingerman/Jamie Robinson
Filer Authorized By:	Scott R. Zingerman
Attorney Docket Number:	71855/10-351
Receipt Date:	06-FEB-2013
Filing Date:	22-OCT-2010
Time Stamp:	14:04:54
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$180
RAM confirmation Number	382
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1	Information Disclosure Statement (IDS) Form (SB08)	IDS3_02-06-2013.pdf	613282 d93167b3168df01573f0ba5e4e64241904cc28e9	no	6
Warnings:					
Information:					
2	Non Patent Literature	GIRARDOT_EfficientRepresentationAndStreaming.pdf	289252 48c71564bc9578e1f44ae8e77d6a848796671264	no	4
Warnings:					
Information:					
3	Non Patent Literature	PETSAS_WAP-BASEDPERSONALISED.pdf	492566 de0d1257089efd41f92c8dd678c4b4b4aa4c1b9d	no	4
Warnings:					
Information:					
4	Non Patent Literature	WAPBinaryXMLContentFormat.pdf	754574 e71670d876a093c5592d956908ac82521a7514be	no	14
Warnings:					
Information:					
5	Fee Worksheet (SB06)	fee-info.pdf	30200 03f4c8fbafd1a57a2ee112dffc3eb306f75b039d	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	2179874		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/08a (01-10)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (**Not for submission under 37 CFR 1.99)**		
	Application Number	12910706
	Filing Date	2010-10-22
	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	BACKHEAN TIV
	Attorney Docket Number	71855/10-351

U.S.PATENTS						Remove
Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	4345315		1982-08-17	CADOTTE et al.	
	2	4603232		1986-07-29	KURLAND et al.	
	3	4926255		1990-05-15	VON KOHORN	
	4	4954699		1990-09-04	COFFEY et al.	
	5	5195183		1993-03-16	MILLER et al.	
	6	5496175		1996-03-05	OYAMA et al.	
	7	5592480		1997-01-07	CARNEY et al.	
	8	5704029		1997-12-30	WRIGHT, JR.	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
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	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	BACKHEAN TIV
	Attorney Docket Number	71855/10-351

	9	5784539		1998-07-21	LENZ	
	10	5813019		1998-09-22	VAN DE VANTER	
	11	5893098		1999-04-06	PETERS et al.	
	12	5896502		1999-04-20	SHIEH et al.	
	13	5913040		1999-06-15	RAKAVY et al.	
	14	6000000		1999-12-07	HAWKINS et al.	
	15	6006274		1999-12-21	HAWKINS et el.	
	16	6034621		2000-03-07	KAUFMAN	
	17	6035324		2000-03-07	CHANG et al.	
	18	6061741		2000-05-09	MURPHY, JR. et al.	
	19	6065059		2000-05-16	SHIEH et al.	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
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	First Named Inventor	Payne
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	Examiner Name	BACKHEAN TIV
	Attorney Docket Number	71855/10-351

	20	6088717		2000-07-11	REED et al.	
	21	6094654		2000-07-25	VAN HUBEN et al.	
	22	6112049		2000-08-29	SONNENFELD	
	23	6154748		2000-11-28	GUPTA et al.	
	24	6157705		2000-12-05	PERRONE	
	25	6183366	B1	2001-02-06	GOLDBERG et al.	
	26	6189029	B1	2001-02-13	FUERST	
	27	6226739	B1	2001-05-01	EAGLE	
	28	6250930	B1	2001-06-26	MINTZ	
	29	6260028	B1	2001-07-10	LEE et al.	
	30	6298347	B1	2001-10-02	WESLEY	

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	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	BACKHEAN TIV
	Attorney Docket Number	71855/10-351

	31	6311190		2001-10-30	BAYER et al.	
	32	6321252	B1	2001-11-20	BHOLA et al.	
	33	6341316	B1	2002-01-22	KLOBA et al.	
	34	6380928	B1	2002-04-30	TODD	
	35	6393434	B1	2002-05-21	HUANG et al.	
	36	6434508	B1	2002-08-13	LIN et at.	
	37	6453329	B1	2002-09-17	DODGEN	
	38	6466956	B1	2002-10-15	CHO et al.	
	39	6502165	B1	2002-12-31	KISHI et al.	
	40	6578054	B1	2003-06-10	HOPMANN et al.	
	41	6618746	B2	2003-09-09	DESAI et al.	

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	Filing Date	2010-10-22
	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	BACKHEAN TIV
	Attorney Docket Number	71855/10-351

	42	6662192	B1	2003-12-09	REBANE	
	43	6792244	B2	2004-09-14	ROSS et al.	
	44	6795828	B2	2004-09-21	RICKETTS	
	45	6873688	B1	2005-03-29	AARNIO	
	46	6880084		2005-04-12	BRITTENHAM et al.	
	47	6968375	B1	2005-11-22	BROWN	
	48	6993495	B2	2006-01-31	SMITH, JR. et al.	
	49	7013285	B1	2006-03-14	REBANC	
	50	7013427	B2	2006-03-14	GRIFFITH	

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Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12910706
	Filing Date	2010-10-22
	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	BACKHEAN TIV
	Attorney Docket Number	71855/10-351

	1					

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Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] i	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
	1	716184	AU		1998-06-04	HENDRICKS et al.		☒
	2	2242874	CA		1997-07-24	PECKOVER		☒
	3	2314513	CA	A1	2001-01-26	BARDY		☒
	4	2387039	CA	A1	2001-04-19	CALLENDER et al.		☒
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	Application Number	12910706
	Filing Date	2010-10-22
	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	BACKHEAN TIV
	Attorney Docket Number	71855/10-351

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	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	BACKHEAN TIV
	Attorney Docket Number	71855/10-351

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	Examiner Name	BACKHEAN TIV
	Attorney Docket Number	71855/10-351

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Signature	/scott r. zingerman/	Date (YYYY-MM-DD)	2013-02-11
Name/Print	Scott R. Zingerman	Registration Number	35422

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Filing Date:	22-Oct-2010
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Filer:	Scott R. Zingerman/Jamie Robinson
Attorney Docket Number:	71855/10-351

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

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Patent-Appeals-and-Interference:				
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Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
		Total in USD ($)		**180**

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EFS ID:	14929576
Application Number:	12910706
International Application Number:	
Confirmation Number:	8703
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Customer Number:	22206
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Receipt Date:	11-FEB-2013
Filing Date:	22-OCT-2010
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	Application Number	12910706
	Filing Date	2010-10-22
	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	BACKHEAN TIV
	Attorney Docket Number	71855/10-351

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	2	7085672	B2	2006-08-01	ISHII et al.	
	3	7349873	B2	2008-03-25	GINSBERG	
	4	7370032	B2	2008-05-06	LEHNERT	
	5	7475339	B2	2009-01-06	HOLLOWAY et al.	
	6	7509499	B2	2009-03-24	von MUELLER et al.	
	7	7539656	B2	2009-05-26	FRATKINA et al.	
	8	6058416		2000-05-02	MUKHERJEE et al.	

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	9	7392308	B2	2008-06-24	AUFRICHT et al.	

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	2	20010049688	A1	2001-12-06	FRATKINA et al.	
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	6	20020029154	A1	2002-03-07	MAJOOR	
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	Attorney Docket Number	71855/10-351

	9	20020119433	A1	2002-08-29	CALLENDER	
	10	20020002482	A1	2002-01-03	THOMAS	
	11	20020035633	A1	2002-03-21	BOSE et al.	
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	13	20020099595	A1	2002-07-25	KELLY et al.	
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	Attorney Docket Number	71855/10-351

	20	20030220831	A1	2003-11-27	SON	
	21	20030088452	A1	2003-05-08	KELLY	
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	1	Clarence C. Gravlee, Mobile Computer-Assisted Personal Interviewing with Handheld Computers: The Entryware System 3.0, vol. 14 Field Methods pp. 322-326 (2002)	☐
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	Attorney Docket Number	71855/10-351

	3	Paul D. Greene, Handheld Computers as Tools for Writing and Managing Field Data, vol. 13 Field Methods pp. 181-197 (2001)	☐
	4	Visor Handheld User Guide, Handspring, Inc. (1999-2Visor Handheld User Guide, Handspring, Inc. (1999-2000)000)	☐
	5	Development Kit for Handspring Handheld Computers – Release 1.0, Handspring, Inc. (1999)	☐
	6	Dave Johnson, Handheld Management Can Be A Handful, InformatioWeek.Com News, 03/26/2001	☐
	7	JTECH and TOUCHPAK Join Forces to Develop New Wireless Technologies for Restaurant Guests and Operators Elected to Suburban Lodges Board, 05/24/2001	☐
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	9	Manish Malik, MDC: A Mobile Data Collection System For Pocket PC (2002)	☐
	10	Daniel Barbara, Mobile Computing and Databases – A Survey, vol.11 IEEE Transactions on Knowledge and Data Engineering (1999)	☐
	11	James Bryan Zimmerman, Mobile Computing: Characteristics, Business Benefits, and the Mobile Framework (1999)	☐
	12	Johnson Dave, Handheld Management Can Be A Handful, Information Week (2001)	☐
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	Attorney Docket Number	71855/10-351

	14	nHand Solutions, Inc. (2000)	☐
	15	Conducting Surveys With Personal Digital Assistants, NRCS – Natural Resources Inventory and Analysis Institute	☐
	16	S.M. Nusser et al., Using Personal Digital Assistants to Collect Survey Data (1996)	☐
	17	Sarah Nusser et al., Web-Based Survey Tools (1998)	☐
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	20	Palm Desktop Software for Mac User's Guide (1995-2001)	☐
	21	Palm OS Programmer's Companion (1996-1999)	☐
	22	Handbook for the Palm VII Handheld (1998-2000)	☐
	23	James Niccolai, Palm VII Goes Wireless, IDG News, 12/02/1998	☐
	24	Neil Rhodes, and Julie McKeehan, Palm Programming: The Developer's Guide (1998)	☐

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	Art Unit	2451
	Examiner Name	BACKHEAN TIV
	Attorney Docket Number	71855/10-351

	25	Handbook for the Palm IIIc Organizer (1998-1999)	☐
	26	PalmPilot Professional Handbook (1997)	☐
	27	David Pogue, PalmPilot: The Ultimate Guide, O'Reilly & Associates, Inc. (1998)	☐
	28	PalmPilot Handbook (1997)	☐
	29	Getting Started with the Palm VII Organizer (1998)	☐
	30	PC World's Enterprise Technology: Real Wireless on the Go (1998-2012)	☐
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	Filing Date	2010-10-22
	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	BACKHEAN TIV
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A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/scott r. zingerman/	Date (YYYY-MM-DD)	2013-02-11
Name/Print	Scott R. Zingerman	Registration Number	35422

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EFS ID:	14931200
Application Number:	12910706
International Application Number:	
Confirmation Number:	8703
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Customer Number:	22206
Filer:	Scott R. Zingerman/Jamie Robinson
Filer Authorized By:	Scott R. Zingerman
Attorney Docket Number:	71855/10-351
Receipt Date:	11-FEB-2013
Filing Date:	22-OCT-2010
Time Stamp:	18:03:36
Application Type:	Utility under 35 USC 111(a)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12910706
	Filing Date	2010-10-22
	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	BACHHEAN TIV
	Attorney Docket Number	71855/10-351

	1	Computing Services – Carnegie Mellon, About Wireless Andrew (2000)	☐
	2	Computing Services – Carnegie Mellon, Wireless Andrew (2000)	☐
	3	Computing Services – Carnegie Mellon Wireless Andrew, Research Partners (2000)	☐
	4	Computing Services – Carnegie Mellon Wireless Andrew, People (2000)	☐
	5	Computing Services – Carnegie Mellon Wireless Andrew, Download the Supported Drivers (2000)	☐
	6	Computing Services – Carnegie Mellon Wireless Andrew, Documentation and Support (2000)	☐
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	8	CatScan – The Scanning-Optimized Database Software for the Palm Computing Platform webpage (2000)	☐
	9	Franklin Chen et al., Using Handheld Devices for Tests in Classes (2000)	☐
	10	ePQA – The e-Commerce PQA Enhancer from Stevens Creek Software – Winner of the Best PQA Award at PalmSource '99 (Palm Developers Conference) webpage	☐
	11	TechTalk Transcript, Wireless Networking Directions with Charles "Chuck" Bartel, Carnegie Mellon University, 10/21/1999	☐

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	Attorney Docket Number	71855/10-351

	12	Alex Hills, Wireless Andrew, vol. 36 IEEE Spectrum (1999)	☐
	13	Alex Hills, TechTalk Transcript - Directions in Wireless Networking, 02/25/1999	☐
	14	Carnegie Mellon Plans Four-Fold Expansion to Its High-Speed Wireless Network (2000)	☐
	15	Rachel K. Sobel, CMU campus makes another advance in the computing world – it goes wireless, PG News 11/29/1999	☐
	16	Mark Houser, CMU to become wireless campus, Tribune Review, 3/9/2001	☐
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	18	Stevens Creek Software – Software for the Palm Computing Platform, 09/06/2012	☐
	19	Take An Order! (1998-2000)	☐
	20	Steven R. Lawson and Robert E. Manning, Evaluating Multiple Dimensions of Visitors' Tradeoffs Between Access and Crowding at Arches National Park Using Indifference Curve Analysis; (Article from the Proceedings of the 2000 Northeastern Recreation Research Symposium, April 2000, U.S. Department of Agriculture, Forest Service, Northeastern Forest Experiment Station)	☐
	21	John Weisberg and Jay Beaman, Effective Survey Automation, Published in Proceedings of the 2000 Northeastern Recreation Research Symposium, April 2000, U.S. Department of Agriculture, Forest Service, Northeastern Forest Experiment Station; (Article from the Proceedings of the 2000 Northeastern Recreation Research Symposium, April 2000, U.S. Department of Agriculture, Forest Service, Northeastern Forest Experiment Station)	☐
	22	Amy L. Sheaffer et al., Weighting Issues in Recreation Research and in Identifying Support for Resource Conservation Management Alternatives; (Article from the Proceedings of the 2000 Northeastern Recreation Research Symposium, April 2000, U.S. Department of Agriculture, Forest Service, Northeastern Forest Experiment Station)	☐

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	23	Kirk Sinclair and Barbara A Knuth, Intervention for the Collaborative Use of Geographic Information Systems by Private Forest Landowners: A Meaning Centered Perspective; (Article from the Proceedings of the 2000 Northeastern Recreation Research Symposium, April 2000, U.S. Department of Agriculture, Forest Service, Northeastern Forest Experiment Station)	☐
	24	Benjamin Wang et al., Estimating Social Carrying Capacity Through Computer Simulation Modeling: An Application to Arches National Park, Utah; (Article from the Proceedings of the 2000 Northeastern Recreation Research Symposium, April 2000, U.S. Department of Agriculture, Forest Service, Northeastern Forest Experiment Station)	☐
	25	Andrew Hill, Jay Beaman, and Joseph O'Leary, Does the Suggestion That Respondents Recall Events Chronologically Significantly Influence the Data Collected?; (Article from the Proceedings of the 2000 Northeastern Recreation Research Symposium, April 2000, U.S. Department of Agriculture, Forest Service, Northeastern Forest Experiment Station)	☐
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	28	Shawn Barnett, Omnisky Minstrel S – The service just gets better and better, Pen Computing (2001)	☐
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	30	Alberto H.F. Laender and Berthier A. Riveiro-Neto, A Brief Survey of Web Data Extraction Tools (June 2002)	☐
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	32	Richard C. Waters, Time Synchronization In Spline, Mitsubishi Electric Research Laboratories, (1996)	☐
	33	Questionnaire Tokenization (encryption systems)	☐

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	Art Unit	2451
	Examiner Name	BACHHEAN TIV
	Attorney Docket Number	71855/10-351

	34	Manish Malik, MDC: A Mobile Data Collection System for Pocket PC, (2002)	☐
	35	Sawako-Eeva Hayashi, Development Of Mobile Tokens Handling Application: Applying The User-Centered Design Approach, (2001)	☐
	36	Karen Brannen, Intelligent Use of Metadata in the Questionnaire Design Process (June 2001)	☐
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	38	Stuart Speedie et al., PDA Support for Outpatient Clinical Clerkships: Mobile Computing for Medical Education, Amia Inc, (2001)	☐
	39	Elske Ammenwerth et al., Mobile information and communication tools in the hospital, vol. 57 International Journal of Medical Informatics, (2000)	☐
	40	Stephen Jenkins and Tony Solomondes, Connecting Bits and Pieces: Context Tokens in Survey Design	☐
	41	M.R. Tribhuwan and Shabana Pirzade, Ensuring Data Storage Security in Cloud Computing through Two-Way Handshake Based on Token Management, IEEE Computer Society (2010)	☐
	42	Robert C. Goldstein and Christian Wagner, Database Management With Sequence Trees And Tokens, vol. 9 IEEE Transactions on Knowledge and Data Engineering (1997)	☐
	43	Paul Lettieri and Mani B. Srivastava, Advances in Wireless Terminals, IEEE Personal Communications (1999)	☐
	44	Christoffer Anderson and Patrik Svensson, Mobile Internet – An industry-wide paradigm shift?, vol. 4 Ericsson Review (1999)	☐

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	Filing Date	2010-10-22
	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	BACHHEAN TIV
	Attorney Docket Number	71855/10-351

	45	Steve Ardagh-Walter, Mobile Data In Transport & Distribution: A Practical Guide For Professional User, vol. 1 Supply Chain Practice (1999)	☐
	46	AvantGo 4.0	☐
	47	Avant Go - Administrator Guide for AvantGo M-Business Server, Version 4.2 (2001)	☐
	48	Peter Brusilovsky and Philip Miller, Course Delivery Systems for the Virtual University (2001)	☐
	49	CSI MobileLink Overview, Business Solutions (2001)	☐

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	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	BACHHEAN TIV
	Attorney Docket Number	71855/10-351

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Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

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☐ See attached certification statement.

☒ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/scott r. zingerman/	Date (YYYY-MM-DD)	2013-02-12
Name/Print	Scott R. Zingerman	Registration Number	35422

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Electronic Patent Application Fee Transmittal

Application Number:	12910706
Filing Date:	22-Oct-2010
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Filer:	Scott R. Zingerman/Jamie Robinson
Attorney Docket Number:	71855/10-351

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
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Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Submission- Information Disclosure Stmt	1806	1	180	180
		Total in USD ($)		**180**

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EFS ID:	14934313
Application Number:	12910706
International Application Number:	
Confirmation Number:	8703
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Customer Number:	22206
Filer:	Scott R. Zingerman/Jamie Robinson
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Attorney Docket Number:	71855/10-351
Receipt Date:	12-FEB-2013
Filing Date:	22-OCT-2010
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Application Type:	Utility under 35 USC 111(a)

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47	Non Patent Literature	AvantGo_AdministratorGuideForAvantGoM-BusinessServer.pdf	17998277 9e3649ac20259189098a298319ec1ac1a51480d4	no	164
Warnings:					
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48	Non Patent Literature	PeterBrusilovskyAndPhilipMiller_CourseDeliverySystems.pdf	8924951 c27585f3192e9665ebb70a4fb4a64ba91c5a167f	no	29
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49	Non Patent Literature	CSIMobileLinkOverview_BusinessSolutions.pdf	2588186 ead7f2a62245eaae4fec711e0b9b842258e56a4f	no	10
Warnings:					
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50	Information Disclosure Statement (IDS) Form (SB08)	IDS6_02-12-2013.pdf	615007 dff2b33bd6237adfc80ab481421e547b46720a50	no	8
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51	Fee Worksheet (SB06)	fee-info.pdf	30200 19d79380dde4df310cfadbf32ecec5b6641d0a0f	no	2
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			Total Files Size (in bytes):	129483091	

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PTO/SB/08a (01-10)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	12910706
Filing Date	2010-10-22
First Named Inventor	Payne
Art Unit	2451
Examiner Name	BACHHEAN TIV
Attorney Docket Number	71855/10-351

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	Filing Date	2010-10-22
	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	BACHHEAN TIV
	Attorney Docket Number	71855/10-351

	1	Casio Soft Launches CSI MobileLink for Merchandising, PR Newswire, 04/01/1999	☐
	2	Casio Soft releases new version of MobileLink mobile enterprise solution, TelecomWorldWire, 01/26/2001Michelle Delio, Casio's Field Force Hardware and Software Solution, CRM News Daily, 06/04/2000	☐
	3	Michelle Delio, Casio's Field Force Hardware and Software Solution, CRM News Daily, 06/04/2000	☐
	4	Wellington Partners invests in leading mobile entertainment provider, 03/11/2002	☐
	5	Michael Coglianese, Mobile Aleph: A System for Distributed Mobile Applications, (2000)	☐
	6	Edith de Leeuw and William Nicholls II, Technological Innovations in Data Collection: Acceptance, Data Quality and Costs' , vol. 1 Sociological Research Online (1996)	☐
	7	Katherine L. Dix and Jonathan Anderson, Distance No Longer a Barrier: Using the internet as a survey tool in educational research, vol. 1 International Education Journal (2000)	☐
	8	Matti Hamalainen et al., Quizcode – A Tool for Online Assessment and Feedback	☐
	9	Eric Knorr, Special Report PC World's Enterprise Technology: Real Wireless on the Go (2012)	☐
	10	Survey Mate – Survey / Quiz Mate v3.5 (1999)	☐
	11	Peggy Salz, Part II: Look Who's Watching (2001)	☐

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12910706
	Filing Date	2010-10-22
	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	BACHHEAN TIV
	Attorney Docket Number	71855/10-351

	12	Vasja Vehovar et al., Web Surveys: Can The Weighting Solve the Problem?	☐
	13	Palm Computing Platform, Web Clipping Developer's Guide (1996-2000)	☐
	14	Michael F. Weeks, Computer-Assisted Survey Information Collection: A Review of CASIC Methods and Their Implications for Survey Operations, vol. 8, Journal of Official Statistics pp. 445-465 (1992)	☐
	15	What Is CSI MobileLink? (no later than July 2001)	☐
	16	William C. Schmidt, World-Wide Web Survey Research Made Easy with WWW Survey Assistant, Software Announcement (1996)	☐
	17	William C. Schmidt, World-Wide Web Survey Research: Benefits, Potential Problems, and Solutions, vol. 29, Research Methods, Instruments & Computers pp. 274-279 (1997)	☐
	18	Techneos.com / Frequently Asked Questions web page (2000)	☐
	19	Techneos.com / Product Index web page (2000)	☐
	20	Techneos.com / Support web page (2000)	☐
	21	John Prager et al., Answering What-Is Questions by Virtual Annotation	☐
	22	Matti Hamalainen, et al., Quizcode – A Tool for Online Assessment and Feedback (2000)	☐

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12910706
	Filing Date	2010-10-22
	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	BACHHEAN TIV
	Attorney Docket Number	71855/10-351

	23	SurveyMate software documentation (1999)	☐
	24	Techneos.com web page (2000)	☐
	25	Zatz – Unplugged Living and Loving The Digital Lifestyle – Using AvantGo.com 3.0, 07/01/1999	☐
	26	Provisional Patent Application No. 60/262,915, filed 01/19/2001; Kevin James Kelly, Survey Methods for Handheld Computers	☐
	27	Provisional Patent Application No. 60/262,916, filed 01/19/2001; Kevin James Kelly, Survey Method for Handling Market Survey With Handheld Computers	☐

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Examiner Signature		Date Considered	

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	Application Number	12910706
	Filing Date	2010-10-22
	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	BACHHEAN TIV
	Attorney Docket Number	71855/10-351

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☒ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

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SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/scott r. zingerman/	Date (YYYY-MM-DD)	2013-02-12
Name/Print	Scott R. Zingerman	Registration Number	35422

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Electronic Acknowledgement Receipt

EFS ID:	14939834
Application Number:	12910706
International Application Number:	
Confirmation Number:	8703
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Customer Number:	22206
Filer:	Scott R. Zingerman/Jamie Robinson
Filer Authorized By:	Scott R. Zingerman
Attorney Docket Number:	71855/10-351
Receipt Date:	12-FEB-2013
Filing Date:	22-OCT-2010
Time Stamp:	15:46:36
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	IDS7-02-12-2013.pdf	613573 7966dd053a6938a37293493c6b1f146e4d93cb0a	no	6

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2	Non Patent Literature	CasioSoftLaunchesCSIMobileLinkForMerchandising.pdf	1339027 f5df9e5b07b4c6ff38006d962bc795d356b79785	no	8
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3	Non Patent Literature	CasioSoftReleasesNewVersionOfMobileLinkMobilEnterpriseSolution.pdf	294124 cd77982fcb6887a382fe839ebedc69467dd0ccb0	no	2
Warnings:					
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4	Non Patent Literature	MichelleDelio_CasiosFieldForceHardwareAndSoftwareSolution.pdf	1338435 63c770669e50fcfac39c113ecc04a1343485f397	no	4
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5	Non Patent Literature	WellingtonPartnersInvestsInLeadingMobileEntertainmentProvider.pdf	285859 e020f0086ef6c45b5c20e32bac778e1251606f0e	no	2
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7	Non Patent Literature	EdithDeLeeuwAndWilliamINichollsII_TechnologicalInnovations.pdf	5206903 9e16d39ffd1a68c71a1f87c718f5a625192b8753	no	21
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8	Non Patent Literature	KatherineLDixAndJonathanAnderson_DistanceNoLongerABarrier.pdf	2591828 79c2f8aa83876f283a5f0e9babfc89e322ea1433	no	11
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12	Non Patent Literature	PeggySalzPartIILookWhosWatching.pdf	652186 e9d1afc20e988159377b41685fc3f7631512a756	no	3
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14	Non Patent Literature	PalmComputingPlatform_WebClippingDevelopersGuide.pdf	12782833 43270b633a4681c1bb4d7ced93db6ac78ff3ec2e	no	91
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15	Non Patent Literature	MichaelFWeeks_ComputerAssistedSurveyInformationCollection.pdf	5681325 e44a3ddb3b82c269b4d5eb6e3799ec97749801fa	no	21
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16	Non Patent Literature	WhatISCSIMobileLink.pdf	1687883 2a7678430c00142c513389a94099a266e9368dd6	no	13
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18	Non Patent Literature	WilliamCSchmidtWold-WideWebSurveyResearchBenefitsPotentialProblems.pdf	1873637 4e7edfb3e2bc3f8439eb129bedc76c8b0dff2aad	no	5
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19	Non Patent Literature	Techneos-com_FrequentlyAskedQuestionsWebPage.pdf	487545 b95c20fb1e08b2ff2d4a34b32257be98bd3063c4	no	3
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Warnings:					
Information:					
22	Non Patent Literature	JohnPragerEtAl_AnsweringWhat-IsQuestionsByVirtualAnnotation.pdf	1438441 ddb216bfa437052e7366a7d9086e13d43cfec5c5	no	5
Warnings:					
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23	Non Patent Literature	MattiHamalainenEtAl_Quizcode_AToolForOnlineAssessment.pdf	785426 3ba94c6f678865da1806fe8c82ac8a7b7b8605e4	no	6
Warnings:					
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24	Non Patent Literature	SurveyMateSoftwareDocumentation.pdf	198404 de30d4d8d0422caa5222131e2927391c16063fe9	no	12
Warnings:					
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25	Non Patent Literature	Techneos-comWebPage.pdf	2218573 f277ecc8bf6fd920b51db6f3560c90464700958f	no	16
Warnings:					
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26	Non Patent Literature	Zatz_UnpluggedLivingAndLovingTheDigitalLifestyle.pdf	499955 7b531ac7bd03e8ea35bf5b557641630084c71dfe	no	4
Warnings:					
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27	Other Reference-Patent or Application Document	ProvisionalPatentApp60262915Filed01-19-2001_KevinJamesKelly.pdf	2786364 820f62813d816e0f2069f243d761b0d4476c6cb6	no	24
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28	Other Reference-Patent or Application Document	ProvisionalPatentApp60262916 Filed01-19-2001_KevinJamesKelly.pdf	2552369 b501cdefe18ced9da0f5fb292db5d3a01af0e5f6	no	21
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New International Application Filed with the USPTO as a Receiving Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/910,706	10/22/2010	J. David Payne	71855/10-351	8703

22206 7590 04/09/2013

FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

EXAMINER	
TIV, BACKHEAN	
ART UNIT	PAPER NUMBER
2451	

MAIL DATE	DELIVERY MODE
04/09/2013	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	12/910,706	PAYNE, J. DAVID	
	Examiner	Art Unit	
	BACKHEAN TIV	2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 December 2012*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) *1-21 and 24-31* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-21,24-31* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/16/13,2/6/13,2/11/13,2/12/13*.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

4) ☐ Other: _____.

DETAILED ACTION

Claims 1-21, 24-31 are pending. Claims 22, 23 were cancelled. This is a response to the Remarks/Amendments filed on 12/28/12. This action is made **FINAL**.

Terminal Disclaimer

The terminal disclaimer filed on 12/28/12 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Information Disclosure Statement

The IDS filed on 1/16/13 is acknowledged and considered.

The IDS filed on 2/6/13, 2/11/13, 2/12/13 are acknowledged but were not considered. See *Requirement for Information* below, and a majority of the NPL and Foreign Patents are not legible.

Requirement for Information

M.P.E.P section 2004 (Aids to Compliance With Duty of Disclosure) recites the following:

> 13. It is desirable to avoid the submission of long lists of documents if it can be avoided. Eliminate clearly irrelevant and marginally pertinent cumulative information. If a long list is submitted, highlight those documents which have been specifically brought to applicant's attention and/or are known to be of most significance. See Penn Yan Boats, Inc. v. Sea Lark Boats, Inc., 359 F. Supp. 948, 175 USPQ 260 (S.D. Fla. 1972), aff 'd, 479 F.2d 1338, 178 USPQ 577 (5th Cir. 1973), cert. denied, 414 U.S. 874 (1974). But cf. Molins PLC v. Textron Inc., 48 F.3d 1172, 33 USPQ2d 1823 (Fed. Cir. 1995).

It is noted that the IDS of 2/6/13, 2/11/13, 2/12/13 represents multiple *thousands* of pages of highly technical disclosure, which meets the test of a "long list". Therefore, the determination of whether or not references are material to the patentability appears to be an issue.

In the course of examining or treating a matter in a pending or abandoned application filed under 35 U.S.C. **111** or **371** (including a reissue application), in a patent, or in a reexamination proceeding, the examiner or other Office employee may require the submission, from individuals identified under § **1.56(c)**, or any assignee, of such information as may be reasonably necessary to properly examine or treat the matter(CFR 1.105).

The references cited in the IDS of 2/6/13, 2/11/13, 2/12/13 will not be considered until an *underlining* of the most relevant documents is provided. Please do not delineate the references using a highlighter since the documents will be scanned and the highlighted sections will not be visible. Applicant's forthcoming assistance is gratefully anticipated.

Claim Rejections - 35 USC § 112

The following is a quotation of 35 U.S.C. 112(b):

(B) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7,8 rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention.

As per claim 7,8, recites "**the Web**", there is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent 6,584,464 issued to Warthen in view of US Publication 2002/0007303 issued to Brookler et al.(Brookler).

As per claim 1, Wright teaches a method for managing data including the steps of: (a) creating a questionnaire comprising a series of questions(Figs.1-11, Abstract); (b) thereby producing a plurality of tokens representing said questionnaire(Figs.1-11, Abstract); (c) transmitting said plurality of tokens to a remote computing device(col.13, lines 38-65); (d) executing at least a portion of said plurality of tokens representing said questionnaire at said remote computing device to collect a response from a user(col.13, lines 38-65).

Wright however does not explicitly teach tokenizing said questionnaire; (e) transmitting at least a portion of said response from the user to a server via a network; and (f) storing said response at said server. Wright however does suggest that the questionnaire is tokenized(Figs.1-11, Abstract, col.25, lines 1-50).

Warthen explicitly teaches the known art of tokenizing(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright to use the known method of tokenizing as taught by Warthen in order to provide the predictable result of tokenizing a survey.

One ordinary skill in the art would have been motivated to combine the teachings in order to produce electronic surveys and feedback(Wright, Abstract).

Wright in view of Warthen does not explicitly teach (e) transmitting at least a portion of said response from the user to a server via a network; and (f) storing said response at said server.

Brookler explicitly teaches (e) transmitting at least a portion of said response from the user to a server via a network; and (f) storing said response at said server(Fig.1, para.0033).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Warthen to include storing user's responses at the server as taught by Brookler in order to provide the predictable result of having all answered survey questions stored on the server.

One ordinary skill in the art would have been motivated to combine the teachings in order to have a central location, e.g. server, for all results of a survey which provides ease of access for the surveyors(Brookler, para.0002).

As per claim 2, the method for managing data of claim 1 further comprising the step of: (g) translating said response to a format recognizable by a particular computer program; and (h) accessing the translated response from a computer executing said particular computer program(Wright, Figs.1-11, Abstract, Brookler, para.0051). Motivation to combine set forth in claim 1 and/or Admitted Prior Art/Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 3, the method for managing data of claim 1 wherein step (a) includes the substeps of: (a)creating a questionnaire by: (i) entering a series of questions into a questionnaire design computer program; (ii) identifying within said questionnaire design computer program the type of response allowed for each question of said series of questions; and (iii) identifying within said questionnaire design computer program a branching path in said questionnaire for each possible response to each question of said series of questions(Wright, Figs.1-11, Abstract). Motivation to combine set forth in claim 1 and/or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 4, the method for managing data of claim 1 wherein step (b) includes the substeps of: (b) tokenizing said questionnaire thereby producing a plurality of tokens representing said questionnaire by: (i) assigning at least one token to each

question of said series of questions; (ii) assigning at least one token to each response called for in said series of questions to identify the type of response required; and (iii) assigning at least one token to each branch in said questionnaire to identify the required program control associated with said branch(Wright, Figs.1-11, Abstract, Warthen, Abstract). Motivation to combine set forth in claim 1 and/or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 5, the method of data management of claim 1 wherein the transmission of said tokens in step (c) occurs via the network of step (e) (Brookler, Fig.1). Motivation to combine set forth in claim 1 and/or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 6, a method for modifying a questionnaire used in data management according to the method of claim 1 including the steps of:
(a) making at least one incremental change to a portion of the questionnaire;
(b) tokenizing said at least one incremental change to said questionnaire;
(c) transmitting at least a portion of said tokens resulting from step (b) to a remote computing device, said transmitted tokens comprising less than the entire tokenized questionnaire; (d) incorporating said transmitted tokens into said questionnaire at said remote computing device(Wright, Figs.1-11, col.16, lines50-55, Abstract, Warthen, Abstract). Motivation to combine set forth in claim 1 and/or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claims 7, 9-11 rejected for the same reasons as set forth above or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

Claims 8 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent 6,584,464 issued to Warthen in view of US Publication 2002/0007303 issued to Brookler et al.(Brookler) in view of US Publication 2001/0056374 issued to Joao.

As per claim 8, Wright in view of Warthen in view of Brookler does not explicitly teach the method for collecting survey data according to claim 7 further comprising: (f) assessing a charge for each transferred response received by said central computer.

Joao explicitly teaches (f) assessing a charge for each transferred response received by said central computer(para.0230).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Warthen in view of Brookler to include assessing a charge for each transferred response received by said central computer as taught by Joao in order to receive compensation, a reward, a rebate, and/or an incentive (Joao, para. 0009).

One ordinary skill in the art would have been motivated to combine the teachings in order to facilitate commerce between any parties and/or any number of parties (Joao, para. 0009).

Claims 12-14, 16-18, 24,25, 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent 6,584,464 issued to Warthen in view of US Publication 2002/0007303 issued to Brookler et al.(Brookler) in view of US Patent 6,477,373 issued to Rappaport et al.(Rappaport).

As per claim 12, Wright teaches a method for managing data comprising the steps of: (a) establishing communications between a handheld computing device and an originating computer; (b) receiving within said handheld computing device a transmission of a questionnaire from said originating computer, said questionnaire comprising a plurality of tokens; (d 1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a user, and, (d2) storing within said computing device said at least one response from the user(Fig.1-11, Abstract, col.13, lines 38-65).

Wright however does not explicitly teach tokenizing said questionnaire;(c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been ended, (e) establishing communications between said handheld computing device and a recipient computer; (f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer.

Wright however does suggest that the questionnaire is tokenized(Figs.1-11, Abstract, col.25, lines 1-50).

Warthen explicitly teaches the known art of tokenizing(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright to use the known method of tokenizing as taught by Warthen in order to provide the predictable result of tokenizing a survey.

One ordinary skill in the art would have been motivated to combine the teachings in order to produce electronic surveys and feedback(Wright, Abstract).

Wright in view of Warthen does not explicitly teach ;(c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been ended, (e) establishing communications between said handheld computing device and a recipient computer; (f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer.

Brookler explicitly teaches (f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer(Fig.1, para.0033).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Warthen to include transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer as taught by Brookler in order to provide the predictable result of having all answered survey questions stored on the server.

One ordinary skill in the art would have been motivated to combine the teachings in order to have a central location, e.g. server, for all results of a survey which provides ease of access for the surveyors(Brookler, para.0002).

Wright in view of Warthen in view of Brookler does not explicitly teach ;(c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been ended, (e) establishing communications between said handheld computing device and a recipient computer.

Rappaport explicitly teaches the known art of connection failure and reconnecting of mobile devices(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Warthen in view of Brookler to include the known art of connection failure and reconnecting of mobile devices as taught by Rappaport in order to provide the predictable result of when connection fails, the mobile device reconnects and sends information once there is a connection.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide reconnection to transfer information to a server.

As per claim 13, the method for managing data according to Claim 12, wherein step (b) comprises the steps of: (b 1) creating a questionnaire, (b2) tokenizing said questionnaire, thereby producing a plurality of tokens representing said questionnaire, (b3) storing said plurality of tokens on a computer readable medium accessible by said originating computer, (b4) accessing said stored plurality of tokens from said originating computer, (b5) transmitting said stored plurality of tokens from said

originating computer to said handheld computing device, and, (b6) receiving within said handheld computing device said transmission of said tokenized questionnaire from said originating computer(Wright, Figs.1-11, col.16, lines50-55, Abstract, Warthen, Abstract). Motivation to combine set forth in claim 1 and/or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 14, the method for managing data according to Claim 12, wherein said originating computer and said recipient computer are a same computer(Wright, Figs.1-11, col.16, lines50-55, Abstract, Warthen, Abstract). Motivation to combine set forth in claim 1 and/or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 16, the method for managing data according to Claim 12, wherein said questionnaire comprises at least one question(Wright, Figs.1-11, col.16, lines50-55, Abstract, Warthen, Abstract). Motivation to combine set forth in claim 1 and/or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 17, the method for managing data according to Claim 16, wherein at least one of said at least one question is selected from a group consisting of a food quality question, a service quality question, a waiting time question, a store number question, a location question, a time question, a date question, a temperature question, and a time of day question(Wright, Figs.1-11, col.16, lines50-55, Abstract, Warthen, Abstract). Motivation to combine set forth in claim 1 and/or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 18, the method for managing data according to Claim 12, wherein step (a) comprises the step of establishing communications via the Internet between said handheld computing device and said originating computer(Wright, Figs.1-11, col.16, lines50-55, Abstract, Warthen, Abstract). Motivation to combine set forth in claim 1 and/or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 24 rejected for the same reasons as set for above, and further (g) after receipt of said transmission of step (f), transmitting a notice of said received value representative of each of said at least one response to a second user(Brookler, para.0033) or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claims 25,28-31 rejected for the same reasons as set forth above or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

Claims 15 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent 6,584,464 issued to Warthen in view of US Publication 2002/0007303 issued to Brookler et al.(Brookler) in view of US Patent 6,477,373 issued to Rappaport et al.(Rappaport) in view of US Publication 2002/0137524 issued to Bade et al.(Bade).

Wright in view of Warthen in view of Brookler in view of Rappaport teaches As per claim 15, the method for managing data according to Claim 12, wherein said step (dl) comprises the steps of: executing at least a portion of said plurality of tokens

comprising said questionnaire on said handheld computing device to collect at least one response from a user.

However does not explicitly teach the art of authentication.

Bade explicitly teaches the well known method of authentication(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Warthen in view of Brookler in view of Rappaport to include the known method of authentication as taught by Bade in order to provide the predictable result of authentication of a device.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide security for a mobile device and information.

Claims 19-21, 26, 27 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent 6,584,464 issued to Warthen in view of in view of US Patent 6,477,373 issued to Rappaport et al.(Rappaport) in view of US Patent 6,462,708 issued to Tsujimoto et al.(Tsujimoto).

As per claim 19 Wright teaches method for managing data comprising the steps of: (a) establishing communications between a handheld computing device and an originating computer, (b) receiving within said handheld computing device a transmission of a questionnaire, said questionnaire comprising a plurality of tokens; (d l) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to (Figs.1-11, Abstract, col.25, lines 1-50).

Wright does not explicitly teach tokenizing a questionnaire;

(c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been terminated, (e) establishing communications between said handheld computing device and a recipient computer;

said handheld device having at least a capability to determine a current location thereof; collect at least said current location of said handheld computing device, and, (d2) storing within said handheld computing device said current location; (f) transmitting at least one value representative of said stored current location to said recipient computer.

Warthen explicitly teaches the known art of tokenizing(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright to use the known method of tokenizing as taught by Warthen in order to provide the predictable result of tokenizing a survey.

One ordinary skill in the art would have been motivated to combine the teachings in order to produce electronic surveys and feedback(Wright, Abstract).

Wright in view of Warthen does not explicitly teach

(c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been terminated, (e) establishing communications between said handheld computing device and a recipient computer;

said handheld device having at least a capability to determine a current location thereof; collect at least said current location of said handheld computing device, and, (d2) storing within said handheld computing device said current location; (f) transmitting at least one value representative of said stored current location to said recipient computer.

Rappaport explicitly teaches the known art of connection failure and reconnecting of mobile devices(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Warthen to include the known art of connection failure and reconnecting of mobile devices as taught by Rappaport in order to provide the predictable result of when connection fails, the mobile device reconnects and sends information once there is a connection.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide reconnection to transfer information to a server.

Wright in view of Warthen in view of Rappaport does not explicitly teach said handheld device having at least a capability to determine a current location thereof; collect at least said current location of said handheld computing device, and, (d2) storing within said handheld computing device said current location; (f) transmitting at least one value representative of said stored current location to said recipient computer.

Tsujimoto explicitly teaches the known system of a mobile device with a GPS to determine location(col.1, lines 17-20).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Warthen in view of Rappaport to include the use of GPS for mobile devices as taught by Tsujimoto in order to provide the predictable result of a determination of a GPS location of a mobile device.

One ordinary skill in the art would have been motivated to combine the teachings in order to determine of a GPS location of a mobile device.

As per claim 20, the method for managing data according to Claim 19 wherein said current location of said handheld computing device is determined using GPS(Tsujimoto, col.1, lines 17-20). Motivation to combine set forth in claim 1 and/or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claim 21, the method for managing data according to Claim 19, wherein said originating computer and said recipient computer are a same computer(Wright, Figs.1-11, col.16, lines50-55, Abstract, Warthen, Abstract). Motivation to combine set forth in claim 1 and/or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

As per claims 26, 27 rejected for the same reasons as set forth above or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

Response to Arguments

All objections/rejection not specifically addressed below are withdrawn due to applicant's remarks/amendments. The Declaration under CFR 1.131 is sufficient to overcome the Lew and Sendowski, those rejections are withdrawn.

The applicant has not challenged the Official Notice that was taken, therefore based upon MPEP 2144.03(C), the common knowledge or well-known statement is taken to be admitted prior art.

Applicant's arguments pertaining to the art filed 12/28/12 have been fully considered but they are not persuasive. The applicant argues in substance, the prior art does not teach, "tokenizing" as claimed by the applicant, page 20-25, is different than the prior art.

In reply; In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a token is a logical, mathematical, or branching operation) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In further, where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The applicant has not clearly distinguish the term

“tokenizing”, from the prior art beyond providing para.0054-0055, in which describes, "Each token **preferably corresponds** to a logical....", however this is merely a suggestion of what a token can be. Nowhere in para.0054-0055, does it clearly define "tokenizing" nor does the claim recite a specific definition. As such, Warthen, Abstract, clearly teaches tokenizing.

Examiner’s Remarks

The Office encourages the applicant to point to specific location in the specification for all amendments made in the instant specification and all parent applications in order to advance prosecution of the application.

The cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571) 272-5654. The examiner can normally be reached on M-T 7-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Backhean Tiv/
Primary Examiner, Art Unit 2451

PTO/SB/08a (01-10)
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	12910706
Filing Date	2010-10-22
First Named Inventor	Payne
Art Unit	2451
Examiner Name	BACHHEAN TIV
Attorney Docket Number	71855/10-351

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12910706
	Filing Date	2010-10-22
	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	BACHHEAN TIV
	Attorney Docket Number	71855/10-351

	1	Casio Soft Launches CSI MobileLink for Merchandising, PR Newswire, 04/01/1999	☐
	2	Casio Soft releases new version of MobileLink mobile enterprise solution, TelecomWorldWire, 01/26/2001Michelle Delio, Casio's Field Force Hardware and Software Solution, CRM News Daily, 06/04/2000	☐
	3	Michelle Delio, Casio's Field Force Hardware and Software Solution, CRM News Daily, 06/04/2000	☐
	4	Wellington Partners invests in leading mobile entertainment provider, 03/11/2002	☐
	5	Michael Coglianese, Mobile Aleph: A System for Distributed Mobile Applications, (2000)	☐
	6	Edith de Leeuw and William Nicholls II, Technological Innovations in Data Collection: Acceptance, Data Quality and Costs' , vol. 1 Sociological Research Online (1996)	☐
	7	Katherine L. Dix and Jonathan Anderson, Distance No Longer a Barrier: Using the internet as a survey tool in educational research, vol. 1 International Education Journal (2000)	☐
	8	Matti Hamalainen et al., Quizcode – A Tool for Online Assessment and Feedback	☐
	9	Eric Knorr, Special Report PC World's Enterprise Technology: Real Wireless on the Go (2012)	☐
	10	Survey Mate – Survey / Quiz Mate v3.5 (1999)	☐
	11	Peggy Salz, Part II: Look Who's Watching (2001)	☐

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)		
	Application Number	12910706
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	Art Unit	2451
	Examiner Name	BACHHEAN TIV
	Attorney Docket Number	71855/10-351

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	27	Provisional Patent Application No. 60/262,916, filed 01/19/2001; Kevin James Kelly, Survey Method for Handling Market Survey With Handheld Computers	☐

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Name/Print	Scott R. Zingerman	Registration Number	35422

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	6	0364638	EP	A1	1990-04-25	AINSCOW		☒
	7	0868590	EP	A2	1998-09-23	WHALEN, et al.		☒
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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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Application Number	12910706
Filing Date	2010-10-22
First Named Inventor	Payne
Art Unit	2451
Examiner Name	BACKHEAN TIV
Attorney Docket Number	71855/10-351

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Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

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Receipt date: 02/12/2013

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Not for submission under 37 CFR 1.99)

Application Number	12910706 12910706 - GAU: 2451
Filing Date	2010-10-22
First Named Inventor	Payne
Art Unit	2451
Examiner Name	BACHHEAN TIV
Attorney Docket Number	71855/10-351

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

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☐ See attached certification statement.

☒ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/scott r. zingerman/	Date (YYYY-MM-DD)	2013-02-12
Name/Print	Scott R. Zingerman	Registration Number	35422

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Application Number	12910706
Filing Date	2010-10-22
First Named Inventor	Payne
Art Unit	2451
Examiner Name	
Attorney Docket Number	71855/10-351

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Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	7085800	B2	2006-08-01	Abbott, et al.	

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Receipt date: 01/16/2013	Application Number	12910706 12910706 - GAU: 2451
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (**Not for submission under 37 CFR 1.99)**	Filing Date	2010-10-22
	First Named Inventor	Payne
	Art Unit	2451
	Examiner Name	
	Attorney Docket Number	71855/10-351

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Examiner Signature	/Backhean Tiv/ (03/13/2013)	Date Considered	

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	First Named Inventor	Payne	
	Art Unit	2451	
	Examiner Name		
	Attorney Docket Number	71855/10-351	

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Signature	/scott r. zingerman/	Date (YYYY-MM-DD)	2013-01-16
Name/Print	Scott R. Zingerman	Registration Number	35422

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Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12910706	PAYNE, J. DAVID
	Examiner	**Art Unit**
	BACKHEAN TIV	2451

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	03/09/2011	09/16/2012	03/26/2013						
	1	✓	✓	✓						
	2	✓	✓	✓						
	3	✓	✓	✓						
	4	✓	✓	✓						
	5	✓	✓	✓						
	6	✓	✓	✓						
	7	✓	✓	✓						
	8	✓	✓	✓						
	9	✓	✓	✓						
	10	✓	✓	✓						
	11	✓	✓	✓						
	12		✓	✓						
	13		✓	✓						
	14		✓	✓						
	15		✓	✓						
	16		✓	✓						
	17		✓	✓						
	18		✓	✓						
	19		✓	✓						
	20		✓	✓						
	21		✓	✓						
	22		✓	-						
	23		✓	-						
	24		✓	✓						
	25		✓	✓						
	26		✓	✓						
	27		✓	✓						
	28		✓	✓						
	29		✓	✓						
	30		✓	✓						
	31		✓	✓						

INFORMATION DISCLOSURE STATEMENT BY APPLICANT
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Application Number	12910706
Filing Date	2010-10-22
First Named Inventor	Payne
Art Unit	2451
Examiner Name	BACKHEAN TIV
Attorney Docket Number	71855/10-351

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Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	5666553		1997-09-09	CROZIER	
	2	5684990		1997-11-04	BOOTHBY	
	3	5842195		1998-11-24	PETERS et al.	
	4	5943676		1999-08-24	BOOTHBY	
	5	6141664		2000-10-31	BOOTHBY	
	6	6151581		2000-11-21	KRAFTSON et al.	
	7	6163811		2000-12-19	PORTER	
	8	6212529	B1	2001-04-03	BOOTHBY et al.	

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	9	6405218	B1	2002-06-11	BOOTHBY	
	10	6421717	B1	2002-07-16	KLOBA et al.	
	11	6826540	B1	2004-11-30	PLANTEC et al.	
	12	7310350	B1	2007-12-18	SHAO et al.	

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	1	20010056374	A1	2001-12-27	JOAO	
	2	20020007303	A1	2002-01-17	BROOKLER et al.	
	3	20020107931	A1	2002-08-08	SINGH et al.	
	4	20020143610	A1	2002-10-03	MUNYER	
	5	20020160773	A1	2002-10-31	GRESHAM et al.	

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	6	20030093405	A1	2003-05-15	MAYER	
	7	20030126010	A1	2003-07-03	BARNS-SLAVIN	
	8	20030198934	A1	2003-10-23	SENDOWSKI et al.	
	9	20040117244	A1	2004-06-17	SCOTT	
	10	20040210472	A1	2004-10-21	[illegible]W et al.	
	11	20050009465	A1	2005-01-13	ROSS et al.	

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	1	WO0184433	WO	A1	2001-11-08	Mobliss, Inc.		☐

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	1	GIRARDOT, ET AL., "EFFICIENT REPRESENTATION AND STREAMING OF XML CONTENT OVER THE INTERNET MEDIUM", 07/30/2000, Page(s) 67-70, Publisher: MULTIMEDIA AND EXPO 2000 ICME 2000.	☐
	2	PETSAS, ET AL. , "WAP-Based personalised health care services; ", "Proceedings of the 23rd Annual International Conference of the IEEE Engineering in Medicine and Biology Society", 10/25/2001, Page(s) 3536-3539, Volume 1 of 4	☐
	3	ANONYMOUS, "WAP BINARY XML CONTENT FORMAT", 06/24/1999, Page(s) 1-14, Published in: INTERNET DOCUMENT (ONLINE)	☐

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Name/Print	Scott R. Zingerman	Registration Number	35422

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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

PTO/AIA/31 (03-13)
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NOTICE OF APPEAL FROM THE EXAMINER TO THE PATENT TRIAL AND APPEAL BOARD

Docket Number (Optional): 71855/10-351

I hereby certify that this correspondence is being facsimile transmitted to the USPTO, EFS-Web transmitted to the USPTO, or deposited with the United States Postal Service with sufficient postage in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]
On October 9, 2013
Signature: Jamie A. Robinson
Typed or printed name: Jamie A. Robinson

In re Application of: Payne

Application Number	Filed
12/910,706	10/22/2010

For: SYSTEM AND METHOD FOR DATA MANAGEMENT

Art Unit	Examiner
2451	BACKHEAN TIV

Applicant hereby **appeals** to the Patent Trial and Appeal Board from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) $ 800.00

[X] Applicant asserts small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by 50%, and the resulting fee is: $ 400.00

[ ] Applicant certifies micro entity status. See 37 CFR 1.29. Therefore, the fee shown above is reduced by 75%, and the resulting fee is: $
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

[ ] A check in the amount of the fee is enclosed.

[ ] Payment by credit card. Form PTO-2038 is attached.

[ ] The Director has already been authorized to charge fees in this application to a Deposit Account.

[ ] The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 060540.

[X] Payment made via EFS-Web.

[X] A petition for an extension of time under 37 CFR 1.136(a) (PTO/AIA/22) or equivalent) is enclosed.
For extensions of time in reexamination proceedings, see 37 CFR 1.550.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

[ ] applicant. [X] attorney or agent of record Registration number 42214 [ ] attorney or agent acting under 37 CFR 1.34 Registration number

Signature: Terry L. Watt
Typed or printed name: Terry L. Watt
Telephone Number: 918/599-0621
Date: October 9, 2013

NOTE: This form must be signed in accordance with 37 CFR 1.33. See CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.

[X] *Total of 1 form(s) is/are submitted.

This collection of information is required by 37 CFR 41.20(b)(1) and 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box `450, Alexandria, VA 22313-1450.**

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#630001-v1

PTO/AIA/22 (03-13)
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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)	Docket Number (Optional) 71855/10-351
Application Number **12/910,706**	Filed **10/22/2010**
For **SYSTEM AND METHOD FOR DATA MANAGEMENT**	
Art Unit **2451**	Examiner **BACKHEAN TIV**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	Micro Entity Fee	
☐ One month (37 CFR 1.17(a)(1))	$ 200	$ 100	$ 50	$_____
☐ Two months (37 CFR 1.17(a)(2))	$ 600	$ 300	$ 150	$_____
☒ Three months (37 CFR 1.17(a)(3))	$ 1400	$ 700	$ 350	$ 700.00
☐ Four months (37 CFR 1.17(a)(4))	$ 2200	$ 1100	$ 550	$_____
☐ Five months (37 CFR 1.17(a)(5))	$ 3000	$ 1500	$ 750	$_____

☒ Applicant asserts small entity status. See 37 CFR 1.27.

☐ Applicant certifies micro entity status. See 37 CFR 1.29.
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 06-0540.

☒ Payment made via EFS-Web.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant.

☒ attorney or agent of record. Registration Number 42214.

☐ attorney or agent acting under 37 CFR 1.34. Registration number _____.



Signature — October 9, 2013 (Date)

Terry L. Watt (Typed or printed name) — 918/599-0621 (Telephone Number)

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below.*

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

#630002-v1

Electronic Patent Application Fee Transmittal

Application Number:	12910706
Filing Date:	22-Oct-2010
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Filer:	Terry L. Watt/Jamie Robinson
Attorney Docket Number:	71855/10-351

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Notice of Appeal	2401	1	400	400
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 3 months with $0 paid	2253	1	700	700
Miscellaneous:				
			Total in USD ($)	**1100**

Electronic Acknowledgement Receipt	
EFS ID:	17084951
Application Number:	12910706
International Application Number:	
Confirmation Number:	8703
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Customer Number:	22206
Filer:	Terry L. Watt/Jamie Robinson
Filer Authorized By:	Terry L. Watt
Attorney Docket Number:	71855/10-351
Receipt Date:	09-OCT-2013
Filing Date:	22-OCT-2010
Time Stamp:	16:37:07
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$1100
RAM confirmation Number	3855
Deposit Account	060540
Authorized User	ROBINSON, JAMIE A.
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Notice of Appeal Filed	SCANNED_NoticeOfAppeal_10-09-2013.pdf	105338 a685f771f9dd9e0ae7675b1974afa384c88ccdff	no	1
Warnings:					
Information:					
2	Extension of Time	SCANNED_PetitionForEOT_10-09-2013.pdf	97496 a38e0de7562f6e0301b76f04c463d7920b71941c	no	1
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	32106 1be51a7a4371888d3dd99af8dae8e4682281208e	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	234940		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/30EFS (07-09)
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REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)

Application Number	12910706	Filing Date	2014-05-09	Docket Number (if applicable)	71855/10-351	Art Unit	2451
First Named Inventor	PAYNE			Examiner Name	BACKHEAN TIV		

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ☐ Other _____

☒ Enclosed

- ☒ Amendment/Reply
- ☐ Information Disclosure Statement (IDS)
- ☐ Affidavit(s)/ Declaration(s)
- ☒ Other Annotated versions of previously filed Information Disclosure Statements.

MISCELLANEOUS

☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

☐ Other _____

FEES

☒ **The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.**
The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 06-0540

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

PTO/SB/30EFS (07-09)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Signature of Registered U.S. Patent Practitioner			
Signature	/terry l. watt/	Date (YYYY-MM-DD)	2014-05-09
Name	Terry L. Watt	Registration Number	42214

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.

2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.

4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).

5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.

6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).

7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.

8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.

9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Payne Application No.: 12/910,706 Filed: 10/22/2010 Title: SYSTEM AND METHOD FOR DATA MANAGEMENT Attorney Docket No.: 71855/10-351	Confirmation No.: 8703 Art Unit: 2451 Examiner: BACKHEAN TIV

MAIL STOP RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICANT'S SUBMISSION UNDER 37 C.F.R. 1.114 ACCOMPANYING REQUEST FOR CONTINUED EXAMINATION

This submission under 37 C.F.R. 1.114 is filed in conjunction with Applicant's Request for Continued Examination of the above-referenced application and is responsive to the Final Office Action mailed 04/09/2013. Please consider the instant filing to be a Petition for a Five Month Extension of Time to Respond. A **USPTO credit card payment form PTO 2038 is attached to this filing or charge to a credit card will be authorized through EFS Web filing.**

Please amend the application as follows:

In the Specification:

Not Applicable

In the claims:

This listing of claims will replace all prior versions and listings of the claims in this application.

1. (*Currently Amended*) A method for managing data including the steps of:

(a) creating a questionnaire comprising a series of questions customized for a location;

(b) tokenizing said questionnaire[[;]], thereby producing a plurality of device independent tokens representing said questionnaire;

(c) transmitting said plurality of tokens to a remote computing device;

(d) when said remote computing device is proximate to said location, executing at least a portion of said plurality of tokens representing said questionnaire ~~at~~ within said remote computing device to collect a response from a user;

(e) transmitting at least a portion of said response from the user to a server in real time via a network; and

(f) storing said response at said server.

2. (*Previously Presented*) The method for managing data of claim 1 further comprising the step of:

(g) translating said response to a format recognizable by a particular computer program; and

(h) accessing the translated response from a computer executing said particular computer program.

3. (*Previously Presented*) The method for managing data of claim 1 wherein step (a) includes the substeps of:

(a) creating a questionnaire by:

(i) entering a series of questions into a questionnaire design computer program;

(ii) identifying within said questionnaire design computer program the type of response allowed for each question of said series of questions; and

(iii) identifying within said questionnaire design computer program a branching path in said questionnaire for each possible response to each question of said series of questions.

4. (*Previously Presented*) The method for managing data of claim 1 wherein step (b) includes the substeps of:

(b) tokenizing said questionnaire thereby producing a plurality of tokens representing said questionnaire by:

(i) assigning at least one token to each question of said series of questions;

(ii) assigning at least one token to each response called for in said series of questions to identify the type of response required; and

(iii) assigning at least one token to each branch in said questionnaire to identify the required program control associated with said branch.

5. (*Previously Presented*) The method of data management of claim 1 wherein the transmission of said tokens in step (c) occurs via the network of step (e).

6. (*Currently Amended*) A method for modifying a questionnaire used in data management according to the method of claim 1 including the steps of:

(a) making at least one incremental change to a portion of the questionnaire;

(b) tokenizing said at least one incremental change to said questionnaire;

(c) transmitting at least a portion of said tokens resulting from step (b) to a remote computing device in real time, said transmitted tokens comprising less than the entire tokenized questionnaire;

(d) incorporating said transmitted tokens into said questionnaire at said remote computing device.

7. (*Currently amended*) A method for collecting survey data from a user and making responses available via the Internet ~~on the Web~~, comprising:

(a) designing a questionnaire customized for a particular location having branching logic on a first computer platform;

(b) automatically transferring said designed questionnaire to at least one loosely networked computer;

(c) when said loosely networked computer is proximate to said particular location, executing said transferred questionnaire on said loosely networked computer, thereby collecting responses from the user;

(d) automatically transferring via the loose network any responses so collected in real time to a central computer; and,

(e) making available via the Internet ~~on the Web~~ any responses transferred to said central computer in step (d).

8. (*Previously Presented*) The method for collecting survey data according to claim 7 further comprising:

(f) assessing a charge for each transferred response received by said central computer.

9. (*Currently Amended*) A method for managing data transfers between computers including the steps of:

(a) creating a questionnaire at a first location in a first computer located at a second location, said first location and said second location being connected by a network;

(b) tokenizing said questionnaire to produce a plurality of device independent tokens;

(c)~~(b)~~ transmitting said tokenized questionnaire to a remote computer via said network, said remote computer running an OIS;

(d)~~(c)~~ modifying said questionnaire with incremental changes at a third location in said first computer located at said second location;

(e) tokenizing said incremental changes;

(f)~~(d)~~ transmitting said tokenized incremental changes from said first computer to said remote computer via said network; and,

(g)~~(e)~~ modifying said questionnaire in said remote computer with said incremental changes.

10. (*Previously presented*) The method for managing data transfers between computers according to claim 9 wherein said first location and said third location are the same.

11. (*Previously presented*) The method for managing data transfers between computers according to claim 9 wherein said third location is at said remote computer.

12. (*Currently Amended*) A method for managing data comprising the steps of:

(a) establishing communications between a handheld computing device and an originating computer;

(b) receiving within said handheld computing device a transmission of a tokenized questionnaire customized for a particular location from said originating computer, said tokenized questionnaire comprising a plurality of device independent tokens;

(c) ending said communications between said handheld computing device and said originating computer;

(d) after said communications has been ended, when said handheld computing device is proximate to said particular location

(d1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a user, and,

(d2) storing within said computing device said at least one response from the user;

(e) establishing communications between said handheld computing device and a recipient computer; and,

(f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer.

13. (*Currently Amended*) The method for managing data according to Claim 12, wherein step (b) comprises the steps of:

(b1) creating a questionnaire,

(b2) tokenizing said questionnaire, thereby producing a plurality of device independent tokens representing said questionnaire,

(b3) storing said plurality of tokens on a computer readable medium accessible by said originating computer,

(b4) accessing said stored plurality of tokens from said originating computer,

(b5) transmitting said stored plurality of tokens from said originating computer to said handheld computing device, and,

(b6) receiving within said handheld computing device said transmission of said tokenized questionnaire from said originating computer.

14. (*Previously Presented*) The method for managing data according to Claim 12, wherein said originating computer and said recipient computer are a same computer.

15. (*Previously Presented*) The method for managing data according to Claim 12, wherein said step (d1) comprises the steps of:

(i) requiring a user to authenticate with said handheld computing device,

(ii) only if the user is able to authenticate with said handheld computing device, executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a user, and,

(iii) if the user is unable to authenticate with said handheld computing device, taking no further action.

16. (*Previously Presented*) The method for managing data according to Claim 12, wherein said questionnaire comprises at least one question.

17. (*Previously Presented*) The method for managing data according to Claim 16, wherein at least one of said at least one question is selected from a group consisting of a food quality question, a service quality question, a waiting time question, a store number question, a location question, a time question, a date question, a temperature question, and a time of day question.

18. (*Previously presented*) The method for managing data according to Claim 12, wherein step (a) comprises the step of establishing communications via a global computer network between said handheld computing device and said originating computer.

19. (*Currently Amended*) A method for managing data comprising the steps of:

(a) establishing communications between a handheld computing device and an originating computer, said handheld device having at least a capability to determine a current location thereof;

(b) receiving within said handheld computing device a transmission of a tokenized questionnaire customized for a particular location, said tokenized questionnaire comprising a plurality of device independent tokens;

(c) ending said communications between said handheld computing device and said originating computer;

(d) after said communications has been terminated, when said handheld computing device is proximate to said particular location

(d1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least said current location of said handheld computing device, and,

(d2) storing within said handheld computing device said current location;

(e) establishing communications between said handheld computing device and a recipient computer; and,

(f) transmitting at least one value representative of said stored current location to said recipient computer.

20. (*Previously Presented*) The method for managing data according to Claim 19 wherein said current location of said handheld computing device is determined using GPS.

21. (*Previously Presented*) The method for managing data according to Claim 19, wherein said originating computer and said recipient computer are a same computer.

22. (*Canceled*)

23. (*Canceled*)

24. (*Currently Amended*) A method for managing data comprising the steps of:

(a) establishing communications between a handheld computing device and an originating computer;

(b) receiving within said handheld computing device a transmission of a tokenized questionnaire from said originating computer, said tokenized questionnaire comprising a plurality of device independent tokens;

(c) ending said communications between said handheld computing device and said originating computer;

(d) after said communications has been ended,

(d1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a first user, and,

(d2) storing within said computing device said at least one response from the first user;

(e) establishing communications between said handheld computing device and a recipient computer;

(f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer; and,

(g) after receipt of said transmission of step (f), transmitting a notice of said received value representative of each of said at least one response to a second user.

25. (*Previously Presented*) The method for managing data according to Claim 24, wherein the first user and the second user are a same user.

26. (*Currently Amended*) A method for managing data comprising the steps of:

(a) within a central computer, accessing at least one user data item stored in a recipient computer, wherein said at least one data item is obtained via the steps of:

(1) establishing communications between a handheld computing device and an originating computer;

(2) receiving within said handheld computing device a transmission of a tokenized questionnaire, said tokenized questionnaire comprising a plurality of device independent tokens;

(3) ending said communications between said handheld computing device and said originating computer;

(4) after said communications has been ended,

(i) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device,

(ii) presenting said at least one question to a user;

(iii) receiving at least one response from the user to each of said presented at least one question,

(iv) storing at least one value representative of said at least one response within said handheld computing device;

(5) establishing a communications link between said handheld computing device and a recipient computer;

(6) transmitting said stored at least one value representative of said at least one response stored within said handheld computing device to said recipient computer; and,

(7) storing within said recipient computer any of said transmitted at least one value representative of said at least one response, thereby creating said at least one user data item stored in said recipient computer; and,

(b) forming a visually perceptible report from any of said at least one stored user data item.

27. (*Previously Presented*) The method according to Claim 26, wherein said central computer and said recipient computer are a same computer.

28. (*Currently Amended*) A method for managing data comprising the steps of:

(a) establishing communications between a handheld computing device and an originating computer;

(b) receiving within said handheld computing device a transmission of a tokenized questionnaire, said tokenized questionnaire comprising a plurality of device independent tokens;

(c) ending said communications between said handheld computing device and said originating computer;

(d) after said communications have been ended,

(d1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one item of data, and,

(d2) storing within said handheld computing device said at least one item of data;

(e) establishing communications between said handheld computing device and a recipient computer; and,

(f) transmitting at least one value representative of said at least one item of data to said recipient computer.

29. (*Previously Presented*) A method for managing data according to Claim 28, wherein at least one of said at least one item of data is selected from a group consisting of a GPS location, a temperature, an event timing, a current date, a current time, a user authentication information, an item of text, a numeric item, a time stamp, a user response, and, a user response to a question.

30. (*Previously Presented*) A method for managing data according to Claim 28, wherein said established communications between said handheld computing device and said originating computer is established using the Internet.

31. (*Previously Presented*) A method for managing data according to Claim 28, wherein said originating computer and said recipient computer are a same computer.

REMARKS

Amendments to the Specification

Not applicable.

Amendments to the Claims

Claim 7 has been amended to replace each instance of the well-understood term "Web" with "Internet" as required by the Examiner. The "Internet" is referenced numerous places in the application (e.g., *see* Abstract) and, as such, this amendment does not constitute new matter.

Claims 1, 9, 12, 13, 19, 24, 26, and 28 have been amended to require that when a questionnaire is tokenized a plurality of device independent tokens are produced. This aspect of the invention is discussed in several places in the instant specification (*see*, e.g., Col. 2, lines 8-26) and, as such, these amendments do not constitute new matter.

Claims 1, 6, and 7 have been amended to require that transmission occur in real-time if a connection is available. As is made clear in, for example, the instant application (e.g., Col. 4, line 61 – Col. 5, line 5) real time communications are an inherent part of "loosely networked" and, further, each occurrence of "networked" is presumed to be "loosely networked" per the identified passage. As such, these amendments do not constitute new matter.

Claims 1, 7, 12, and 19 have been amended to require two things. First, a questionnaire that is customized for a particular location; and, second, execution of the questionnaire when the device on which it is resident is located proximate to the location for

which the questionnaire for which it was customized. This option is discussed throughout the application but a specific example of this may be in the "mystery shopper" example discussed in Col. 10, lines 21 – 49 *et seq.* As such, this amendment does not constitute new matter.

NOTICE OF COPENDING REEXAMINATION AND IPR

Applicant would make the Examiner aware that the issued patent that is the parent of this case, USPN 7,822,816 (hereinafter the '816 patent), is currently under challenge in two forms:

Ex Parte Reexamination Application No.: 90/012,829 filed April 3, 2013; and

Inter Partes Review No.: IPR2014-00140 filed November 11, 2013.

REQUIREMENT FOR INFORMATION

The Examiner has indicated that the IDSs submitted by Applicant 2/6/13, 2/11/13, and 2/12/13 represent multiple thousands of pages of disclosure which meets the test of a "long list". Thus it is said that if Applicant desires that any of the references included in the IDSs are to be considered, such IDSs must be submitted again with the most relevant documents underlined.

In response, Applicant notes the Examiner's comments regarding the previously filed *Information Disclosure Statement* (IDS) and apologizes for the sheer bulk of the submission. Applicant would inform the Examiner that the IDSs identified above were based on materials that were provided to Applicant in bulk in the course of litigating the '816 patent and have not been fully reviewed by counsel for Applicant. Thus, counsel for Applicant has not formed an opinion as to which are the most relevant documents among those provided by the defendants in the patent infringement lawsuit.

That being said, Applicant would state that, with respect to the Ex Parte Reexamination proceeding identified above, the Requestor has expressed a belief that the

following eight references, alone or in combination, raise a substantial new question of patentability:

U.S. Patent No. 5,704,029 to Wright ("Wright");

U.S. Patent No. 6,477,373 to Rappaport et al. ("Rappaport");

U.S. Patent No. 6,584,464 to Warthen ("Warthen");

U.S. Patent Application Publication No. 2002/0007303 to Brookler et al. ("Brookler");

European Patent Application EP 0779,759 to Rossmann ("Rossmann");

PCT Published Application WO 99/33390 to Benigno ("Benigno");

U.S. Patent No. 5,991,771 to Falls et al. ("Falls"); and

U.S. Patent No. 5,442,786 to Bowen ("Bowen").

Appropriately annotated versions of the previously filed IDS's are included herewith.

Additionally, Applicant would inform the examiner that additional art has been cited in the *Inter Partes* Review identified above. Such art will be submitted in the form of an IDS.

CLAIM OBJECTIONS AND REJECTIONS

Claim Rejections – 35 USC 112

The examiner states:

Claims 7,8 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the Application/Control subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention. As per claim 7, 8, recites "the Web", *there is insufficient antecedent basis for this limitation in the claim.*

Applicant respectfully submits that one of ordinary skill in the art would understand that "the Web" refers to the World Wide Web. According to Wikipedia:

> The World Wide Web (abbreviated as WWW or W3, commonly known as the web) is a system of interlinked hypertext documents accessed via the Internet.

See http://en.wikipedia.org/wiki/World_Wide_Web (emphasis removed). MPEP § 2173.05(e) states "A claim term is indefinite when it contains words or phrases whose meaning is unclear." Applicant respectfully submits that the term "the Web" would be abundantly clear to one skilled in the art. Although the term "web" is used throughout the application (e.g., *Abstract*, col. 8, lines 29-33, etc.), out of an abundance of caution, Applicant has amended Claim 7 to recite "the Internet."

Claim Rejections - 35 USC § 103

The Examiner states:

Claims 1-7, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent 6,584,464 issued to Warthen in view of US Publication 2002/0007303 issued to Brookler et al.(Brookler).

With regard to Claim 1, the Examiner states:

Wright however does not explicitly teach tokenizing said questionnaire; (e) transmitting at least a portion of said response from the user to a server via a network; and (f) storing said response at said server. Wright however does suggest that the questionnaire is tokenized (Figs. 1-11, Abstract, col.25, lines 1-50).

In reply, Applicant would note that Claim 1 has been amended to require device independent tokens, a questionnaire that has been customized for a location, and execution of the questionnaire when the remote computing device is brought proximate to the location.

Nothing in Wright, Warthen, or Brookler – alone or in combination – teaches or suggests that such might be possible. As such, it is believed that Claim 1 is allowable over the art of record.

In addition, Applicant respectfully disagrees that Wright Figs.1-11, Abstract, and col.25, lines 1-50, either individually or collectively, suggest a tokenized questionnaire. At best, the figures and passages relied upon suggest a relatively simplistic scripting language that resides alongside a questionnaire to validate data, sound an alarm, display a message, quit, launch another form, skip to another question, and so forth. Wright at Col. 7, ll. 14-18. There is no suggestion that the questionnaire is tokenized, thereby producing a plurality of device independent tokens.

Further, Warthen's tokenizer merely separates a sentence into individual words or groups of words. A Warthen token is just a word, it does not represent the word, it is the word itself, nothing more and nothing less. "Tokenizer 150 converts the initial user query into a list of words and provides the list to parser 155." Warthen at col. 5, ll. 28-30.

Warthen receives the transmission of the user's untokenized query on the server side and tokenizes the query locally. There is no transmission of a tokenized questionnaire to a remote computing device as required by Claim 1: Warthen's tokenizing operations occur locally on the server side and the results are used there. Warthen Figure 1(b).

Further, applying the tokenization scheme of Warthen to Wright would be nonsensical. Warthen's tokenizer simply pulls individual words out of the submitted questions for further

processing, to find an equivalent "well-formed question." Wright's questions needs no further processing, only answers are processed. Thus there is no motivation to combine Wright and Warthen and even if they were combined, there is no suggestion to transmit the tokens to a remote computing device as required by Claim 1 step (c).

In addition, neither Wright nor Warthen suggest that a token may be executable, as required by step (d) of Claim 1. Warthen forwards his list of words, or tokens, to a normalizer which substitutes canonical words that are synonymous, or nearly so, for the tokenized words. Warthen col. 5, ll. 26-56. These are not the executable tokens of the present invention.

In the Office Action, the Examiner goes on to state:

Wright in view of Warthen does not explicitly teach (e) transmitting at least a portion of said response from the user to a server via a network; and (f) storing said response at said server. Brookler explicitly teaches (e) transmitting at least a portion of said response from the user to a server via a network; and (f) storing said response at said server (Fig.1, para.0033)

Applicant notes that the term "network" is expressly defined in the specification of the present application at 0027 where it is stated:

> With regard to the present invention, the term "loosely networked" is used to describe a networked computer system wherein the devices on the network are tolerant of intermittent network connections and, in fact, tolerant of the type of network connection available. In particular, if any communication connection is available between devices wishing to communicate, network transmissions occur normally, in real time. If a network connection is unavailable at that moment, the information is temporarily stored in the device and later transmitted when the network connection is restored. **Unless otherwise specified, hereinafter the terms "network" or "networked" refer to loosely networked devices** (emphasis added).

Thus, Claim 1 step (e) of the instant application requires the transmission to occur in a loosely networked fashion. Neither Wright, Warthen, nor Brookler discuss special handling of

intermittent connections, and therefore none of these references suggest a loosely networked connection.

Accordingly, a number of the limitations of Claim 1 are simply not present in the suggested combination, such as: step (c) requires transmitting the plurality of tokens to a remote device, but Warthen only deals with tokens internally; step (d) requires executing a portion of the tokens which is not disclosed in any of the cited references; and step (e) requires a loosely networked connection. Further, Claim 1 has been amended to require the questionnaire to be customized for a particular location in step (a) and, in step (d) that the questionnaire is executed when the remote computing device is proximate the particular location. These limitations are not found in any of the cited references.

Applicant submits that, in view of the foregoing, Claim 1, as amended, is thus in condition for allowance. Claims 2-6 depend from Claim 1 and inherit its limitation and, as such, are allowable at least for the reasons stated with regard to Claim 1. Additionally, Applicant would note that with regard to Claim 5, step (c) would likewise require the network to behave in a loosely networked fashion. Reconsideration and allowance of Claims 1 and 2-6 is respectfully requested.

With regard to Claims 7 and 9, the Examiner states:

As per claims 7, 9-11 rejected for the same reasons as set forth above or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

Claim 7 has been amended *supra* to require a questionnaire that has been customized for a location and is executed when the loosely networked computer is proximate to the location.

Nothing in any of the foregoing references teaches or even suggests such a possibility. As such, and for at least this reason, Claim 7 is believed to be allowable.

Applicant would further point out that Claim 7, step (b) requires a loosely networked computer and, as discussed above with regard to Claim 1, none of the cited references disclose a network tolerant of intermittent connections. Likewise, step (d) requires a loosely networked connection.

For at least the reasons set out above, Applicant submits that Claim 7 is thus in condition for allowance. Claim 8 depends from Claim 7 and is believed to be allowable at least for the reasons discussed with regard to Claim 7.

Reconsideration and allowance of Claims 7 and 8 is respectfully requested.

Similarly with respect to Claim 9, as amended, steps (a) and (d) of Claim 9 require a loosely networked connection which is not taught or even suggested in any of the cited references. Further, as discussed with regard to Claim 1, the tokens of Warthen are simply not the same as the tokens of the present invention. Warthen's tokens do not represent a word or group of words, they are the words.

For at least the reasons set out above, Applicant submits that Claim 9 is thus in condition for allowance. Claims 10 and 11 depend from Claim 9 and are allowable at least for the reasons discussed with regard to Claim 9. Reconsideration and allowance of Claims 9-11 is respectfully requested.

With regard to claim 8, the Examiner states:

Claims 8 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,704,029 issued to Wright, Jr. (Wright) in view of US Patent 6,584,464 issued to Warthen in

view of US Publication 2002/10007303 issued to Brookler et al. (Brookler) in view of US Publication 2001/0056374 issued to Joao.

As per claim 8, Wright in view of Warthen in view of Brookler does not explicitly teach the method for collecting survey data according to claim 7 further comprising: (f) assessing a charge for each transferred response received by said central computer. Joao explicitly teaches (f) assessing a charge for each transferred response received by said central computer (para.0230).

Claim 8 depends from Claim 7 and is therefore allowable at least for the reasons discussed with regard to Claim 7. However, Applicant would note that Claim 8 further requires assessing a charge for each transferred response received at the central computer, while Joao generates a reward for the person taking the survey. Claim 8 generates revenue for the service collecting the survey results while Joao is a reward system for the user. Applicant respectfully submits that the charge assessed in Claim 8 is fundamentally different than the reward earned in Joao. Reconsideration and allowance of Claim 8 is respectfully requested.

In the Office Action the Examiner States:

Claims 12-14, 16-18, 24,25, 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent 6,584,464 issued to Warthen in view of US Publication 2002/0007303 issued to Brookler et al.(Brookler) in view of US Patent 6,477,373 issued to Rappaport et al.(Rappaport).

As discussed with regard to Claim 1, as amended, the tokens of the combination of Wright and Warthen are not the device independent tokens of the present invention.

The Examiner further states:

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Warthen in view of Brookler to include the known art of connection failure and reconnecting of mobile devices as taught by Rappaport in order to provide the predictable result of when connection fails, the mobile device reconnects and sends information once there is a connection.

Without conceding that any of the elements identified above may be found in the references of record and assuming *arguendo* (unless otherwise challenged) that the teachings relied upon are indeed found in the cited references, Applicant believes that the combination relied upon would fail to yield Applicant's invention.

First with respect to Claim 12, this claim, as amended, requires a questionnaire customized for a particular location, tokenizing of the questionnaire to produce a plurality of device independent tokens, and when the device on which the tokenized questionnaire is resident is brought proximate to the location for which the questionnaire was designed, execution of at least a portion of the tokens. Nothing in reference of record teaches an approach such as that set out in Claim 12.

More particularly, Rappaport teaches a system and method for *maintaining connectivity* in a voice / data environment. (Abstract). A central idea in this patent is that voice is given priority over "time-insensitive" data streams (col. 2, lines 44-48). Low priority streams are put on "hold" if resources are not available *or* terminated without warning if resources are not available.

Of course, the term "server" cannot be found in Rappaport and that is for a reason. Rappaport's invention sits *between* the handheld and the server and is only designed to maintain connectivity between two devices that communicate over a network that is monitored by this

invention – to the extent that is possible. If there are insufficient resources, the data or voice connection is unceremoniously dropped, apparently without warning. *See*, e.g., 17 in Fig. 1, 28 and 31 in Fig. 2, and associated text). Consider the following (col. 5, lines 2-16) from Rappaport:

> In contrast, mobile users that are engaged in mobile computing (or other forms of data transmission) may have the capability to operate semi-autonomously since data communications with the network are packetized and not necessarily streamed. So with appropriate network design, a temporary disconnection from the network may be transparent to the user. Thus, implementing the techniques described herein, short term radio link disconnections, which are frequent in mobile communications, need not result in failed sessions, discarded information and wasted use of resources. The current invention concerns maintaining connectivity for sessions that have gained admission to network resources. It is applicable to both circuit switched and packet switched systems.

Rappaport's goal is maintaining continuously end-to-end network connectivity where possible so that the remote device is oblivious to being temporarily disconnected from the recipient of the communication.

Obviously, in the world of Wright/Warthen/Brookler, receipt of a questionnaire does not signal disconnection from the remote server. The word "disconnect" does not appear in any one of Wright, Warthen, Brookler. All three references have flow charts depicting operation of their respective data handling, yet there is no provision in any flow chart for handling the case where a connection is not available. This is in complete opposition to the assertion that a user can continue to operate while waiting on the connection to be restored as required in Claim 12, step (d).

In short, the combination of Wright, Warthen, and Brookler does not teach a method wherein when services are not available from a remote server, a questionnaire is executed on the local device. Instead, all three references assume a connection is available as needed.

As such, combining Wright, Warthen, Brookler, and Rappaport would yield a system which is premised on the notion, at its core, that network connectivity between a mobile user and a remote computer is always present. If such connectivity is not available, Rappaport teaches abrupt failure of the associated program by active termination. The other three references are simply silent on the issue. Thus, the combination does not yield Applicant's invention and it is believed that at least this aspect of the analysis of the art of record is flawed, and the instant rejection of same should be withdrawn and the associated claims confirmed.

Further, Applicant would dispute that Rappaport teaches a true method of reconnection. Per that reference, the only time a "reconnection" between the mobile user and the intended recipient can take place is if the data transmission (or voice) is only temporarily suspended. If the session is dismissed (e.g., by exceeding the maximum allowable number of reconnect attempts, unavailability of resources as might occur in connection with a cell-tower-to-cell-tower hand off, Figures 1 and 2 of Rappaport) the connection is terminated and no reconnection is possible or is taught.

Finally, Applicant would argue that the cited combination Rappaport is improper at least because Rappaport is nonanalogous art. At the time the invention was made, an inventor who was searching for a solution to the problem of how to manage data on portable computing devices when they cannot be connected to a remote server would *not* look to the management of telephone switching systems for inspiration. The inventor would either look to the technology of mobile computing devices or remote computing devices. It would be completely unreasonable to think that such inventor would look to massive telephone networks and techniques for controlling links when phone calls are handed off between towers to create the instant invention. Recall, *In re Wood*, 599 F.2d 1032, 202 USPQ 171, 174 (C.C.P.A. 1979)

> The determination that a reference is from a nonanalogous art is . . . twofold. First, we decide if the reference is within the field of the inventor's endeavor. If it is not, we proceed to determine whether the reference is reasonably pertinent to the particular problem with which the inventor was involved.

Here, systems and methods of managing telephone switching operations are certainly *not* within the instant inventor's field of endeavor nor are they reasonably pertinent to the particular problem which the inventor was trying to solve. Payne (the inventor) was not trying to develop a system by which a remote computing device could maintain continuous communication with a remote server but, instead, how such a device could operate in the face of uncertain network connections.

Accordingly, a number of claim limitations that are required by the instant claims are simply not present in the suggested combination. With regard to Claim 12 and as described above: step (b) requires receiving a tokenized questionnaire, Warthen's tokens are not device independent tokens as described in the present application and Warthen does not transmit any tokens; step (c) ending the communications between the handheld and originating computer; and step (d) executing a token on the handheld; step (e) reestablishing communications. Further, Claim 12 has been amended to include the limitation that the questionnaire is customized for a particular location in step (b) and, in step (d) that the questionnaire is executed when the handheld computing device is proximate the particular location. These limitations are not found in any of the cited references.

Applicant submits that, for at least the reasons set out above, Claim 12 is thus in condition for allowance. Claims 13, 14, and 16-18 depend from Claim 12 and are allowable at least for the reasons discussed with regard to Claim 12. Reconsideration and allowance of Claims 12-14 and 16-18 is respectfully requested.

In the Office Action the Examiner States:

As per claim 24 rejected for the same reasons as set for above, and further (g) after receipt of said transmission of step (f), transmitting a notice of said received value representative of each of said at least one response to a second user (Brookler, para.0033) or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

With regard to Claim 24 as amended, Applicant would note that, as discussed with regard to Claim 12, a number of claim limitations are simply not present in the cited references. Specifically, step (b) requires receiving a tokenized questionnaire comprised of a plurality of device independent tokens, Warthen's tokens are not tokens as described in the present application and Warthen does not transmit any tokens; step (c) ending the communications between the handheld and originating computer; and step (d) executing a token on the handheld; step (e) reestablishing communications.

Accordingly and at least for the reasons set out above, Claim 24 is thus believed to be in condition for allowance. Reconsideration and allowance of Claim 24 is respectfully requested.

In the Office Action the Examiner states:

As per claims 25, 28-31 rejected for the same reasons as set forth above or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

With regard to Claim 25, the claim depends from Claim 24 and is allowable at least for the reasons set forth with regard to Claim 24. Reconsideration and allowance of Claim 25 is respectfully requested.

With regard to Claim 28, the steps (a)-(e) are identical to Claim 24, steps (a)-(e). The discussion of Wright, Warthen, Brookler, and Rappaport is equally applicable to Claim 28. Thus it is believed that Claim 28 is in condition for allowance.

Claims 29-31 depend from Claim 28 and are allowable at least for the reasons stated with regard to Claims 12 and 28. As such, reconsideration and allowance of Claims 28-31 is respectfully requested.

In the Office Action the Examiner states:

Claims 15 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,704,029 issued to Wright, Jr. (Wright) in view of US Patent 6,584,464 issued to Warthen in view of US Publication 200210007303 issued to Brookler et al. Brookler) in view of US Patent 6,477,373 issued to Rappaport et al. (Rappaport) in view of US Publication 200210137524 issued to Bade et al. (Bade).

Without conceding that Bade discloses authentication as required in Claim 15, Applicant would note that Claim 15 depends from Claim 12 and is therefore allowable for at least the reasons stated with regard to Claim 12. Reconsideration and allowance of Claim 15 is respectfully requested.

In the Office Action the Examiner states:

Claims 19-21, 26, 27 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,704,029 issued to Wright, Jr. (Wright) in view of US Patent 6,584,464 issued to Warthen in view of in view of US Patent 6,477,373 issued to Rappaport et al. (Rappaport) in view of US Patent 6,462,708 issued to Tsujimoto et al. (Tsujimoto).

With regard to Claim 19, step (b) requires receiving a tokenized questionnaire comprised of a plurality of device independent tokens, Warthen's tokens are not tokens as described in the present application and Warthen does not transmit any tokens and thus, there are no tokens to receive. Further, step (d) requires executing at least a portion of the tokens after communications have ended. None of the cited references disclose off-line operation. Step (e) requires establishing communication between the handheld and a recipient computer. This is not necessarily the same computer, or the same connection, as the communications with the originating computer in step (a). As discussed above, none of the cited references disclose a second communication connection.

Finally, Claim 19, as amended, requires the questionnaire be customized for a particular location and, when the device is proximate to the location, executing at least a portion of the tokens.

Accordingly, Claim 19 is in condition for allowance. Claims 20 and 21 depend from Claim 19 and are allowable at least for the reasons stated with regard to Claim 19. Reconsideration and allowance of Claims 19-21 are respectfully requested.

In the Office Action the Examiner states:

As per claims 26, 27 rejected for the same reasons as set forth above or Admitted Prior Art/Official Notice is taken; the feature is well known and obvious to one ordinary skill in the art.

With regard to Claim 26, as amended, Applicant would note that, as discussed with regard to Claim 12, a number of claim limitations are simply not present in the cited references. Specifically, step (a)(2) requires receiving a tokenized questionnaire comprised of a plurality of

device independent tokens, Warthen's tokens are not tokens as described in the present application and Warthen does not transmit any tokens; step (a)(3) ending the communications between the handheld and originating computer; and step (a)(4)(i) executing a token on the handheld; step (a)(5) reestablishing communications. Accordingly, Claim 26 is thus in condition for allowance. Claim 27 depends from Claim 26 and is therefore allowable at least for the reasons stated with regard to Claim 26. Reconsideration and allowance of Claims 26 and 27 is respectfully requested.

In the *Response to Arguments* the Examiner States:

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (Le., a token is a logical, mathematical, or branching operation) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181,26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant would note that these remarks do not seem to take into consideration the term "executing" that can be found in all of the independent claims of the instant application, except Claim 9. "Executing" is a term of art which implies some degree of processing (i.e. logical, mathematical, branching, etc.). Wikipedia defines "execution: as:

> **Execution** in computer and software engineering is the process by which a computer or a virtual machine performs the instructions of a computer program. The instructions in the program trigger sequences of simple actions on the executing machine. Those actions produce effects according to the semantics of the instructions in the program.
>
> Programs for a computer may execute in a batch process without human interaction, or a user may type commands in an interactive session of an interpreter. In this case the "commands" are simply programs, whose execution is chained together.

> The term **run** is used almost synonymously. A related meaning of both "to run" and "to execute" refers to the specific action of a user starting (or *launching* or *invoking*) a program, as in "Please run the ... application." http://en.wikipedia.org/wiki/Execution_(computing) (emphasis in original).

Thus, the limitation is expressly included in the claims, and not implicitly read into the claims as suggested in the Office Action.

* * *

This paper is intended to constitute a complete response to the Examiner's Office Action mailed 04/09/2013.

In view of the foregoing, Applicant believes that the rejections and objections offered by the Examiner have been overcome and should be withdrawn. It is further believed that the claims as-filed and as-amended are in condition for allowance and should be passed to the issue branch. Early and favorable action is earnestly solicited.

Respectfully submitted,

05/09/2014
Date

/terry l. watt/
Terry L. Watt
Attorney/Agent for Applicant(s)
Reg. No. 42214
FELLERS, SNIDER, BLANKENSHIP,
BAILEY & TIPPENS, P.C.

321 SOUTH BOSTON, SUITE 800
TULSA, OK 74103-3318
Tel. 918/599-0621

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (**Not for submission under 37 CFR 1.99**)		
	Application Number	12910706
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	Examiner Name	BACKHEAN TIV
	Attorney Docket Number	71855/10-351

U.S.PATENTS						
Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	5666553		1997-09-09	CROZIER	
	2	5684990		1997-11-04	BOOTHBY	
	3	5842195		1998-11-24	PETERS et al.	
	4	5943676		1999-08-24	BOOTHBY	
	5	6141664		2000-10-31	BOOTHBY	
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	Attorney Docket Number	71855/10-351

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Name/Print	Scott R. Zingerman	Registration Number	35422

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Signature	/scott r. zingerman/	Date (YYYY-MM-DD)	2013-02-11
Name/Print	Scott R. Zingerman	Registration Number	35422

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

Application Number:	12910706
Filing Date:	22-Oct-2010
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Filer:	Terry L. Watt/Carol Welch
Attorney Docket Number:	71855/10-351

Filed as Small Entity

Utility under 35 USC 111(a) Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 5 months with $0 paid	2255	1	1500	1500

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
Request for Continued Examination	2801	1	600	600
		Total in USD ($)		**2100**

Electronic Acknowledgement Receipt	
EFS ID:	18993069
Application Number:	12910706
International Application Number:	
Confirmation Number:	8703
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Customer Number:	22206
Filer:	Terry L. Watt/Carol Welch
Filer Authorized By:	Terry L. Watt
Attorney Docket Number:	71855/10-351
Receipt Date:	09-MAY-2014
Filing Date:	22-OCT-2010
Time Stamp:	16:36:02
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$2100
RAM confirmation Number	2934
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1	Request for Continued Examination (RCE)	5-9-2014_RCE.pdf	697867 e468ac12615ebe5c67c659b9ac5a5a0729745651	no	3
Warnings:					
Information:					
2	Amendment Submitted/Entered with Filing of CPA/RCE	5-9-2014_Amendment.pdf	273000 ed73cbbdc9bea60397f7268dbc2e140a567d91a8	no	35
Warnings:					
Information:					
3	Information Disclosure Statement (IDS) Form (SB08)	AnnotatedIDS_filed_2-6-2013.pdf	445696 ca740b854d47d2b974a199f3e03c13faba0e8c6c	no	6
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
4	Information Disclosure Statement (IDS) Form (SB08)	ANNOTATEDIDS_filed_2-11-2013.pdf	626102 095dae606eafabe0dec8b83c2ee0d0d5cdab101c	no	9
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
5	Information Disclosure Statement (IDS) Form (SB08)	2ndAnnotatedIDS_filed_2-11-2013.pdf	833699 92faf9af512eddf7909025ac2e46317857739820	no	13
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
6	Fee Worksheet (SB06)	fee-info.pdf	32179 9828eac70052ff94e4ff259f84143916ec7882c1	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	2908543		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

PTO/SB/08a (01-10)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT
(Not for submission under 37 CFR 1.99)

Application Number	12910706
Filing Date	2010-10-22
First Named Inventor	Payne
Art Unit	2451
Examiner Name	BACKHEAN TIV
Attorney Docket Number	71855/10-351

U.S.PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	7072354	B1	2006-07-04	BEATHARD	
	2	7085672	B2	2006-08-01	ISHII et al.	
	3	7349873	B2	2008-03-25	GINSBERG	
	4	7370032	B2	2008-05-06	LEHNERT	
	5	7475339	B2	2009-01-06	HOLLOWAY et al.	
	6	7509499	B2	2009-03-24	von MUELLER et al.	
	7	7539656	B2	2009-05-26	FRATKINA et al.	
	8	6058416		2000-05-02	MUKHERJEE et al.	

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	Attorney Docket Number	71855/10-351

	9	7392308	B2	2008-06-24	AUFRICHT et al.	

If you wish to add additional U.S. Patent citation information please click the Add button.

U.S.PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20010044827	A1	2001-11-22	ZHUK	
	2	20010049688	A1	2001-12-06	FRATKINA et al.	
	3	20010052009	A1	2001-12-13	DESAI et al.	
	4	20010052122	A1	2001-12-13	NANOS et al.	
	5	20020004739	A1	2002-01-10	ELMER et al.	
	6	20020029154	A1	2002-03-07	MAJOOR	
	7	20020029159	A1	2002-03-07	LONGDEN	
	8	20020052774	A1	2002-05-02	PARKER et al.	

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	9	20020119433	A1	2002-08-29	CALLENDER	
	10	20020002482	A1	2002-01-03	THOMAS	
	11	20020035633	A1	2002-03-21	BOSE et al.	
	12	20020038302	A1	2002-03-28	MAEDA	
	13	20020099595	A1	2002-07-25	KELLY et al.	
	14	20020147850	A1	2002-10-10	RICHARDS et al.	
	15	20030060284	A1	2003-03-27	HAMALAINEN et al.	
	16	20030097457	A1	2003-05-22	SARAN et al.	
	17	20030113692	A1	2003-06-19	KAMANO	
	18	20030115467	A1	2003-06-19	AULL et al.	
	19	20030204498		2003-10-30	LEHNERT	

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	20	20030220831	A1	2003-11-27	SON	
	21	20030088452	A1	2003-05-08	KELLY	
	22	20040002301	A1	2004-01-01	ROSS et al.	
	23	20050075919	A1	2005-04-07	KIM	

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FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] i	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
	1	3613898	DE	A1	1987-10-29	Siemens AG		☐

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NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
	1	Clarence C. Gravlee, Mobile Computer-Assisted Personal Interviewing with Handheld Computers: The Entryware System 3.0, vol. 14 Field Methods pp. 322-326 (2002)	☐
	2	Clarence C. Gravlee et al., Handheld Computers for Direct Observation of the Social and Physical Environment, Field Methods	☐

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	3	Paul D. Greene, Handheld Computers as Tools for Writing and Managing Field Data, vol. 13 Field Methods pp. 181-197 (2001)	☐
	4	Visor Handheld User Guide, Handspring, Inc. (1999-2Visor Handheld User Guide, Handspring, Inc. (1999-2000)000)	☐
	5	Development Kit for Handspring Handheld Computers – Release 1.0, Handspring, Inc. (1999)	☐
	6	Dave Johnson, Handheld Management Can Be A Handful, InformatioWeek.Com News, 03/26/2001	☐
	7	JTECH and TOUCHPAK Join Forces to Develop New Wireless Technologies for Restaurant Guests and Operators Elected to Suburban Lodges Board, 05/24/2001	☐
	8	Lowering Merchandising Costs and Increasing Competitiveness(2000)	☐
	9	Manish Malik, MDC: A Mobile Data Collection System For Pocket PC (2002)	☐
	10	Daniel Barbara, Mobile Computing and Databases – A Survey, vol.11 IEEE Transactions on Knowledge and Data Engineering (1999)	☐
	11	James Bryan Zimmerman, Mobile Computing: Characteristics, Business Benefits, and the Mobile Framework (1999)	☐
	12	Johnson Dave, Handheld Management Can Be A Handful, Information Week (2001)	☐
	13	nHand Survey (2002)	☐

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	Art Unit	2451
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	Attorney Docket Number	71855/10-351

	14	nHand Solutions, Inc. (2000)	☐
	15	Conducting Surveys With Personal Digital Assistants, NRCS – Natural Resources Inventory and Analysis Institute	☐
	16	S.M. Nusser et al., Using Personal Digital Assistants to Collect Survey Data (1996)	☐
	17	Sarah Nusser et al., Web-Based Survey Tools (1998)	☐
	18	Palm OS Programmer's Companion (Preliminary) (1996-1999)	☐
	19	Handbook for Palm m500 Series Handhelds (1998-2001)	☐
	20	Palm Desktop Software for Mac User's Guide (1995-2001)	☐
	21	Palm OS Programmer's Companion (1996-1999)	☐
	22	Handbook for the Palm VII Handheld (1998-2000)	☐
	23	James Niccolai, Palm VII Goes Wireless, IDG News, 12/02/1998	☐
	24	Neil Rhodes, and Julie McKeehan, Palm Programming: The Developer's Guide (1998)	☐

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	Filing Date	2010-10-22
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	Art Unit	2451
	Examiner Name	BACKHEAN TIV
	Attorney Docket Number	71855/10-351

	25	Handbook for the Palm IIIc Organizer (1998-1999)	☐
	26	PalmPilot Professional Handbook (1997)	☐
	27	David Pogue, PalmPilot: The Ultimate Guide, O'Reilly & Associates, Inc. (1998)	☐
	28	PalmPilot Handbook (1997)	☐
	29	Getting Started with the Palm VII Organizer (1998)	☐
	30	PC World's Enterprise Technology: Real Wireless on the Go (1998-2012)	☐
	31	James Pitkow and Mimi Recker, Using the Web as a survey tool: Results from the second WWW user survey (1995)	☐

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

[1] See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. [2] Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). [3] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [4] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [5] Applicant is to place a check mark here if English language translation is attached.

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	Attorney Docket Number	71855/10-351

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☒ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/scott r. zingerman/	Date (YYYY-MM-DD)	2013-02-11
Name/Print	Scott R. Zingerman	Registration Number	35422

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PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 12/910,706	Filing Date 10/22/2010	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT	05/09/2014	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 29	Minus	** 31	= 0	X $40 =	0
	Independent (37 CFR 1.16(h))	* 8	Minus	***8	= 0	X $210 =	0
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	**0**

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =	
	☐ Application Size Fee (37 CFR 1.16(s))						
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
						TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
/JAMES MASON/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): PAYNE Application No.: 12/910,706 Filed: 12/06/2011 Title: SYSTEM AND METHOD FOR DATA MANAGEMENT Attorney Docket No.: 71855/10-351	Confirmation No.: 8703 Art Unit: 2451 Examiner: BACKHEAN TIV

REQUEST FOR REFUND OF DOUBLE-BILLED FEE

VIA EFS WEB

Refund Branch
United States Patent and Trademark Office
Alexandria, VA

ATTENTION: Refund Section, Accounting Division, Office of Finance

1. REFUND REQUEST

This is a request for a refund, of charges to AMEX Card No. 3787 503318 31010 in the amount of $2100.00. On 05/09/2014, Applicant electronically filed a Response to Final Office Action and Request for Continued Exam in the above-referenced patent application. Applicant paid the 5 month extension of time fee and the RCE fee. It appears from our AMEX account statement (copy attached) that the USPTO billed our AMEX card twice in the amount of $2100.00. **Please credit Applicant's AMEX account in the amount of $2100.00.**

2. **FEES CHARGED FOR WHICH REFUND REQUESTED**

		Amount of Refund Requested
X	Fee Code #2255 – Extension for Response-Five Months	$1500.00
X	Fee Code #2801 – Request for Continued Exam (1st)	$600.00
	TOTAL REFUND REQUESTED	**$2,100.00**

3. **MANNER OF REFUND**

Please make refund by crediting AMEX Account No. 3787 503318 31010.

I hereby certify that this Correspondence is being deposited with the United States Postal service with sufficient postage for first class mail in an envelope address to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or the correspondence is being facsimile transmitted to the USPTO, or this correspondence is being filed via EFS web on the date indicated below.

Date of Deposit: 06/06/2014
Typed Name: Carol Welch
Signature: Carol Welch

Respectfully submitted,

By Terry L Watt

Terry L. Watt
Attorney for Applicant
Reg. No. 42214
Date: 04/10/2012
Telephone No.: 918/599-0621

37522-v1

Activity Continued

Card Number XXXX-XXXXX8-31010

		Reference Code	Amount $
05/07/14	US PATENT TRADEMARK ALEXANDRIA VA 999999941 13298081 22314 05/06/14 FILING FEES ROC NUMBER 9999999412700006	99999994127	1,300.00
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05/14/14	US PATENT TRADEMARK ALEXANDRIA VA 999999941 12910706 22314 05/13/14 FILING FEES ROC NUMBER 9999999413400006	99999994134	2,100.00
05/14/14	US PATENT TRADEMARK ALEXANDRIA VA 999999941 12910706 22314 05/13/14 FILING FEES ROC NUMBER 9999999413400006	99999994134	2,100.00
05/15/14	US PATENT TRADEMARK ALEXANDRIA VA 999999941 14094290 74103 05/14/14 Late Filing Fee for Oath or Declaration ROC NUMBER 9999999413500006	99999994135	140.00
05/15/14	US PATENT TRADEMARK ALEXANDRIA VA 999999941 6478068 74103 05/14/14 Maintenance Fee Due at 11.5 years ROC NUMBER 9999999413500006	99999994135	1,850.00
05/16/14	US PATENT TRADEMARK ALEXANDRIA VA 999999941 14277444 74103 05/15/14 Utility application filing Utility Search Fee Utility Examination Fee Late Filing Fee for Oath or Declaration ROC NUMBER 9999999413600006	99999994136	1,740.00
05/16/14	US PATENT TRADEMARK ALEXANDRIA VA 999999941 3536585 99999 05/15/14 ELECTRONIC FILING- FILING SEC8 AFFIDAVIT ELECTRONIC FILING-FILING SEC15 AFFIDAVIT ROC NUMBER 9999999413600006	99999994136	300.00
05/16/14	US PATENT TRADEMARK ALEXANDRIA VA 999999941 86281144 99999 05/15/14 TRADEMARK APPLICATION-TEAS APPLICATION ROC NUMBER 9999999413600006	99999994136	325.00
05/16/14	US PATENT TRADEMARK ALEXANDRIA VA 999999941 13375696 74103 05/15/14 Utility Appl Issue Fee ROC NUMBER 9999999413600006	99999994136	960.00

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Home
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Credit Card Statement for - My American Express2 (Account#: ...010) For 05/2014

Total Sale : $34,786.89 Total Refund : $0.00

Type	Transaction Status	Date Posted	Name/Number	Attorney Docket Number	Charges/ Credits (-)	Charge Date
Sale	Active	05/06/2014	13298081	71857/11-514	$1,300.00	05/05/2014
Sale	Active	05/07/2014	14216448	46803/14-051	$70.00	05/07/2014
Sale	Active	05/07/2014	14216377	46803/14-052	$70.00	05/07/2014
Sale	Active	05/08/2014	78915677	88690/13-171	$150.00	05/07/2014
Sale	Active	05/09/2014	13447956	71778/12-097	$480.00	05/08/2014
Sale	Active	05/09/2014	61990566	66397/14-134	$130.00	05/08/2014
Sale	Active	05/12/2014	12910706	71855/10-351	$2,100.00	05/09/2014
Sale	Active	05/12/2014	12910706	71855/10-351	$2,100.00	05/09/2014
Sale	Active	05/13/2014	14094290	66068/13-237	$140.00	05/12/2014
Sale	Active	05/13/2014	6478068		$1,850.00	05/13/2014
Sale	Active	05/15/2014	14277444	66356/14-043	$1,740.00	05/14/2014
Sale	Active	05/15/2014	3536585	67599/08-246	$300.00	05/14/2014
Sale	Active	05/15/2014	86281144	46788/14-001	$325.00	05/14/2014
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Sale	Active	05/21/2014	62000891	47279/14-142	$130.00	05/20/2014
Sale	Active	05/22/2014	14284603	66356/14-047	$3,340.00	05/22/2014
Sale	Active	05/22/2014	2845324	28146/00-497	$500.00	05/22/2014

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Electronic Acknowledgement Receipt

EFS ID:	19236645
Application Number:	12910706
International Application Number:	
Confirmation Number:	8703
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Customer Number:	22206
Filer:	Terry L. Watt/Carol Welch
Filer Authorized By:	Terry L. Watt
Attorney Docket Number:	71855/10-351
Receipt Date:	06-JUN-2014
Filing Date:	22-OCT-2010
Time Stamp:	15:52:01
Application Type:	Utility under 35 USC 111(a)

Payment information:

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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Refund Request	RequestForRefund.pdf	1561080 c91003b003c644fccc498f1f66594cfbbbd1027a	no	4

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New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Document code: WFEE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/910,706	10/22/2010	J. David Payne	71855/10-351	8703

22206 7590 11/06/2015

FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

EXAMINER	
TIV, BACKHEAN	

ART UNIT	PAPER NUMBER
2451	

MAIL DATE	DELIVERY MODE
11/06/2015	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 12/910,706	Applicant(s) PAYNE, J. DAVID	
	Examiner BACKHEAN TIV	Art Unit 2451	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *5/9/14*.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5)☒ Claim(s) *1-21 and 24-31* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-21, 24-31* is/are rejected.

8)☐ Claim(s) _____ is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

4) ☐ Other: _____.

The present application is being examined under the pre-AIA first to invent provisions. In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

Detailed Action

Claims 1-21, 24-31 are pending in this application. Claims 22,23 were cancelled.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/9/14 has been entered.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 5/9/14 has been considered. The references that were highlighted/underlined by the applicant were considered, however all other references that were not highlighted were not considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112(a):

> (a) IN GENERAL.—The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

The following is a quotation of the first paragraph of pre-AIA 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-6, 9-31 rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor, or for pre-AIA the inventor(s), at the time the application was filed, had possession of the claimed invention.

The applicant has provided col.2, lines 8-26, as providing support for when the questionnaire is tokenized a plurality of device independent tokens are produced, however it appears that the citation does not support this limitation and further this citation is in the background of the specification. The citation describes a language to be compiled to produce an intermediate language such as i-code and tokens.

To overcome the necessity of compiling a program for a particular machine, an application may be written in an interpreted language, or a language which can be compiled to produce an intermediate language (i.e., a language that falls somewhere between source code and object code) such as i-code or tokens. In such a scheme, each device is provided with a run-time package which can execute the compiled i-code or tokens, the runtime package having been written for that particular device, thus, only the run-time package needs to be modified in order to port a program to a new computing environment. Once the run-time package is installed, any application authored in the language and which has been compiled to i-code will run on the target device. Unfortunately, such languages typically lack effective

optimization and generally do not provide a broad range of support for hardware resources. Regardless of the language selected, whether compiled, interpreted, or whatever, software coding requires at least a nominal degree of programming skill to create the application program.

The following is a quotation of 35 U.S.C. 112(b):
(b) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6, 12-21rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention.

As per claims 1-6, 12-21,the term "proximate" is a relative term which renders the claim indefinite. The term "proximate" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

As per claim 6, recites (c) transmitting at least a portion of said tokens resulting from step (b) to a remote computing device….., is unclear to which step (b) it refers to, since claim 6 has a step (b) and claim 1 has a step (b).

Claim Rejections - 35 USC § 103

The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7,12-14,16-18,24,25,28-31are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent US Patent 6,163,811 issued to Porter in view of US Publication 2002/0007303 issued to Brookler et al.(Brookler) in view of US Patent 6,477,373 issued to Rappaport et al.(Rappaport).

As per claim 1, 7, Wright teaches a method for managing data including the steps of: (a) creating a questionnaire comprising a series of questions customized for a location(Figs.1-11, Abstract); (c) transmitting said plurality of tokens to a remote computing device(col.13, lines 38-65); (d) executing at least a portion of said plurality of tokens representing said questionnaire within said remote computing device to collect a response from a user(col.13, lines 38-65; teaches executing script).

Wright however does not explicitly teach

(b)tokenizing said questionnaire, thereby producing a plurality of device independent tokens representing said questionnaire;

(e) transmitting at least a portion of said response from the user to a server in real time via a network; and

(f) storing said response at said server;

(d) when said remote computing device is proximate to said location;

Claim 7, (e) making available via the Internet any responses transferred to said central computer.

Porter explicitly (b)tokenizing thereby producing a plurality of device independent tokens(col.3, lines 38-65; col.4, lines 50-65; tokenizing a file into a source file which maybe HTML or XML which as well known in the art is device independent);

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright to use the known method of tokenizing as taught by Porter in order to provide the predictable result of tokenizing a survey.

One ordinary skill in the art would have been motivated to combine the teachings in order to produce electronic surveys and feedback and reduce bandwidth(Wright, Abstract, Porter, col.4, lines 50-65).

Wright in view of Porter does not explicitly teach (e) transmitting at least a portion of said response from the user to a server in real time via a network; and (f) storing said response at said server Claim 7, (e) making available via the Internet any responses transferred to said central computer.

Brookler explicitly teaches (e) transmitting at least a portion of said response from the user to a server in real time via a network; and (f) storing said response at said server(Fig.1,5 para.0029,0033,0065; teaches providing real time results); (e) making available via the Internet any responses transferred to said central computer(para.0055-0056; teaches use of HTML and Microsoft IE and Netscape Navigator which used for the Internet).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Warthen to include storing user's responses at the server as taught by Brookler in order to provide the predictable result of having all answered survey questions stored on the server.

One ordinary skill in the art would have been motivated to combine the teachings in order to have a central location, e.g. server, for all results of a survey which provides ease of access for the surveyors(Brookler, para.0002).

Wright in view of Porter in view of Brookler does not explicitly teach when said remote computing device is proximate to said location and a "network" as defined by the applicant as a "loosely networked ".

Rappaport teaches "loosely networked"(Abstract, col.2, lines 44-59).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Porter in view of Brookler to include the known art of connection failure and reconnecting of mobile devices and also processing of data while the data connection is not in use as taught by Rappaport in order to provide the predictable result of a user can take the survey even when there isn't a connection and when the the mobile device reconnects and information is sent.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide reliable connectivity and automatically and transparently attempt to reconnect disrupted links(Rappaport, col.1, lines 25-28).

Wright in view of Porter in view of Brookler in view of Rappaport does not explicitly teach when said remote computing device is proximate to said location.

Wright however, does teach a Joe's Diner's "customer comment card", Fig.2a. The use of "customer comment card" is well known in the art as a form of feedback for services and/or products and is given at the location to be filled out . Wright further teaches taking an electronic survey of Joe's Diner, Fig.2b,c.

Therefore it would have been obvious to one ordinary skill in the art to modify the teaching of Wright in view of Porter in view of Brookler in view of Rappaport to fill out a survey at the location of business, such as Joe's Diner in order to provide the predictable result of providing feedback to the vendor about products or services.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide a system to improve services/products through customer feedback.

As per claim 2, the method for managing data of claim 1 further comprising the step of: (g) translating said response to a format recognizable by a particular computer program; and (h) accessing the translated response from a computer executing said particular computer program(Wright, Figs.1-11, Abstract,Porter, col.3, lines 38-65; col.4, lines 50-65; teaches sending response and also teaching HTML). Official Notice is taken; the art of translating to a particular format is well known in the art a the time of the invention. (see US Publication 2003/0041031 issued to Hedy, claim 1 and US Patent 6,615,212 Fig.7; teaches the art of conversion of data). Therefore it would have been obvious to one ordinary skill in the art to modify the teaching to include translating a response to a format that is recognized by a computer program in order to provide the predictable result of having the response of a survey be translated/converted to a particular format for a browser such as IE to recognize the response. One ordinary skill

in the art would have been motivated to combine the teaching in order to interpret responses of a survey to improve a restaurant or store's product.

As per claim 3, the method for managing data of claim 1 wherein step (a) includes the substeps of: (a)creating a questionnaire by: (i) entering a series of questions into a questionnaire design computer program(Wright, col.9, lines 10-25); (ii) identifying within said questionnaire design computer program the type of response allowed for each question of said series of questions(Wright, col.11, lines 50-65, Brookler, para.0044-0046); and (iii) identifying within said questionnaire design computer program a branching path in said questionnaire for each possible response to each question of said series of questions(Wright, Figs.1-11, Abstract).

As per claim 4, the method for managing data of claim 1 wherein step (b) includes the substeps of: (b) tokenizing said questionnaire thereby producing a plurality of tokens representing said questionnaire(Porter, col.3, lines 38-65; col.4, lines 50-65) by: (i) assigning at least one token to each question of said series of questions; (ii) assigning at least one token to each response called for in said series of questions to identify the type of response required(Porter, col.3, lines 38-65; col.4, lines 50-65); and (iii) assigning at least one token to each branch in said questionnaire to identify the required program control associated with said branch(Wright, Figs.1-11, Abstract). Therefore it would have been obvious to one ordinary skill in the art to apply tokenization of Porter to Wrights's teachings of creating a survey in order to provide the predictable result of tokenization a survey and responses of a user. One ordinary skill

in the art would have been motivated to combine the teaching in order to save bandwidth.

As per claim 5, the method of data management of claim 1 wherein the transmission of said tokens in step (c) occurs via the network of step (e) (Brookler, Fig.1, Rappaport, Abstract).

As per claim 6, a method for modifying a questionnaire used in data management according to the method of claim 1 including the steps of:
(a) making at least one incremental change to a portion of the questionnaire;
(b) tokenizing said at least one incremental change to said questionnaire(Porter, col.5, lines 20-30); (c) transmitting at least a portion of said tokens resulting from step (b) to a remote computing device, said transmitted tokens comprising less than the entire tokenized questionnaire(Porter, col.5, lines 20-30); (d) incorporating said transmitted tokens into said questionnaire at said remote computing device(Wright, Figs.1-11, col.16, lines50-55, Abstract).

As per claim 12, 24,28 Wright teaches a method for managing data comprising the steps of: (a) establishing communications between a handheld computing device and an originating computer; (b) receiving within said handheld computing device a transmission of a questionnaire from said originating computer, said questionnaire customized for a particular location comprising a plurality of tokens; (d 1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a user, and, (d2) storing within

said computing device said at least one response from the user(Fig.1-11, Abstract, col.13, lines 38-65).

Wright however does not explicitly teach tokenizing said questionnaire and device independent tokens;(c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been ended, when said handheld computing device is proximate to said particular location (e) establishing communications between said handheld computing device and a recipient computer; (f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer;(g) after receipt of said transmission of step (f), transmitting a notice of said received value representative of each of said at least one response to a second user.

Porter explicitly tokenizing thereby producing a plurality of device independent tokens(col.3, lines 38-65; col.4, lines 50-65; tokenizing a file into a source file which maybe HTML or XML which as well known in the art is device independent);

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright to use the known method of tokenizing as taught by Porter in order to provide the predictable result of tokenizing a survey.

One ordinary skill in the art would have been motivated to combine the teachings in order to produce electronic surveys and feedback and reduce bandwidth(Wright, Abstract, Porter, col.4, lines 50-65).

Wright in view of Warthen does not explicitly teach ;(c) ending said communications between said handheld computing device and said originating

computer; (d) after said communications has been ended, when said handheld computing device is proximate to said particular location; (e) establishing communications between said handheld computing device and a recipient computer; (f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer; (g) after receipt of said transmission of step (f), transmitting a notice of said received
value representative of each of said at least one response to a second user

Brookler explicitly teaches (f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer(Fig.1, para.0033); (g) after receipt of said transmission of step (f), transmitting a notice of said received
value representative of each of said at least one response to a second user(Brookler, para.0033).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Porter to include transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer as taught by Brookler in order to provide the predictable result of having all answered survey questions stored on the server.

One ordinary skill in the art would have been motivated to combine the teachings in order to have a central location, e.g. server, for all results of a survey which provides ease of access for the surveyors(Brookler, para.0002).

Wright in view of Porter in view of Brookler does not explicitly teach ;(c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been ended, (e) establishing communications between said handheld computing device and a recipient computer.

Rappaport explicitly teaches the known art of connection failure and reconnecting of mobile devices(Abstract, col.2, lines 44-59).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Porter in view of Brookler to include the known art of connection failure and reconnecting of mobile devices as taught by Rappaport in order to provide the predictable result of when connection fails, the mobile device reconnects and sends information once there is a connection.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide reconnection to transfer information to a server.

Wright in view of Porter in view of Brookler in view of Rappaport does not explicitly teach when said remote computing device is proximate to said location.

Wright however, does teach a Joe's Diner's "customer comment card", Fig.2a. The use of "customer comment card" is well known in the art as a form of feedback for services and/or products and is given at the location to be filled out and return to the vendor. Wright further teaches the art of sending electronic form for information gathering, col.3, lines 5-67, col.6, lines 1-30.

Therefore it would have been obvious to one ordinary skill in the art to combine the teachings of the prior art to have a customer comment card be sent to and filled out

by a mobile user at the location of a restaurant in order to provide feedback to the vendor about products or services.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide a system to improve services/products through customer feedback.

As per claim 13, the method for managing data according to Claim 12, wherein step (b) comprises the steps of: (b 1) creating a questionnaire(Wright, col.9, lines 10-25); (b2) tokenizing said questionnaire, thereby producing a plurality of tokens representing said questionnaire(Porter, col.3, lines 38-65; col.4, lines 50-65), (b3) storing said plurality of tokens on a computer readable medium accessible by said originating computer, (b4) accessing said stored plurality of tokens from said originating computer, (b5) transmitting said stored plurality of tokens from said originating computer to said handheld computing device, (Wright, col.11, lines 50-65, Brookler, para.0044-0046); and, (b6) receiving within said handheld computing device said transmission of said tokenized questionnaire from said originating computer(Wright, col.11, lines 50-65, Brookler, para.0044-0046).

As per claim 14, 25,31, wherein said originating computer and said recipient computer are a same computer(Wright, Figs.1-11, col.16, lines50-55, Rappaport, Abstract, col.2, lines 44-59; reconnecting to the computer to send response of survey).

As per claim 16, the method for managing data according to Claim 12, wherein said questionnaire comprises at least one question(Wright, Figs.1-11, col.16, lines50-55, Abstract, Brookler, para.0044-0046).

As per claim 17, 29 , wherein at least one of said at least one question is selected from a group consisting of a food quality question, a service quality question, a waiting time question, a store number question, a location question, a time question, a date question, a temperature question, and a time of day question(Wright, Figs.1-11, col.16, lines50-55, Abstract, Brookler, para.0044-0046).

As per claim 18,30, wherein step (a) comprises the step of establishing communications via a global computer network/Internet between said handheld computing device and said originating computer(Wright, Figs.1-11, col.16, lines50-55, Brookler, para.0055-0056; teaches use of HTML and Microsoft IE and Netscape Navigator which is commonly for Internet).

Claims 8 rejected under 35 U.S.C. 103(a) as being unpatentable r US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent US Patent 6,163,811 issued to Porter in view of US Publication 2002/0007303 issued to Brookler et al.(Brookler) in view of US Patent 6,477,373 issued to Rappaport et al.(Rappaport). in view of US Publication 2001/0056374 issued to Joao.

As per claim 8, Wright in view of Porter in view of Brookler in view of Rappaport does not explicitly teach the method for collecting survey data according to claim 7 further comprising: (f) assessing a charge for each transferred response received by said central computer.

Joao explicitly teaches (f) assessing a charge for each transferred response received by said central computer(para.0230).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Porter in view of Brookler in view of Rappaport to include assessing a charge for each transferred response received by said central computer as taught by Joao in order to receive compensation, a reward, a rebate, and/or an incentive (Joao, para. 0009).

One ordinary skill in the art would have been motivated to combine the teachings in order to facilitate commerce between any parties and/or any number of parties (Joao, para. 0009).

Claims 15 rejected under 35 U.S.C. 103(a) as being unpatentable over r US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent US Patent 6,163,811 issued to Porter in view of US Publication 2002/0007303 issued to Brookler et al.(Brookler) in view of US Patent 6,477,373 issued to Rappaport et al.(Rappaport)in view of US Publication 2002/0137524 issued to Bade et al.(Bade).

As per claim 15, Wright in view of Porter in view of Brookler in view of Rappaport teaches the method for managing data according to Claim 12, wherein said step (dl) comprises the steps of: executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a user(Wright, Abstract, Porter, col.4, lines 50-65).

However does not explicitly teach the art of authentication.

Bade explicitly teaches the well known method of authentication(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Porter in view of Brookler in

view of Rappaport to include the known method of authentication as taught by Bade in order to provide the predictable result of authentication of a device.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide security for a mobile device and information.

Claims 9-11 rejected under 35 U.S.C. 103(a) as being unpatentable over r US Patent US Publication 2002/0147850 issued to Richards et al.(Richards) in view of US Patent US Patent 6,163,811 issued to Porter in view of US Patent 6,477,373 issued to Rappaport et al.(Rappaport)

As per claim 9. Richard teaches a method for managing data transfers between computers including the steps of:

(a) creating a questionnaire at a first location(Abstract, survey questions)

(c)transmitting said questionnaire to a remote computer via said network, said remote computer running an OIS(Abstract, Fig.1);

(d) modifying said questionnaire with incremental changes at a third location in said first computer located I(e) transmitting said incremental changes from said first computer to said remote computer via said network; (f)modifying said questionnaire in said remote computer with said incremental changes(para.33,36; Richards' logic tree is a "questionnaire." Thus, updating Richards' logic tree teaches "making at least one incremental change to a portion of the questionnaire".).

Richards however does not explicitly teach (b) tokenizing said questionnaire to produce a plurality of device independent tokens; tokenizing said incremental changes;

at a first location in a first computer located at a second location, said first location and said second location being connected by a network:

Porter teaches (b) tokenizing said questionnaire to produce a plurality of device independent tokens(col.3, lines 38-65; col.4, lines 50-65; tokenizing a file into a source file which maybe HTML or XML which as well known in the art is device independent);

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Richards to use the known method of tokenizing as taught by Porter and apply it to Richard's incremental survey update in order to provide the predictable result of tokenizing a survey and any changes made to the survey.

One ordinary skill in the art would have been motivated to combine the teachings in order to produce electronic surveys and feedback and reduce bandwidth(Wright, Abstract, Porter, col.4, lines 50-65).

Richards in view of Porter does not explicitly teach a "network" as defined by the applicant as a "loosely networked "; at a first location in a first computer located at a second location, said first location and said second location being connected by a network:

Rappaport teaches "loosely networked" (Abstract, col.2, lines 44-59).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Richards in view of Porter to include the known art of connection failure and reconnecting of mobile devices and also processing of data while the data connection is not in use as taught by Rappaport in order to provide the

predictable result of a user can take the survey even when there isn't a connection and when the mobile device reconnects and information is sent.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide reliable connectivity and automatically and transparently attempt to reconnect disrupted links(Rappaport, col.1, lines 25-28).

Richards in view of Porter in view of Rappaport does not explicitly teach at a first location in a first computer located at a second location.

Official Notice is taken; to have a computer in a first location that resides in a second location interpreted as a computer in an office(first location) of an office building(second location) or having a mobile device in one section(first location) of a restaurant/store(second location) is well known in the art at the time of the invention.

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention Richards in view of Porter in view of Rappaport to include the teaching of having a device be at a location of another “location” such as an office of a building or a section of a restaurant/store in order to provide the predictable result of having a device in one location of a store/restaurant for receiving survey questions from that particular location, ie receiving survey questions from a computer within the office building or restaurant/store.

One ordinary skill in the art would have been motivated to combine the teaching in order to provide a system to easily survey users.

As per claim 10, the method for managing data transfers between computers according to claim 9 wherein said first location and said third location are the same(Richards, Abstract, Fig.1, Porter, Fig.4).

As per claim 11, the method for managing data transfers between computers according to claim 9 wherein said third location is at said remote computer(Richards, Abstract, Fig.1, Porter, Fig.4).

Claims 19-21, 26, 27 rejected under 35 U.S.C. 103(a) as being unpatentable over r US Patent 5,704,029 issued to Wright, Jr.(Wright) in view of US Patent US Patent 6,163,811 issued to Porter in view of US Patent 6,477,373 issued to Rappaport et al.(Rappaport) in view of US Patent 6,462,708 issued to Tsujimoto et al.(Tsujimoto).

As per claim 19,26, Wright teaches method for managing data comprising the steps of: (a) establishing communications between a handheld computing device and an originating computer, (b) receiving within said handheld computing device a transmission of a questionnaire customized for a particular location, said questionnaire comprising a plurality of tokens; (d l) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to (Figs.1-11, Abstract, col.25, lines 1-50).

Wright does not explicitly teach tokenizing a questionnaire; device independent tokens;

(c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been terminated, when

said handheld computing device is proximate to said particular location (e) establishing communications between said handheld computing device and a recipient computer;

said handheld device having at least a capability to determine a current location thereof; collect at least said current location of said handheld computing device, and, (d2) storing within said handheld computing device said current location; (f) transmitting at least one value representative of said stored current location to said recipient computer.

Porter explicitly tokenizing thereby producing a plurality of device independent tokens(col.3, lines 38-65; col.4, lines 50-65; tokenizing a file into a source file which maybe HTML or XML which as well known in the art is device independent);

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright to use the known method of tokenizing as taught by Porter in order to provide the predictable result of tokenizing a survey.

One ordinary skill in the art would have been motivated to combine the teachings in order to produce electronic surveys and feedback and reduce bandwidth(Wright, Abstract, Porter, col.4, lines 50-65).

Wright in view of Porter does not explicitly teach

(c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been terminated, when said handheld computing device is proximate to said particular location (e) establishing

communications between said handheld computing device and a recipient computer;

said handheld device having at least a capability to determine a current location thereof; collect at least said current location of said handheld computing device, and, (d2) storing within said handheld computing device said current location; (f) transmitting at least one value representative of said stored current location to said recipient computer.

Rappaport explicitly teaches the known art of connection failure and reconnecting of mobile devices(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Porter to include the known art of connection failure and reconnecting of mobile devices as taught by Rappaport in order to provide the predictable result of when connection fails, the mobile device reconnects and sends information once there is a connection.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide reconnection to transfer information to a server.

Wright in view of Porter in view of Rappaport does not explicitly teach said handheld device having at least a capability to determine a current location thereof; collect at least said current location of said handheld computing device, and, (d2) storing within said handheld computing device said current location; (f) transmitting at least one value representative of said stored current location to said recipient computer.

Tsujimoto explicitly teaches the known system of a mobile device with a GPS to determine location(col.1, lines 17-20).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Porter in view of Rappaport to include the use of GPS for mobile devices as taught by Tsujimoto in order to provide the predictable result of a determination of a GPS location of a mobile device.

One ordinary skill in the art would have been motivated to combine the teachings in order to determine of a GPS location of a mobile device.

Wright in view of Porter in view of Rappaport in view of Tsujimoto does not explicitly teach when said remote computing device is proximate to said location.

Wright however, does teach a Joe's Diner's "customer comment card", Fig.2a. The use of "customer comment card" is well known in the art as a form of feedback for services and/or products and is given at the location to be filled out and return to the vendor. Wright further teaches the art of sending electronic form for information gathering, col.3, lines 5-67, col.6, lines 1-30.

Therefore it would have been obvious to one ordinary skill in the art to combine the teachings of the prior art to have a customer comment card be sent to and filled out by a mobile user at the location of a restaurant in order to provide feedback to the vendor about products or services.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide a system to improve services/products through customer feedback.

As per claim 20, the method for managing data according to Claim 19 wherein said current location of said handheld computing device is determined using GPS(Tsujimoto, col.1, lines 17-20).

As per claim 21, 27, wherein said originating computer and said recipient computer are a same computer(Wright, Figs.1-11, col.16, lines50-55, Rappaport, Abstract, col.2, lines 44-59; reconnecting to the computer to send response of survey).

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground of rejection.

Examiner's Remarks

The Office encourages the applicant to point to specific location in the specification for all amendments made in the instant specification and all parent applications in order to advance prosecution of the application.

The cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention.

The examiner is available for Interviews on Tuesday and Wednesday at 10 AM, 1 and 2 PM EST. Please fax an agenda to (571) 273-5654.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BACKHEAN TIV whose telephone number is (571)272-5654. The examiner can normally be reached on M-T 7-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Backhean Tiv/
Primary Examiner, Art Unit 2451

Notice of References Cited	Application/Control No. 12/910,706	Applicant(s)/Patent Under Reexamination PAYNE, J. DAVID	
	Examiner BACKHEAN TIV	Art Unit 2451	Page 1 of 3

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*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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	K	US-				
	L	US-				
	M	US-				

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Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12910706	PAYNE, J. DAVID
	Examiner	**Art Unit**
	BACKHEAN TIV	2451

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	03/09/2011	09/16/2012	03/26/2013	11/04/2015					
	1	✓	✓	✓	✓					
	2	✓	✓	✓	✓					
	3	✓	✓	✓	✓					
	4	✓	✓	✓	✓					
	5	✓	✓	✓	✓					
	6	✓	✓	✓	✓					
	7	✓	✓	✓	✓					
	8	✓	✓	✓	✓					
	9	✓	✓	✓	✓					
	10	✓	✓	✓	✓					
	11	✓	✓	✓	✓					
	12		✓	✓	✓					
	13		✓	✓	✓					
	14		✓	✓	✓					
	15		✓	✓	✓					
	16		✓	✓	✓					
	17		✓	✓	✓					
	18		✓	✓	✓					
	19		✓	✓	✓					
	20		✓	✓	✓					
	21		✓	✓	✓					
	22		✓	-	-					
	23		✓	-	-					
	24		✓	✓	✓					
	25		✓	✓	✓					
	26		✓	✓	✓					
	27		✓	✓	✓					
	28		✓	✓	✓					
	29		✓	✓	✓					
	30		✓	✓	✓					
	31		✓	✓	✓					

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12910706	PAYNE, J. DAVID
	Examiner	Art Unit
	BACKHEAN TIV	2451

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
709	203	03/09/2011	NT
709	223	03/09/2011	NT
709	224	03/09/2011	NT

SEARCH NOTES		
Search Notes	Date	Examiner
Keyword search using EAST	03/09/2011	NT
UPDATE SEARCH	9/16/2012	BT
UPDATE SEARCH	10/21/2015	BT
	11/4/2015	BT

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

	/BACKHEAN TIV/ Primary Examiner.Art Unit 2451

Doc code: IDS
Doc description: Information Disclosure Statement (IDS) Filed

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT
(Not for submission under 37 CFR 1.99)

Application Number	12910706
Filing Date	2010-10-22
First Named Inventor	Payne
Art Unit	2451
Examiner Name	BACKHEAN TIV
Attorney Docket Number	71855/10-351

U.S.PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	7072354	B1	2006-07-04	BEATHARD	
	2	7085672	B2	2006-08-01	ISHII et al.	
	3	7349873	B2	2008-03-25	GINSBERG	
	4	7370032	B2	2008-05-06	LEHNERT	
	5	7475339	B2	2009-01-06	HOLLOWAY et al.	
	6	7509499	B2	2009-03-24	von MUELLER et al.	
	7	7539656	B2	2009-05-26	FRATKINA et al.	
	8	6058416		2000-05-02	MUKHERJEE et al.	

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	9	7392308	B2	2008-06-24	AUFRICHT et al.	

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U.S.PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20010044827	A1	2001-11-22	ZHUK	
	2	20010049688	A1	2001-12-06	FRATKINA et al.	
	3	20010052009	A1	2001-12-13	DESAI et al.	
	4	20010052122	A1	2001-12-13	NANOS et al.	
	5	20020004739	A1	2002-01-10	ELMER et al.	
	6	20020026154	A1	2002-03-07	MAJOOR	
	7	20020029159	A1	2002-03-07	LONGDEN	
	8	20020052774	A1	2002-05-02	PARKER et al.	

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	9	20020143433	A1	2002-08-29	GALLENDER	
	10	20020002482	A1	2002-01-03	THOMAS	
	11	20020035633	A1	2002-03-21	ROSE et al.	
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	14	20020147850	A1	2002-10-10	RICHARDS et al.	
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	16	20030097457	A1	2003-05-22	SARAN et al.	
	17	20030113692	A1	2003-06-19	KAMANO	
	18	20030115467	A1	2003-06-19	AULL et al.	
	19	20030204498		2003-10-30	LEHNERT	

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	Attorney Docket Number	71855/10-351

	20	20030220831	A1	2003-11-27	SON	
	21	20030088452	A1	2003-05-08	KELLY	
	22	20040002301	A1	2004-01-01	ROSS et al.	
	23	20050075919	A1	2005-04-07	KIM	

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FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] i	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
	1	3613898	DE	A1	1987-10-29	Siemens AG		☐

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NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T[5]
	1	Clarence C. Gravlee, Mobile Computer-Assisted Personal Interviewing with Handheld Computers: The Entryware System 3.0, vol. 14 Field Methods pp. 322-326 (2002)	☐
	2	Clarence C. Gravlee et al., Handheld Computers for Direct Observation of the Social and Physical Environment, Field Methods	☐

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Attorney Docket Number	71855/10-351

	3	Paul D. Greene, Handheld Computers as Tools for Writing and Managing Field Data, vol. 13 Field Methods pp. 181-197 (2001)	☐
	4	Visor Handheld User Guide, Handspring, Inc. (1999-2Visor Handheld User Guide, Handspring, Inc. (1999-2000)000)	☐
	5	Development Kit for Handspring Handheld Computers – Release 1.0, Handspring, Inc. (1999)	☐
	6	Dave Johnson, Handheld Management Can Be A Handful, InformatioWeek.Com News, 03/26/2001	☐
	7	JTECH and TOUCHPAK Join Forces to Develop New Wireless Technologies for Restaurant Guests and Operators Elected to Suburban Lodges Board, 05/24/2001	☐
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	10	Daniel Barbara, Mobile Computing and Databases – A Survey, vol.11 IEEE Transactions on Knowledge and Data Engineering (1999)	☐
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	12	Johnson Dave, Handheld Management Can Be A Handful, Information Week (2001)	☐
	13	nHand Survey (2002)	☐

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Attorney Docket Number	71855/10-351

	14	nHand Solutions, Inc. (2000)	☐
	15	Conducting Surveys With Personal Digital Assistants, NRCS – Natural Resources Inventory and Analysis Institute	☐
	16	S.M. Nusser et al., Using Personal Digital Assistants to Collect Survey Data (1996)	☐
	17	Sarah Nusser et al., Web-Based Survey Tools (1998)	☐
	18	Palm OS Programmer's Companion (Preliminary) (1996-1999)	☐
	19	Handbook for Palm m500 Series Handhelds (1998-2001)	☐
	20	Palm Desktop Software for Mac User's Guide (1995-2001)	☐
	21	Palm OS Programmer's Companion (1996-1999)	☐
	22	Handbook for the Palm VII Handheld (1998-2000)	☐
	23	James Niccolai, Palm VII Goes Wireless, IDG News, 12/02/1998	☐
	24	Neil Rhodes, and Julie McKeehan, Palm Programming: The Developer's Guide (1998)	☐

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	Attorney Docket Number	71855/10-351

	25	Handbook for the Palm IIIc Organizer (1998-1999)	☐
	26	PalmPilot Professional Handbook (1997)	☐
	27	David Pogue, PalmPilot: The Ultimate Guide, O'Reilly & Associates, Inc. (1999)	☐
	28	PalmPilot Handbook (1997)	☐
	29	Getting Started with the Palm VII Organizer (1998)	☐
	30	PC World's Enterprise Technology: Real Wireless on the Go (1998-2012)	☐
	31	James Pitkow and Mimi Recker, Using the Web as a survey tool: Results from the second WWW user survey (1995)	☐

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EXAMINER SIGNATURE

Examiner Signature	/Backhean Tiv/ (10/21/2015)	Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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	Art Unit	2451
	Examiner Name	BACKHEAN TIV
	Attorney Docket Number	71855/10-351

CERTIFICATION STATEMENT

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OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☒ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

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SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/scott r. zingerman/	Date (YYYY-MM-DD)	2013-02-11
Name/Print	Scott R. Zingerman	Registration Number	35422

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Doc code: IDS
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Examiner Name	BACKHEAN TIV
Attorney Docket Number	71855/10-351

U.S.PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	~~1~~	~~5666553~~		~~1997-09-09~~	~~CROZIER~~	
	~~2~~	~~5684990~~		~~1997-11-04~~	~~BOOTHBY~~	
	~~3~~	~~5842195~~		~~1998-11-24~~	~~PETERS et al.~~	
	~~4~~	~~5948070~~		~~1999-09-07~~	~~BOOTHBY~~	
	~~5~~	~~6141664~~		~~2000-10-31~~	~~BOOTHBY~~	
	~~6~~	~~6151581~~		~~2000-11-21~~	~~KRAFTSON et al.~~	
	7	6163811		2000-12-19	PORTER	
	~~8~~	~~6212529~~	~~B1~~	~~2001-04-03~~	~~BOOTHBY et al.~~	

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	9	6405218	B1	2002-06-11	BOOTHBY	
	10	6421717	B1	2002-07-16	KLOBA et al.	
	11	6826548	B1	2004-11-30	PLANTEC et al.	
	12	7310350	B1	2007-12-18	SHAO et al.	

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U.S.PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20010056374	A1	2001-12-27	JOAO	
	2	20020007303	A1	2002-01-17	BROOKLER et al.	
	3	20020107931	A1	2002-08-08	SINGH et al.	
	4	20020143610	A1	2002-10-03	MUNYER	
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	6	20030093405	A1	2003-05-15	MAYER	
	7	20030126010	A1	2003-07-03	BARNS-SLAVIN	
	8	20030198934	A1	2003-10-23	SENDOWSKI et al.	
	9	20040117244	A1	2004-06-17	SCOTT	
	10	20040210472	A1	2004-10-21	LEW et al.	
	11	20050009465	A1	2005-01-13	ROSS et al.	

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FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] i	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
	1	WO0184433	WO	A1	2001-11-08	Mobliss, Inc.		☐

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NON-PATENT LITERATURE DOCUMENTS

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	Attorney Docket Number	71855/10-351

	1	GIRARDOT, ET AL., "EFFICIENT REPRESENTATION AND STREAMING OF XML CONTENT OVER THE INTERNET MEDIUM", 07/30/2000, Page(s) 67-70, Publisher: MULTIMEDIA AND EXPO 2000 ICME 2000.	☐
	2	PETSAS, ET AL., "WAP-Based personalised health care services: ", "Proceedings of the 23rd Annual International Conference of the IEEE Engineering in Medicine and Biology Society", 10/25/2001, Page(s) 3536-3539, Volume 1 of 4	☐
	3	ANONYMOUS, "WAP BINARY XML CONTENT FORMAT", 06/24/1999, Page(s) 1-14, Published in: INTERNET DOCUMENT (ONLINE)	☐

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EXAMINER SIGNATURE

Examiner Signature	/Backhean Tiv/ (10/21/2015)	Date Considered	

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☐ See attached certification statement.

☒ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ A certification statement is not submitted herewith.

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Signature	/scott r. zingerman/	Date (YYYY-MM-DD)	2013-02-06
Name/Print	Scott R. Zingerman	Registration Number	35422

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Doc description: Information Disclosure Statement (IDS) Filed

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(Not for submission under 37 CFR 1.99)

Application Number	12910706
Filing Date	2010-10-22
First Named Inventor	Payne
Art Unit	2451
Examiner Name	BACKHEAN TIV
Attorney Docket Number	71855/10-351

U.S.PATENTS

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	4345315		1982-08-17	CADOTTE et al.	
	2	4603232		1986-07-29	KURLAND et al.	
	3	4926255		1990-05-15	VON KOHORN	
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	9	5784539		1998-07-21	LENZ	
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	11	5893098		1999-04-06	PETERS et al.	
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	50	7013427	B2	2006-03-14	GRIFFITH	

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U.S.PATENT APPLICATION PUBLICATIONS

Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear

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Examiner Initial*	Cite No	Foreign Document Number[3]	Country Code[2] i	Kind Code[4]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear	T[5]
	1	716184	AU		1998-06-04	HENDRICKS et al.		☒
	2	2242874	CA		1997-07-24	PECKOVER		☒
	3	2314513	CA	A1	2001-01-26	BARDY		☒
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	9	1035490	EP	A1	2000-09-13	MACRORY		☒
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NON-PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T5
	1	Thomas Jensen & Ewen Denney, Correctness of Java Card Method Lookup via Logical Relations, Project Lande, IRISA, Rennes Cedex (2000)	☐
	2	Claire Grover et al., LT TTT – A Flexible Tokenisation Tool, Language Technology Group (2000)	☐
	3	Ena Kaasinen et al., Two approaches to bringing Internet services to WAP devices, vol. 33 IJCSNS (2000)	☐
	4	Armando Fox et al., Integrating Information Appliances into an Interactive Workspace, IEEE (2000)	☐
	5	Sawako-Eeva Hayashi, Development of Mobile Tokens Handling Application: Applying the User-Centred Design Approach, University of Tampere Department of Computer and Information Sciences Master's thesis (2001)	☐
	6	Jonathan E. Cook & Alexander L. Wolf, Balboa: A Framework for Event-Based Process Data Analysis, (1998)	☐
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	12	Matti Hamalainen & Joseph Sarach, Wireless Surveys: Responses in the Actual Context – Instantly (2000)	☐
	13	Jamie Cattell, The mobile internet revolution and its implications for research, Research International Japan, (2001)	☐
	14	Triple-S XML The Survey Interchange Standard – A standard for moving surveys between survey packages on various hardware and software platforms v. 1.1 (2001)	☐
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	16	Rachel Bellamy et al., Designing an E-Grocery Application for a Palm Computer: Usability and Interface Issues, IEEE Personal Communication (2001)	☐
	17	Kari Mikkonen, Feedback System to Support Interactive Planning (2001)	☐
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	19	Ryan M. Donahue, Palmques: A Palm Os Questionnaire System With Database Connectivity (2002)	☐
	20	Survey Workbench / Entryware (no later than 2001)	☐

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	22	Stephen Jenkins & Tony Solomonides, Connecting Bits and Pieces : Context Tokens in Survey Design (2001)	☐
	23	Robert A. Dennis & Sanjiv S. Gambhir, InternetQuestion and Answer (iQ&A): A Web-Based Survey Technology, vol. 4 IEEE Transactions on Information Technology in Biomedicine, (2000)	☐

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EXAMINER SIGNATURE

Examiner Signature	/Backhean Tiv/ (10/21/2015)	Date Considered	

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CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

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☐ A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/scott r. zingerman/	Date (YYYY-MM-DD)	2013-02-11
Name/Print	Scott R. Zingerman	Registration Number	35422

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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	29912	(translat$4 or convert$4) near4 format near4 (data or information) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/11/04 07:54
L2	191	(translat$4 or convert$4) near3 response near4 format near4 (data or information) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/11/04 07:55
L3	3	(translat$4 or convert$4) near3 response near4 format near4 (data or information) with HTML and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/11/04 07:56
L4	4	(("5704029") or ("6163811") or ("20020007303") or ("6477373")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2015/11/04 08:26
L5	4	updat$4 and l4	US-PGPUB; USPAT; USOCR; FPRS; EPO; DERWENT; IBM_TDB	OR	ON	2015/11/04 08:26
L6	383	(updat$4) near4 (survey or questiona$4) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/11/04 08:46
L7	47	(updat$4) near4 (survey or questiona$4) same location and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/11/04 08:46
L8	12	(updat$4 or chang$4) adj (survey or questiona$4) same location and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT;	OR	ON	2015/11/04 08:47

			IBM_TDB			
S1	2	("20040210472").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/09/15 15:56
S2	2	("20030198934").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/09/15 15:57
S3	643	creat$4 near4 (survey or questionnaire) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/15 16:18
S4	33	creat$4 near4 (survey or questionnaire) same feedback and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/15 16:18
S5	0	creat$4 near4 (survey or questionnaire) with token$4 and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/15 16:20
S6	0	creat$4 near4 (survey or questionnaire) same token$4 and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/15 16:20
S7	23	creat$4 near4 (survey or questionnaire) and token$4 and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/15 16:20
S8	9	creat$4 near4 (survey or questionnaire) same mobile and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/15 16:29
S9	242	creat$4 near4 (survey or questionnaire or form) same mobile and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO;	OR	ON	2012/09/15 16:31

			JPO; DERWENT; IBM_TDB			
S10	19	creat$4 near4 (survey or questionnaire or form) same mobile and (download$4 or upload$4) near4 (survey or questionnaire or form) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/15 16:32
S11	2	("5555101").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/09/15 16:33
S12	4	(("6826726") or ("7739658")).PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/09/15 16:37
S13	367	tokenizer and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 09:17
S14	1	tokenizer near4 question and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 09:18
S15	2	tokenizer with question and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 09:18
S16	2	tokenizer with (question or survey) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 09:19
S17	68	tokenizer same (question or survey) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 09:19
S18	0	tokenizer same (question or survey) same feedback and	US-PGPUB; USPAT;	OR	ON	2012/09/16 09:20

		(@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			
S19	56	tokenizer same (question or survey) and feedback and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 09:20
S20	6	(("5704029") or ("6584464") or ("20020007303")).PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/09/16 09:45
S21	2	S20 and updat$4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 09:46
S22	0	("20010056837").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/09/16 10:06
S23	0	("200100568374").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/09/16 10:07
S24	2	("20010056374").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/09/16 10:07
S25	1	charg$4 near4 response with survey and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:09
S26	5	(charg$4 or fee) near4 response with survey and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:09

S27	14	(charg$4 or fee) with response with survey and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:11
S28	0	mobile near3 re$connect near4 server and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:50
S29	1	mobile with re$connect near4 server and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:50
S30	18	mobile with re$connect$4 near4 server and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:50
S31	0	mobile with re$connect$4 near4 server same GPS and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:50
S32	1	mobile with re$connect$4 near4 server and GPS and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:51
S33	1	mobile with re$connect$4 with server and GPS and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:51
S34	44	mobile with re$connect$4 and GPS and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:52
S35	10	mobile with re$connect$4 and connection with (fail$4 or un$available) and GPS and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO;	OR	ON	2012/09/16 10:53

			DERWENT; IBM_TDB			
S36	53	mobile with re$connect$4 and connection with (fail$4 or un$available) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:55
S37	24237412	authenticate near3 mobile (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 11:07
S38	663	authenticate near3 mobile and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 11:08
S39	2	authenticate near3 mobile same GPS and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 11:09
S40	33	send$4 near4 GPS near4 location with server and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 11:18
S41	2	("5842195").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/09/16 13:06
S42	4	(("6477373") or ("20010056374") or ("20020137524") or ("6462708")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2013/03/27 09:24
S43	1	("7822816").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/07/10 11:08
S44	1	(12/910706).APP.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/07/10 12:17
S45	4	(("6453329") or ("20020147850") or ("6163811") or ("6618746")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/07/14 09:56
S46	2	(("5991771") or ("5442786")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/07/14 10:50
S47	3	("20110040831").PN.	US-PGPUB;	OR	OFF	2015/10/07

			USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			07:35
S48	4	("7822816").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2015/10/07 07:37
S49	264	(survey or questionnaire) same (location or proximat$4) same mobile and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/07 07:40
S50	0	(survey or questionnaire) with (location or proximat$4) near4 (restaurant or business or venue) same mobile and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/07 07:40
S51	0	(survey or questionnaire) with (location or proximat$4) with (restaurant or business or venue) same mobile and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/07 07:40
S52	0	(survey or questionnaire) with (location or proximat$4 or GPS) with (restaurant or business or venue) same mobile and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/07 07:40
S53	1	(survey or questionnaire) same (location or proximat$4 or GPS) with (restaurant or business or venue) same mobile and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/21 08:24
S54	2	(survey or questionnaire) with (restaurant or business or venue) same mobile and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/21 08:25
S55	1048	(survey or questionnaire) with (restaurant or business or venue) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT;	OR	ON	2015/10/21 08:25

			IBM_TDB			
S56	1	creating near4 (survey or questionnaire) with (restaurant or business or venue) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/21 08:25
S57	1	("7822816").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2015/10/21 08:58
S58	17	device near3 independent near3 token and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/21 10:56
S59	1	device adj3 independent near3 question and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/21 11:01
S60	3	device near2 independent near3 question and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/21 11:02
S61	0	tokenizer with security and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/22 07:13
S62	1641	(tokenizer or token) near4 security and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/22 07:13
S63	285	(tokenizer or token) near4 (data or information) near4 security and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/22 07:14

EAST Search History (Interference)

<This search history is empty>

11/4/2015 9:19:34 AM
C:\ Users\ btiv\ Documents\ EAST\ Workspaces\ 12910706_creating_survey_feedback_mobile.wsp

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/910,706	10/22/2010	J. David Payne	71855/10-351	8703

22206 7590 01/22/2016

FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

EXAMINER	
TIV, BACKHEAN	

ART UNIT	PAPER NUMBER
2451	

MAIL DATE	DELIVERY MODE
01/22/2016	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Applicant-Initiated Interview Summary	Application No.	Applicant(s)	
	12/910,706	PAYNE, J. DAVID	
	Examiner	Art Unit	
	BACKHEAN TIV	2451	

All participants (applicant, applicant's representative, PTO personnel):

(1) *BACKHEAN TIV*.

(2) *SCOTT ZINGERMAN(35422)*.

(3) *TERRY L.WATT(42214)*.

(4) *J.DAVID PAYNE(INVENTOR)*.

Date of Interview: *20 January 2016*.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☒ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☒112 ☐102 ☐103 ☐Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: *1*.

Identification of prior art discussed: *ART OF RECORD*.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

DISCUSSED THE 112 1ST AND 2ND REJECTION. APPLICANT INTENDEDS TO POINT TO SPECIFIC LOCATIONS FROM THE SPECIFICATION TO SUPPORT THE CLAIM TERM "DEVICE INDEPENDENT" AND AMEND THE CLAIM TO "AT" INSTEAD OF "PROXIMATE". ALSO DISCUSSED AMENDMENT SUCH AS THE QUESTIONNAIRE HAVING A QUESTION CONCERNING THE LOCATION OF THE DEVICE, AND AUTOMATICALLY ENTERING THE GPS LOCATION FOR THAT QUESTION, SUPPORT FOUND IN US PATENT 7,822,816, COL.5, LINES 35-40. FURTHER SEARCH AND CONSIDERATION IS NECESSARY, ONCE AN UPDATED SEARCH/CONSIDERATION IS PERFORMED THEN IF THERE ARE ANY SUGGESTIONS TO ADVANCE THE PROSECUTION OF THE APPLICATION, THE EXAMINER WILL CONTACT THE APPLICANT..

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/BACKHEAN TIV/ Primary Examiner, Art Unit 2451	

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
   (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

JAN 2 1 2016

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Payne	Confirmation No.: 8703
Application No.: 12/910,706	Art Unit: 2451
Filed: 10/22/2010	Examiner: Backhean Tiv
Title: SYSTEM AND METHOD FOR DATA MANAGEMENT	
Attorney Docket No.: 47267/10-351	

Proposed Claim Amendments Discussed
During the Teleconference with the Examiner on Jan. 20, 2016

The instant document is being provided to the Examiner for discussion purposes only via fax number (571) 273-8300. Pursuant to that conversation, attorneys for applicant have provided some suggested alternative claim language that it is hoped would put the case into condition for allowance.

More particularly and pursuant to the above-identified conversation, attorneys for applicant understood the examiner to say that if a limitation such as "automatic" entry of location information were added to a claim, such would avoid the currently-known prior art.

In that regard, the currently pending version of Claim 1, together three proposed amendments to same, are presented below. It was felt that focusing only on amendments to Claim 1 would simplify the discussion.

Currently Pending Version of Claim 1:

1. (*Previously Presented*) A method for managing data including the steps of:

(a) creating a questionnaire comprising a series of questions customized for a location;

(b) tokenizing said questionnaire, thereby producing a plurality of device independent tokens representing said questionnaire;

(c) transmitting said plurality of tokens to a remote computing device;

(d) when said remote computing device is proximate to said location, executing at least a portion of said plurality of tokens representing said questionnaire ~~at~~ within said remote computing device to collect a response from a user;

(e) transmitting at least a portion of said response from the user to a server in real time via a network; and

(f) storing said response at said server.

The alternative amendments that follow are offered for purposes of discussion only.

Claim 1: Alternative #1:

1. (*Currently Amended*) A method for managing data including the steps of:

(a) creating a questionnaire comprising a series of questions customized for a location;

(b) said questionnaire including at least one question requesting location identifying information;

([[b]]c) tokenizing said questionnaire, thereby producing a plurality of device ~~independent~~ indifferent tokens representing said questionnaire;

([[c]]d) transmitting said plurality of tokens to a remote computing device;

([[d]]e) when said remote computing device is proximate to said location, executing at least a portion of said plurality of tokens representing said questionnaire ~~at~~ within said remote computing device to collect a response from a user;

(f) automatically entering the location identifying information into said questionnaire;

([[e]]g) transmitting at least a portion of said response from the user to a server in real time via a network; and

([[f]]h) storing said response at said server.

Claim 1: Alternative #2:

1. (*Currently Amended*) A method for managing data including the steps of:

(a) creating a questionnaire comprising a ~~series~~ plurality of questions customized for a location, said questionnaire including at least one question that requests location identifying information;

(b) tokenizing said questionnaire, thereby producing a plurality of device independent tokens representing said questionnaire;

(c) transmitting said plurality of tokens to a remote computing device, wherein said remote computing device has a GPS integral thereto;

(d) when said remote computing device is ~~proximate to~~ at said location, executing at least a portion of said plurality of tokens representing said questionnaire ~~at~~ within said remote computing device to collect a response from a user;

(e) using said GPS to automatically obtain said location identifying information in response to said at least one question that requests location identifying information

(f)~~(e)~~ transmitting at least a portion of said response from the user to a server in real time via a network; and

(g)~~(f)~~ storing said response at said server.

Claim 1: Alternative #3:

1. (*Previously Presented*) A method for managing data ~~including~~ comprising the steps of:

(a) creating a questionnaire comprising a series of questions customized for a location, wherein at least one of said questions requests location identifying information;

(b) tokenizing said questionnaire, thereby producing a plurality of device independent tokens representing said questionnaire;

(c) transmitting said plurality of tokens to a remote computing device, said remote computing device having a GPS integral thereto;

(d) when said remote computing device is at ~~proximate to~~ said location, executing at least a portion of said plurality of tokens representing said questionnaire ~~at~~ within said remote computing device to collect a response from a user;

(e) while said at least a portion of said plurality of tokens is executing, using said GPS to automatically provide said location identifying information as a response to said executing questionnaire;

(f)~~(e)~~ transmitting at least a portion of said response from the user to a server in real time via a network; and

(g)~~(f)~~ storing said response at said server.

Respectfully submitted,

Date: January 21, 2016

Scott R. Zingerman, Reg. No. 35422
Fellers, Snider, Blankenship, Bailey & Tippens
321 S. Boston Ave., Suite 800
Tulsa, OK 74103-3318
Attorneys for Applicant(s)
Tel.: 918-599-0621
Fax: 918-583-9659
Customer No. 22206

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FROM: Scott R. Zingerman, Esq.

FELLERS, SNIDER, BLANKENSHIP,
BAILEY & TIPPENS, P.C.
The Kennedy Building
321 South Boston Ave., Suite 800
Tulsa, Oklahoma 74103-3318
TELEPHONE: (918) 599-0621
TELECOPIER: (918) 583-9659

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Payne	Confirmation No.: 8703
Application No.: 12/910,706	Art Unit: 2451
Filed: 10/22/2010	Examiner: Backhean Tiv
Title: SYSTEM AND METHOD FOR DATA MANAGEMENT	
Attorney Docket No.: 47267/10-351	

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE

This paper is filed in response to the Office Action mailed November 6, 2015. Please consider the instant filing to be a Petition for a Three Month Extension of Time to Respond. A USPTO credit card payment form PTO 2038 is attached to this filing or charge to a credit card will be authorized through EFS Web filing. If any additional fee is required by virtue of the filing of this paper, please also consider this a general authorization to charge Deposit Account No. 06-0540 for the same. Please amend the application as follows:

In the Specification:

Not applicable.

In the claims:

This listing of claims will replace all prior versions and listings of the claims in this application.

1. (*Currently Amended*) A method for managing data including the steps of:

(a) creating a questionnaire comprising a series of questions customized for a location;

(b) said questionnaire including at least one question requesting location identifying information;

([[b]]c) tokenizing said questionnaire, thereby producing a plurality of device ~~independent~~ indifferent tokens representing said questionnaire;

([[c]]d) transmitting said plurality of tokens to a remote computing device;

([[d]]e) when said remote computing device is proximate to said location, executing at least a portion of said plurality of tokens representing said questionnaire ~~at~~ within said remote computing device to collect a response from a user;

(f) automatically entering the location identifying information into said questionnaire;

([[e]]g) transmitting at least a portion of said response from the user to a server in real time via a network; and

([[f]]h) storing said response at said server.

2. (Currently Amended) The method for managing data of claim 1 further comprising the step of:

([[g]]i) translating said response to a format recognizable by a particular computer program; and

([[h]]j) accessing the translated response from a computer executing said particular computer program.

3. (*Previously Presented*) The method for managing data of claim 1 wherein step (a) includes the substeps of:

(a) creating a questionnaire by:

(i) entering a series of questions into a questionnaire design computer program;

(ii) identifying within said questionnaire design computer program the type of response allowed for each question of said series of questions; and

(iii) identifying within said questionnaire design computer program a branching path in said questionnaire for each possible response to each question of said series of questions.

4. (*Previously Presented*) The method for managing data of claim 1 wherein step (b) includes the substeps of:

(b) tokenizing said questionnaire thereby producing a plurality of tokens representing said questionnaire by:

(i) assigning at least one token to each question of said series of questions;

(ii) assigning at least one token to each response called for in said series of questions to identify the type of response required; and

(iii) assigning at least one token to each branch in said questionnaire to identify the required program control associated with said branch.

5. (*Currently Amended*) The method of data management of claim 1 wherein the transmission of said tokens in step ([[c]]d) occurs via the network of step ([[e]]g).

6. (*Currently Amended*) A method for modifying a questionnaire used in data management according to the method of claim 1 including the steps of:

[[(a)]] making at least one incremental change to a portion of the questionnaire;

[[(b)]] tokenizing said at least one incremental change to said questionnaire to obtain change tokens;

[[(c)]] transmitting at least a portion of said change tokens ~~resulting from step (b)~~ to [[a]]said remote computing device in real time, said transmitted change tokens comprising less than the entire tokenized questionnaire;

(d) incorporating said transmitted change tokens into said questionnaire at said remote computing device.

7. (*Currently Amended*) A method for collecting survey data from a user and making responses available via the Internet, comprising:

(a) designing a questionnaire including at least one question, said questionnaire customized for a particular location having branching logic on a first computer platform wherein at least one of said at least one questions requests location identifying information;

(b) automatically transferring said designed questionnaire to at least one loosely networked computer having a GPS integral thereto;

(c) when said loosely networked computer is proximate to said particular location, executing said transferred questionnaire on said loosely networked computer, thereby collecting responses from the user;

(d) while said transferred questionnaire is executing, using said GPS to automatically provide said location identifying information as a response to said executing questionnaire;

([[d]]e) automatically transferring via the loose network any responses so collected in real time to a central computer; and,

([[e]]f) making available via the Internet any responses transferred to said central computer in step ([[d]]e).

8. (*Previously Presented*) The method for collecting survey data according to claim 7 further comprising:

(f) assessing a charge for each transferred response received by said central computer.

9. (*Cancelled*)

10. (*Previously presented*) The method for managing data transfers between computers according to claim 9 wherein said first location and said third location are the same.

11. (*Previously presented*) The method for managing data transfers between computers according to claim 9 wherein said third location is at said remote computer.

12. (Currently Amended) A method for managing data comprising the steps of:

(a) establishing communications between a handheld computing device and an originating computer wherein said heldheld computing device has a GPS integral thereto;

(b) using said GPS to automatically obtain location identifying information for said handheld computing device;

(c) transmitting said location identifying information from said handheld computing device to said originating computer;

([[b]]d) receiving within said handheld computing device a transmission of a tokenized questionnaire customized for a particular location from said originating computer, said tokenized questionnaire comprising a plurality of device ~~indepndent~~indifferent tokens;

([[c]]e) ending said communications between said handheld computing device and said originating computer;

([[d]]f) after said communications has been ended, when said handheld computing device is ~~proximate to~~at said particular location:

([[d1]]f1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a user, and,

([[d2]]f2) storing within said computing device said at least one response from the user;

([[e]]g) establishing communications between said handheld computing device and a recipient computer; and,

([[f]]h) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer.

13. (Currently Amended) The method for managing data according to Claim 12, wherein step ([[b]]d) comprises the steps of:

([[b1]]d1) creating a questionnaire,

([[b2]]d2) tokenizing said questionnaire, thereby producing a plurality of device independent tokens representing said questionnaire,

([[b3]]d3) storing said plurality of tokens on a computer readable medium accessible by said originating computer,

([[b4]]d4) accessing said stored plurality of tokens from said originating computer,

([[b5]]d5) transmitting said stored plurality of tokens from said originating computer to said handheld computing device, and,

([[b6]]d6) receiving within said handheld computing device said transmission of said tokenized questionnaire from said originating computer.

14. (*Previously Presented*) The method for managing data according to Claim 12, wherein said originating computer and said recipient computer are a same computer.

15. (*Currently Amended*) The method for managing data according to Claim 12, wherein said step ([[d1]]f1) comprises the steps of:

(i) requiring a user to authenticate with said handheld computing device,

(ii) only if the user is able to authenticate with said handheld computing device, executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a user, and,

(iii) if the user is unable to authenticate with said handheld computing device, taking no further action.

16. (*Currently Amended*) The method for managing data according to Claim 12, wherein said questionnaire comprises at least one question <u>that requests location identifying information and at least one other question</u>.

17. (*Currently Amended*) The method for managing data according to Claim 16, wherein at least one of said at least one other question is selected from a group consisting of a food quality question, a service quality question, a waiting time question, a store number question, a location question, a time question, a date question, a temperature question, and a time of day question.

18. (*Previously presented*) The method for managing data according to Claim 12, wherein step (a) comprises the step of establishing communications via a global computer network between said handheld computing device and said originating computer.

19. (*Currently Amended*) A method for managing data comprising the steps of:

(a) establishing communications between a handheld computing device and an originating computer, said handheld device having at least a capability to determine a current location thereof;

(b) receiving within said handheld computing device a transmission of a tokenized questionnaire ~~customized for a particular location~~including at least one question requesting location identifying information, said tokenized questionnaire comprising a plurality of device independent tokens;

(c) ending said communications between said handheld computing device and said originating computer;

(d) after said communications has been terminated, when said handheld computing device is ~~proximate to~~at said particular location

(d1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least said current location of said handheld computing device, and,

(d2) storing within said handheld computing device said current location;

(d3) automatically entering the location identifying information into said questionnaire;

(e) establishing communications between said handheld computing device and a recipient computer; and,

(f) transmitting at least one value representative of said stored current location to said recipient computer.

20. (*Previously Presented*) The method for managing data according to Claim 19 wherein said current location of said handheld computing device is determined using GPS.

21. (*Previously Presented*) The method for managing data according to Claim 19, wherein said originating computer and said recipient computer are a same computer.

22. (*Canceled*)

23. (*Canceled*)

24. (*Currently Amended*) A method for managing data comprising the steps of:

(a) establishing communications between a handheld computing device and an originating computerwherein said handheld computing device has a GPS integral thereto;

(b) receiving within said handheld computing device a transmission of a tokenized questionnaire from said originating computer, said tokenized questionnaire including at least one question requesting location identifying information, said tokenized questionnaire comprising a plurality of device independent tokens;

(c) ending said communications between said handheld computing device and said originating computer;

(d) after said communications has been ended,

(d1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a first user, and,

(d2) storing within said computing device said at least one response from the first user;

(d3) using said GPS to automatically obtain said location identifying information in response to said at least one question that requests location identifying information;

(e) establishing communications between said handheld computing device and a recipient computer;

(f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer; and,

(g) after receipt of said transmission of step (f), transmitting a notice of said received value representative of each of said at least one response to a second user.

25. (*Previously Presented*) The method for managing data according to Claim 24, wherein the first user and the second user are a same user.

26. (*Currently Amended*) A method for managing data comprising the steps of:

(a) within a central computer, accessing at least one user data item stored in a recipient computer, wherein said at least one data item is obtained via the steps of:

(1) establishing communications between a handheld computing device and an originating computer wherein said handheld computing device has a GPS integral thereto;

(2) receiving within said handheld computing device a transmission of a tokenized questionnaire, including at least one question requesting location identifying information and at least one additional question, said tokenized questionnaire comprising a plurality of device independent tokens;

(3) ending said communications between said handheld computing device and said originating computer;

(4) after said communications has been ended,

(i) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device,

(ii) automatically entering the location identifying information into said questionnaire;

([[ii]]iii) presenting said at least one additional question to a user;

([[iii]]iv) receiving at least one response from the user to each of said presented at least one additional question,

([[iv]]v) storing at least one value representative of said location identifying information and said at least one response within said handheld computing device;

(5) establishing a communications link between said handheld computing device and a recipient computer;

(6) transmitting said stored at least one value representative of said location identifying information and said at least one response stored within said handheld computing device to said recipient computer; and,

(7) storing within said recipient computer any of said transmitted location identifying information and said at least one value representative of said at least one response, thereby creating said at least one user data item stored in said recipient computer; and,

(b) forming a visually perceptible report from any of said at least one stored user data item.

27. (*Previously Presented*) The method according to Claim 26, wherein said central computer and said recipient computer are a same computer.

28. (*Cancelled*)

29. (*Cancelled*)

30. (*Cancelled*)

31. (*Cancelled*)

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REMARKS

Claims 1-21 and 24-31 are pending in the application. Claims 1-21 and 24-31 stand as rejected in the Office Action. Claims 22 and 23 were previously cancelled. By way of this Amendment and Response, claims 1, 2, 5, 6, 7, 12, 16, 19, 24, and 26 have been amended. Claims 9-11, and 28-31 have been cancelled. Reconsideration and allowance of claims 1-8, 12-21 and 24-27 is respectfully requested.

Interview Summary

A telephonic Interview was conducted with Examiner Tiv on January, 20, 2016 during which the subject matter of and proposed amendments to claim 1 were discussed. On or about January 21, 2016, Applicant submitted, via facsimile, proposed amendments to claim 1, including three different alternatives.

Claim Rejections – 35 U.S.C. §112

Claims 1-6, 9-31 rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. Claims 1-6, 12-21 are rejected in the Office Action under 35 U.S.C. §112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention. The Office Action reads at page 4:

As per claims 1-6, 12-21, the term "proximate" is a relative term which renders the claim indefinite. The term "proximate" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. As per claim 6, recites (c) transmitting at least a portion of said tokens resulting from step (b) to a remote computing device ....., is unclear to which step (b) it refers to, since claim 6 has a step (b) and claim 1 has a step (b).

Applicant has amended to claims 1-6, 12-21 so as to replace the term "proximate" with "at." Applicant submits that the term "at" is not a relative term.

Claim 6 has been amended herein for the purpose of clarity to delete the letters representing steps of the method of claim 6. Claim 6 has also been amended to recite "tokenizing said at least one incremental change to said questionnaire to obtain change tokens" and that the "change tokens" are transmitted to the remote computing device. As a result, Applicant submits that claim 6, as amended, is clear.

In light of the above amendments, reconsideration and allowance of claims 1-6 and 12-21 is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

In the Office Action, claims 1-7, 12-14, 16-18, 24, 25, 28-31 are rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent 5,704,029 (hereinafter "Wright") in view of US Patent US Patent 6,163,811 (hereinafter "Porter") in view of US Publication 2002/0007303 (hereinafter the "Brookler") in view of US Patent 6,477,373 (hereinafter "Rappaport"). The Office Action reads at Pages 5-15:

As per claim 1, 7, Wright teaches a method for managing data including the steps of: (a) creating a questionnaire comprising a series of questions

customized for a location (Figs.1-11, Abstract); (c) transmitting said plurality of tokens to a remote computing device (col.13, lines 38-65); (d) executing at least a portion of said plurality of tokens representing said questionnaire within said remote computing device to collect a response from a user (col. 13, lines 38-65; teaches executing script).

Wright however does not explicitly teach

(b) tokenizing said questionnaire, thereby producing a plurality of device independent tokens representing said questionnaire;

(e) transmitting at least a portion of said response from the user to a server in real time via a network; and

(f) storing said response at said server;

(d) when said remote computing device is proximate to said location;

Claim 7, (e) making available via the Internet any responses transferred to said central computer.

Porter explicitly (b) tokenizing thereby producing a plurality of device independent tokens (col.3, lines 38-65; col.4, lines 50-65; tokenizing a file into a source file which maybe HTML or XML which as well known in the art is device independent);

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright to use the known method of tokenizing as taught by Porter in order to provide the predictable result of tokenizing a survey.

One ordinary skill in the art would have been motivated to combine the teachings in order to produce electronic surveys and feedback and reduce bandwidth (Wright, Abstract, Porter, col. 4, lines 50-65).

Wright in view of Porter does not explicitly teach (e) transmitting at least a portion of said response from the user to a server in real time via a network; and (f) storing said response at said server Claim 7, (e) making available via the Internet any responses transferred to said central computer.

Brookler explicitly teaches (e) transmitting at least a portion of said response from the user to a server in real time via a network; and (f) storing said response at said server (Fig.1,5 para. 0029, 0033, 0065; teaches providing real time results); (e) making available via the Internet any responses transferred to said central computer (para.0055-0056; teaches use of HTML and Microsoft IE and Netscape Navigator which used for the Internet).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Warthen to include storing user's responses at the server as taught by Brookler in order to

provide the predictable result of having all answered survey questions stored on the server.

One ordinary skill in the art would have been motivated to combine the teachings in order to have a central location, e.g. server, for all results of a survey which provides ease of access for the surveyors (Brookler, para.0002).

Wright in view of Porter in view of Brookler does not explicitly teach when said remote computing device is proximate to said location and a "network" as defined by the applicant as a "loosely networked".

Rappaport teaches "loosely networked"(Abstract, col. 2, lines 44-59).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Porter in view of Brookler to include the known art of connection failure and reconnecting of mobile devices and also processing of data while the data connection is not in use as taught by Rappaport in order to provide the predictable result of a user can take the survey even when there isn't a connection and when the the mobile device reconnects and information is sent. One ordinary skill in the art would have been motivated to combine the teachings in order to provide reliable connectivity and automatically and transparently attempt to reconnect disrupted links (Rappaport, col. 1, lines 25-28).

Wright in view of Porter in view of Brookler in view of Rappaport does not explicitly teach when said remote computing device is proximate to said location.

Wright however, does teach a Joe's Diner's "customer comment card", Fig.2a. The use of "customer comment card" is well known in the art as a form of feedback for services and/or products and is given at the location to be filled out. Wright further teaches taking an electronic survey of Joe's Diner, Fig.2b,c.

Therefore it would have been obvious to one ordinary skill in the art to modify the teaching of Wright in view of Porter in view of Brookler in view of Rappaport to fill out a survey at the location of business, such as Joe's Diner in order to provide the predictable result of providing feedback to the vendor about products or services.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide a system to improve services/products through customer feedback.

As per claim 2, the method for managing data of claim 1 further comprising the step of: (g) translating said response to a format recognizable by a particular computer program; and (h) accessing the translated response from a computer executing said particular computer program (Wright, Figs. 1-11, Abstract, Porter, col.3, lines 38-65; col. 4, lines 50-65; teaches sending response and also teaching HTML). Official Notice is taken; the art of translating to a

particular format is well known in the art a the time of the invention. (see US Publication 2003/0041031 issued to Hedy, claim 1 and US Patent 6,615,212 Fig. 7; teaches the art of conversion of data). Therefore it would have been obvious to one ordinary skill in the art to modify the teaching to include translating a response to a format that is recognized by a computer program in order to provide the predictable result of having the response of a survey be translated/converted to a particular format for a browser such as IE to recognize the response. One ordinary skill in the art would have been motivated to combine the teaching in order to interpret responses of a survey to improve a restaurant or store's product.

As per claim 3, the method for managing data of claim 1 wherein step (a) includes the substeps of: (a)creating a questionnaire by: (i) entering a series of questions into a questionnaire design computer program(Wright, col. 9, lines 10-25); (ii) identifying within said questionnaire design computer program the type of response allowed for each question of said series of questions(Wright, col. 11, lines 50-65, Brookler, para. 0044-0046); and (iii) identifying within said questionnaire design computer program a branching path in said questionnaire for each possible response to each question of said series of questions(Wright, Figs. 1-11, Abstract).

As per claim 4, the method for managing data of claim 1 wherein step (b) includes the substeps of: (b) tokenizing said questionnaire thereby producing a plurality of tokens representing said questionnaire(Porter, col.3, lines 38-65; col.4, lines 50-65) by: (i) assigning at least one token to each question of said series of questions; (ii) assigning at least one token to each response called for in said series of questions to identify the type of response required(Porter, col.3, lines 38-65; col.4, lines 50-65); and (iii) assigning at least one token to each branch in said questionnaire to identify the required program control associated with said branch(Wright, Figs.1-11, Abstract).

Therefore it would have been obvious to one ordinary skill in the art to apply tokenization of Porter to Wrights's teachings of creating a survey in order to provide the predictable result of tokenization a survey and responses of a user. One ordinary skill in the art would have been motivated to combine the teaching in order to save bandwidth.

As per claim 5, the method of data management of claim 1 wherein the transmission of said tokens in step (c) occurs via the network of step (e) (Brookler, Fig. 1, Rappaport, Abstract).

As per claim 6, a method for modifying a questionnaire used in data management according to the method of claim 1 including the steps of:

(a) making at least one incremental change to a portion of the questionnaire;

(b) tokenizing said at least one incremental change to said questionnaire(Porter, col. 5, lines 20-30); (c) transmitting at least a portion of said tokens resulting from step (b) to a remote computing device, said transmitted tokens comprising less than the entire tokenized questionnaire (Porter, col. 5, lines 20-30); (d) incorporating said transmitted tokens into said questionnaire at said remote computing device (Wright, Figs. 1-11, col. 16, lines 50-55, Abstract).

In reply, Applicant would note that Claim 1 has been amended to require device indifferent tokens. Support for this amendment can be found in Applicant's specification and particularly paragraphs [0033] and [0052]. Claim 1 has been further amended to recite a questionnaire that includes at least one question requesting location identifying information, and automatically entering the location identifying information into the questionnaire. Support for these amendments can be found in Applicant's specification, and particularly paragraphs [0035], and [0065]-[0070].

Initially, Applicant maintains that nothing in Wright, Porter, Brookler, or Rappaport, alone or in combination, teaches or suggests "loosly networked" as recited in Applicant's Claim 1. As such, it is believed that Claim 1 is allowable over the art of record.

The term "network" is expressly defined in the specification of the present application at [0027] where it is stated:

> With regard to the present invention, the term "loosely networked" is used to describe a networked computer system wherein the devices on the network are tolerant of intermittent network connections and, in fact, tolerant of the type of network connection available. In particular, if any communication connection is available between devices wishing to communicate, network transmissions occur normally, in real time. If a network connection is unavailable at that moment, the information is temporarily stored in the device and later transmitted when the network connection is restored. **Unless otherwise specified, hereinafter the terms "network" or "networked" refer to loosely networked devices** (emphasis added).

Thus, Claim 1 step (g) of the instant application requires the transmission to occur in a loosely networked fashion. Neither Wright, Porter, Brookler, nor Rappaport discuss special handling of intermittent connections, and therefore none of these references suggest a loosely networked connection.

Applicant additionally maintains the limitations of amended Claim 1 are not present in the Wright, Porter, Brookler, Rappaport combination asserted in the Office Action, such as: step (c) which recites tokenizing the questionnaire, thereby producing a plurality of device indifferent tokens representing the questionnaire. Claim 1 has been amended to replace the term "independent" with the term "indifferent" as set forth above. Further, Claim 1 has been amended to recite the questionnaire to include at least one question requesting location identifying information in step (b) and, in step (f) automatically entering the location identifying information into the questionnaire. These limitations are not found in any of the cited references.

Additionally, Applicant would note that with regard to Claim 5, step (d) would likewise require the network to behave in a loosely networked fashion.

Applicant submits that, in view of the foregoing, Claim 1, as amended, is thus in condition for allowance. Claims 2-6 depend from Claim 1 and inherit its limitation and, as such, are allowable at least for the reasons stated with regard to Claim 1. Reconsideration and allowance of Claims 1 and 2-6 is respectfully requested.

Claim 7 recites a questionnaire that has been customized for a location and is executed when the loosely networked computer at the location. Nothing in any of the foregoing references teaches or even suggests such a possibility. Applicant would further point out that Claim 7, step (b) requires a loosely networked computer and, as discussed above with regard to Claim 1, none

of the cited references disclose a network tolerant of intermittent connections. Likewise, step (e), as amended, requires a loosely networked connection. As such, and for at least this reason, Claim 7 is believed to be allowable.

Claim 7 has been amended to recite a loosely networked computer having a GPS integral thereto. Support for this amendment can be found in Applicant's specification, and particularly paragraph [0035]. Claim 7 has been further amended to recite a questionnaire that includes at least one question requesting location identifying information, and automatically entering the location identifying information into the questionnaire. Support for these amendments can be found in Applicant's specification, and particularly paragraphs [0035], and [0065]-[0070]. As set forth above with regard to claim 1, incorporated fully herein, Applicant submits that the combination of references cited in the Office Action do not disclose, teach or suggest a GPS integral to the loosely networked computer, a questionnaire that includes at least one question requesting location identifying information, and automatically entering the location identifying information into the questionnaire.

For at least the reasons set out above, Applicant submits that Claim 7 is thus in condition for allowance. Claim 8 depends from Claim 7 and is believed to be allowable at least for the reasons discussed with regard to Claim 7.

Reconsideration and allowance of Claims 7 and 8 is respectfully requested.

With regard to claims 12-14, 16-18 and 24-28, the Office Action reads on pages 10-15 as follows:

> *As per claim 12, 24,28 Wright teaches a method for managing data comprising the steps of: (a) establishing communications between a handheld computing device and an originating computer; (b) receiving within said hand*

held computing device a transmission of a questionnaire from said originating computer, said questionnaire customized for a particular location comprising a plurality of tokens; (d 1) executing at least a portion of said plurality of tokens comprising said questionnaire on said hand held computing device to collect at least one response from a user, and, (d2) storing within said computing device said at least one response from the user (Fig. 1-11, Abstract, col. 13, lines 38-65).

Wright however does not explicitly teach tokenizing said questionnaire and device independent tokens;(c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been ended, when said handheld computing device is proximate to said particular location (e) establishing communications between said handheld computing device and a recipient computer; (f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer;(g) after receipt of said transmission of step (f), transmitting a notice of said received value representative of each of said at least one response to a second user.

Porter explicitly tokenizing thereby producing a plurality of device independent tokens(col.3, lines 38-65; col.4, lines 50-65; tokenizing a file into a source file which maybe HTML or XML which as well known in the art is device independent);

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright to use the known method of tokenizing as taught by Porter in order to provide the predictable result of tokenizing a survey.

One ordinary skill in the art would have been motivated to combine the teachings in order to produce electronic surveys and feedback and reduce bandwidth (Wright, Abstract, Porter, col. 4, lines 50-65).

Wright in view of Warthen does not explicitly teach ;(c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been ended, when said handheld computing device is proximate to said particular location; (e) establishing communications between said handheld computing device and a recipient computer; (f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer; (g) after receipt of said

transmission of step (f), transmitting a notice of said received value representative of each of said at least one response to a second user Brookler explicitly teaches (f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer (Fig.1, para. 0033); (g) after receipt of said transmission of step (f),

transmitting a notice of said received value representative of each of said at least one response to a second user (Brookler, para. 0033).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Porter to include transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer as taught by Brookler in order to provide the predictable result of having all answered survey questions stored on the server.

One ordinary skill in the art would have been motivated to combine the teachings in order to have a central location, e.g. server, for all results of a survey which provides ease of access for the surveyors (Brookler, para. 0002).

Wright in view of Porter in view of Brookler does not explicitly teach; (c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been ended, (e) establishing communications between said handheld computing device and a recipient computer.

Rappaport explicitly teaches the known art of connection failure and reconnecting of mobile devices (Abstract, col. 2, lines 44-59).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Porter in view of Brookler to include the known art of connection failure and reconnecting of mobile devices as taught by Rappaport in order to provide the predictable result of when connection fails, the mobile device reconnects and sends information once there is a connection.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide reconnection to transfer information to a server.

Wright in view of Porter in view of Brookler in view of Rappaport does not explicitly teach when said remote computing device is proximate to said location.

Wright however, does teach a Joe's Diner's "customer comment card", Fig. 2a. The use of "customer comment card" is well known in the art as a form of feedback for services and/or products and is given at the location to be filled out and return to the vendor. Wright further teaches the art of sending electronic form for information gathering, col. 3, lines 5-67, col. 6, lines 1-30.

Therefore it would have been obvious to one ordinary skill in the art to combine the teachings of the prior art to have a customer comment card be sent to and filled out by a mobile user at the location of a restaurant in order to provide feedback to the vendor about products or services.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide a system to improve services/products through customer feedback.

As discussed with regard to Claim 1, as amended, the tokens of the combination of Wright and Porter are not the device indifferent tokens of the present invention.

With respect to Claim 12, this claim, as amended, requires a hand held computing device which has an integral GPS, using the GPS to obtain location identifying information, transmitting the location identifying information from the GPS to and originating computer, a questionnaire customized for a particular location associated with the location, tokenizing of the questionnaire to produce a plurality of device indifferent tokens, and when the device on which the tokenized questionnaire is resident is brought to the location for which the questionnaire was designed, execution of at least a portion of the tokens. Nothing in the references of record teaches an approach such as that set out in Claim 12.

In addition, Rappaport teaches a system and method for *maintaining connectivity* in a voice / data environment. (Abstract). A central idea in this patent is that voice is given priority over "time-insensitive" data streams (col. 2, lines 44-48). Low priority streams are put on "hold" if resources are not available *or* terminated without warning if resources are not available.

Of course, the term "server" cannot be found in Rappaport and that is for a reason. Rappaport's invention sits *between* the handheld and the server and is only designed to maintain connectivity between two devices that communicate over a network that is monitored by this invention – to the extent that is possible. If there are insufficient resources, the data or voice connection is unceremoniously dropped, apparently without warning. *See*, e.g., 17 in Fig. 1, 28

and 31 in Fig. 2, and associated text). Consider the following (col. 5, lines 2-16) from Rappaport:

> In contrast, mobile users that are engaged in mobile computing (or other forms of data transmission) may have the capability to operate semi-autonomously since data communications with the network are packetized and not necessarily streamed. So with appropriate network design, a temporary disconnection from the network may be transparent to the user. Thus, implementing the techniques described herein, short term radio link disconnections, which are frequent in mobile communications, need not result in failed sessions, discarded information and wasted use of resources. The current invention concerns maintaining connectivity for sessions that have gained admission to network resources. It is applicable to both circuit switched and packet switched systems.

Rappaport's goal is maintaining continuously end-to-end network connectivity where possible so that the remote device is oblivious to being temporarily disconnected from the recipient of the communication.

Obviously, in the world of Wright/Porter/Brookler, receipt of a questionnaire does not signal disconnection from the remote server. The word "disconnect" does not appear in any one of Wright, Porter, Brookler. All three references have flow charts depicting operation of their respective data handling, yet there is no provision in any flow chart for handling the case where a connection is not available. This is in complete opposition to the assertion that a user can continue to operate while waiting on the connection to be restored as required in Claim 12, step (f).

In short, the combination of Wright, Porter, and Brookler does not teach a method wherein when services are not available from a remote server, a questionnaire is executed on the local device. Instead, all three references assume a connection is available as needed.

As such, combining Wright, Porter, Brookler, and Rappaport would yield a system which is premised on the notion, at its core, that network connectivity between a mobile user and a remote computer is always present. If such connectivity is not available, Rappaport teaches abrupt failure of the associated program by active termination. The other three references are simply silent on the issue. Thus, the combination does not yield Applicant's invention and it is believed that at least this aspect of the analysis of the art of record is flawed, and the instant rejection of same should be withdrawn and the associated claims confirmed.

Further, Applicant would dispute that Rappaport teaches a true method of reconnection. Per that reference, the only time a "reconnection" between the mobile user and the intended recipient can take place is if the data transmission (or voice) is only temporarily suspended. If the session is dismissed (e.g., by exceeding the maximum allowable number of reconnect attempts, unavailability of resources as might occur in connection with a cell-tower-to-cell-tower hand off, Figures 1 and 2 of Rappaport) the connection is terminated and no reconnection is possible or is taught.

Finally, Applicant would argue that the cited combination Rappaport is improper at least because Rappaport is nonanalogous art. At the time the invention was made, an inventor who was searching for a solution to the problem of how to manage data on portable computing devices when they cannot be connected to a remote server would *not* look to the management of telephone switching systems for inspiration. The inventor would either look to the technology of mobile computing devices or remote computing devices. It would be completely unreasonable to think that such inventor would look to massive telephone networks and techniques for

controlling links when phone calls are handed off between towers to create the instant invention. Recall, *In re Wood*, 599 F.2d 1032, 202 USPQ 171, 174 (C.C.P.A. 1979)

> The determination that a reference is from a nonanalogous art is . . . twofold. First, we decide if the reference is within the field of the inventor's endeavor. If it is not, we proceed to determine whether the reference is reasonably pertinent to the particular problem with which the inventor was involved.

Here, systems and methods of managing telephone switching operations are certainly *not* within the instant inventor's field of endeavor nor are they reasonably pertinent to the particular problem which the inventor was trying to solve. Payne (the inventor) was not trying to develop a system by which a remote computing device could maintain continuous communication with a remote server but, instead, how such a device could operate in the face of uncertain network connections.

Accordingly, a number of claim limitations that are required by the instant claims are simply not present in the suggested combination. Applicant submits that, for at least the reasons set out above, Claim 12 is thus in condition for allowance. Claims 13, 14, and 16-18 depend from Claim 12 and are allowable at least for the reasons discussed with regard to Claim 12. Reconsideration and allowance of Claims 12-14 and 16-18 is respectfully requested.

With regard to Claim 24 as amended, Applicant would note that, as discussed with regard to Claim 12 and incorporated fully herein by reference. Claim 24, as amended, requires a hand held computing device which has an integral GPS, using the GPS to obtain location identifying information, transmitting the location identifying information from the GPS to and originating computer, a questionnaire customized for a particular location associated with the location, tokenizing of the questionnaire to produce a plurality of device indifferent tokens, and when the

device on which the tokenized questionnaire is resident is brought to the location for which the questionnaire was designed, execution of at least a portion of the tokens. Nothing in the references of record teaches an approach such as that set out in Claim 24.

Accordingly and at least for the reasons set out above, Claim 24 is thus believed to be in condition for allowance. Reconsideration and allowance of Claim 24 is respectfully requested.

Claim 25 depends from claim 24 and is allowable at least for the reasons set forth above with regard to claim 24. Reconsideration and allowance of claim 25 is respectfully requested.

Claims 28-31 have been cancelled herein without prejudice and Applicant respectfully reserves the right to reurge claims 28-31. The rejection of claims 28-31 has become moot.

In the Office Action, claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Wright Reference in view of the Porter Reference in view of the Brookler Reference in view of the Rappaport Reference in view of US Publication 2001/0056374 (hereinafter the "Joao Reference"). The Office Actions further reads at Pages 15-16:

> *As per claim 8, Wright in view of Porter in view of Brookler in view of Rappaport does not explicitly teach the method for collecting survey data according to claim 7 further comprising: (f) assessing a charge for each transferred response received by said central computer.*
>
> *Joao explicitly teaches (f) assessing a charge for each transferred response received by said central computer (para. 0230).*
>
> *Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Porter in view of Brookler in view of Rappaport to include assessing a charge for each transferred response received by said central computer as taught by Joao in order to receive compensation, a reward, a rebate, and/or an incentive (Joao, para. 0009).*
>
> *One ordinary skill in the art would have been motivated to combine the teachings in order to facilitate commerce between any parties and/or any number of parties (Joao, para. 0009).*

Claim 8 depends from Claim 7 and is therefore allowable at least for the reasons discussed with regard to Claim 7. However, Applicant would note that Claim 8 further requires assessing a charge for each transferred response received at the central computer, while Joao generates a reward for the person taking the survey. Claim 8 generates revenue for the service collecting the survey results while Joao is a reward system for the user. Applicant respectfully submits that the charge assessed in Claim 8 is fundamentally different than the reward earned in Joao. Reconsideration and allowance of Claim 8 is respectfully requested.

In the Office Action, claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Wright Reference in view of the Porter Reference in view of the Brookler Reference in view of the Rappaport Reference in view of US Publication 2002/0137524 (hereinafter the "Bade Reference"). The Office Action reads at Pages 16-17:

> *As per claim 15, Wright in view of Porter in view of Brookler in view of Rappaport teaches the method for managing data according to Claim 12, wherein said step (dl) comprises the steps of: executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a user (Wright, Abstract, Porter, col. 4, lines 50-65).*
>
> *However does not explicitly teach the art of authentication.*
>
> *Bade explicitly teaches the well known method of authentication (Abstract).*
>
> *Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Porter in view of Brookler in view of Rappaport to include the known method of authentication as taught by Bade in order to provide the predictable result of authentication of a device.*
>
> *One ordinary skill in the art would have been motivated to combine the teachings in order to provide security for a mobile device and information.*

Without conceding that Bade discloses authentication as required in Claim 15, Applicant would note that Claim 15 depends from Claim 12 and is therefore allowable for at least the reasons stated with regard to Claim 12. Reconsideration and allowance of Claim 15 is respectfully requested.

Claims 9-11 are rejected in the Office Action under 35 U.S.C. §103(a) as being unpatentable over US Patent US Publication 2002/0147850 (hereinafter the "Richards Reference") in view of the Porter Reference in view of the Rappaport Reference. The Office Action reads at Pages 1-20:

Claims 9-11 have been cancelled in this Amendment and Response, without prejudice, and Applicant respectfully reserves the right to re-urge claims 9-11. The rejection of claims 9-11 in the Office Action has become moot.

In the Office Action, claims 19-21, 26, 27 rejected under 35 U.S.C. 103(a) as being unpatentable over the Wright Reference in view of the Porter Reference in view of the Rappaport Reference in view of US Patent 6,462,708 (hereinafter the "Tsujimoto Reference"). The Office Action further reads at Pages 20-24:

> *As per claim 19, 26, Wright teaches method for managing data comprising the steps of: (a) establishing communications between a handheld computing device and an originating computer, (b) receiving within said hand held computing device a transmission of a questionnaire customized for a particular location, said questionnaire comprising a plurality of tokens; (d I) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to (Figs. 1-11, Abstract, col. 25, lines 1-50).*
>
> *Wright does not explicitly teach tokenizing a questionnaire; device independent tokens;*
>
> *(c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been terminated, when said handheld computing device is proximate to said particular*

location (e) establishing communications between said handheld computing device and a recipient computer; said handheld device having at least a capability to determine a current location thereof; collect at least said current location of said handheld computing device, and, (d2) storing within said handheld computing device said current location; (f) transmitting at least one value representative of said stored current location to said recipient computer.

Porter explicitly tokenizing thereby producing a plurality of device independent tokens (col. 3, lines 38-65; col. 4, lines 50-65; tokenizing a file into a source file which maybe HTML or XML which as well known in the art is device independent);

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright to use the known method of tokenizing as taught by Porter in order to provide the predictable result of tokenizing a survey.

One ordinary skill in the art would have been motivated to combine the teachings in order to produce electronic surveys and feedback and reduce bandwidth (Wright, Abstract, Porter, col. 4, lines 50-65).

Wright in view of Porter does not explicitly teach (c) ending said communications between said handheld computing device and said originating computer; (d) after said communications has been terminated, when said handheld computing device is proximate to said particular location (e) establishing communications between said handheld computing device and a recipient computer;

said handheld device having at least a capability to determine a current location thereof; collect at least said current location of said handheld computing device, and, (d2) storing within said handheld computing device said current location; (f) transmitting at least one value representative of said stored current location to said recipient computer.

Rappaport explicitly teaches the known art of connection failure and reconnecting of mobile devices(Abstract).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Porter to include the known art of connection failure and reconnecting of mobile devices as taught by Rappaport in order to provide the predictable result of when connection fails, the mobile device reconnects and sends information once there is a connection.

One ordinary skill in the art would have been motivated to combine the teachings in order to provide reconnection to transfer information to a server.

Wright in view of Porter in view of Rappaport does not explicitly teach said handheld device having at least a capability to determine a current location

thereof; collect at least said current location of said handheld computing device, and, (d2) storing within said handheld computing device said current location; (f) transmitting at least one value representative of said stored current location to said recipient computer.

Tsujimoto explicitly teaches the known system of a mobile device with a GPS to determine location (col. 1, lines 17-20). Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the teachings of Wright in view of Porter in view of Rappaport to include the use of GPS for mobile devices as taught by Tsujimoto in order to provide the predictable result of a determination of a GPS location of a mobile device.

One ordinary skill in the art would have been motivated to combine the teachings in order to determine of a GPS location of a mobile device.

Wright in view of Porter in view of Rappaport in view of Tsujimoto does not explicitly teach when said remote computing device is proximate to said location.

Wright however, does teach a Joe's Diner's "customer comment card", Fig. 2a. The use of "customer comment card" is well known in the art as a form of feedback for services and/or products and is given at the location to be filled out and return to the vendor. Wright further teaches the art of sending electronic form for information gathering, col. 3, lines 5-67, col. 6, lines 1-30.

Therefore it would have been obvious to one ordinary skill in the art to combine the teachings of the prior art to have a customer comment card be sent to and filled out by a mobile user at the location of a restaurant in order to provide feedback to the vendor about products or services. One ordinary skill in the art would have been motivated to combine the teachings in order to provide a system to improve services/products through customer feedback.

As per claim 20, the method for managing data according to Claim 19 wherein said current location of said handheld computing device is determined using GPS (Tsujimoto, col. 1, lines 17-20).

As per claim 21, 27, wherein said originating computer and said recipient computer are a same computer (Wright, Figs. 1-11, col. 16, lines 50-55, Rappaport, Abstract, col. 2, lines 44-59; reconnecting to the computer to send response of survey).

Claim 19 has been amended to recite a questionnaire that includes at least one question requesting location identifying information, and automatically entering the location identifying

information into the questionnaire. Support for these amendments can be found in Applicant's specification, and particularly paragraphs [0035], and [0065]-[0070].

Claim 19, as amended, requires the questionnaire include at least one question requesting location identifying information and when the device is at the location, executing at least a portion of the tokens and automatically entering the location identifying information into the questionnaire. None of the cited references disclose these steps.

Accordingly, Claim 19 is in condition for allowance. Claims 20 and 21 depend from Claim 19 and are allowable at least for the reasons stated with regard to Claim 19. Reconsideration and allowance of Claims 19-21 are respectfully requested.

Claim 26, as amended, requires a hand held computing device which has an integral GPS, using the GPS to obtain location identifying information, transmitting the location identifying information from the GPS to an originating computer, a questionnaire including at least one question requesting location identifying information, tokenizing of the questionnaire to produce a plurality of tokens, and when the device on which the tokenized questionnaire is resident is brought to the location for which the questionnaire was designed, execution of at least a portion of the tokens and including automatically entering the location identifying information into the questionnaire. Nothing in the references of record teaches an approach such as that set out in Claim 26. Support for these amendments can be found in Applicant's specification, and particularly paragraphs [0033], [0035], [0052], and [0069-[0070].

Accordingly, Claim 26 is thus in condition for allowance. Claim 27 depends from Claim 26 and is therefore allowable at least for the reasons stated with regard to Claim 26. Reconsideration and allowance of Claims 26 and 27 is respectfully requested.

T.W.

Conclusion

This paper is intended to constitute a complete response to the Examiner's Office Action mailed November 6, 2015. Please contact the undersigned if it appears that a portion of this response is missing or if there remain any additional matters to resolve. If the Examiner feels that processing of the application can be expedited in any respect by a personal conference, please consider this an invitation to contact the undersigned by phone.

Respectfully submitted,

Date: May 6, 2016

Scott R. Zingerman, Reg. No. 35422
Fellers, Snider, Blankenship, Bailey & Tippens
321 S. Boston Ave., Suite 800
Tulsa, OK 74103-3318
Attorneys for Applicant(s)
Tel.: 918-599-0621
Fax: 918-583-9659
Customer No. 22206

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CERTIFICATE OF MAILING UNDER 37 CFR 1.8

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Scott R. Zingerman
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TO	COMPANY NAME	FAX NUMBER
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FROM: **Scott R. Zingerman, Esq.**

FELLERS, SNIDER, BLANKENSHIP,
BAILEY & TIPPENS, P.C.
321 South Boston, Suite 800
The Kennedy Building
Tulsa, Oklahoma 74103
TELEPHONE: (918) 599-0621
TELECOPIER: (918) 583-9659

Re: U.S. Patent Application No.: 12/910,706
Attorney Docket No. 47267/10-351

Please see attachment(s).

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)	Docket Number (Optional) 47267/10-351
Application Number 12/910,706	Filed 10/22/2010
For SYSTEM AND METHOD FOR DATA MANAGEMENT	
Art Unit 2451	Examiner BACKHEAN TIV

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	Micro Entity Fee	
☐ One month (37 CFR 1.17(a)(1))	$ 200	$ 100	$ 50	$
☐ Two months (37 CFR 1.17(a)(2))	$ 600	$ 300	$ 150	$
☒ Three months (37 CFR 1.17(a)(3))	$ 1400	$ 700	$ 350	$ 700.00
☐ Four months (37 CFR 1.17(a)(4))	$ 2200	$ 1100	$ 550	$
☐ Five months (37 CFR 1.17(a)(5))	$ 3000	$ 1500	$ 750	$

☒ Applicant asserts small entity status. See 37 CFR 1.27.

☐ Applicant certifies micro entity status. See 37 CFR 1.29.
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

☐ A check in the amount of the fee is enclosed.

☒ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 08-0540.

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WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant.

☒ attorney or agent of record. Registration Number 35422.

☐ attorney or agent acting under 37 CFR 1.34. Registration number _____.

Signature — May 6, 2016 (Date)

Scott R. Zingerman (Typed or printed name) — 918/599-0621 (Telephone Number)

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below.*

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 12/910,706	Filing Date 10/22/2010	☐ To be Mailed

ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO

APPLICATION AS FILED – PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X $ =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X $ =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	

APPLICATION AS AMENDED – PART II

AMENDMENT 05/06/2016	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	* 24	Minus	** 31	= 0	X $40 =	0
Independent (37 CFR 1.16(h))	* 6	Minus	***8	= 0	X $210 =	0
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	0

AMENDMENT	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA	RATE ($)	ADDITIONAL FEE ($)
Total (37 CFR 1.16(i))	*	Minus	**	=	X $ =	
Independent (37 CFR 1.16(h))	*	Minus	***	=	X $ =	
☐ Application Size Fee (37 CFR 1.16(s))						
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						
					TOTAL ADD'L FEE	

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
/EVELYN NIMMONS/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Alexandria, Virginia 22313-1450
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NOTICE OF ALLOWANCE AND FEE(S) DUE

22206 7590 07/07/2016
FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

EXAMINER
TIV, BACKHEAN

ART UNIT	PAPER NUMBER
2451	

DATE MAILED: 07/07/2016

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/910,706	10/22/2010	J. David Payne	71855/10-351	8703

TITLE OF INVENTION: SYSTEM AND METHOD FOR DATA MANAGEMENT

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0	$0	$480	10/07/2016

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

22206 7590 07/07/2016
FELLERS SNIDER BLANKENSHIP
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THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/910,706	10/22/2010	J. David Payne	71855/10-351	8703

TITLE OF INVENTION: SYSTEM AND METHOD FOR DATA MANAGEMENT

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0	$0	$480	10/07/2016

EXAMINER	ART UNIT	CLASS-SUBCLASS
TIV, BACKHEAN	2451	709-203000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
- ❑ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ❑ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ❑ Individual ❑ Corporation or other private group entity ❑ Government

4a. The following fee(s) are submitted:
- ❑ Issue Fee
- ❑ Publication Fee (No small entity discount permitted)
- ❑ Advance Order - # of Copies _____

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
- ❑ A check is enclosed.
- ❑ Payment by credit card. Form PTO-2038 is attached.
- ❑ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
- ❑ Applicant certifying micro entity status. See 37 CFR 1.29 — NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
- ❑ Applicant asserting small entity status. See 37 CFR 1.27 — NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
- ❑ Applicant changing to regular undiscounted fee status. — NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

PTOL-85 Part B (10-13) Approved for use through 10/31/2013. OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/910,706	10/22/2010	J. David Payne	71855/10-351	8703

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EXAMINER	
TIV, BACKHEAN	

ART UNIT	PAPER NUMBER
2451	

DATE MAILED: 07/07/2016

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 12/910,706	Applicant(s) PAYNE, J. DAVID	
	Examiner BACKHEAN TIV	Art Unit 2451	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *5/6/16*.
   ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on_____.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are *1-8,12-21 and 24-27*. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov .
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   Certified copies:
   a) ☐ All b) ☐ Some *c) ☐ None of the:
   1. ☐ Certified copies of the priority documents have been received.
   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
   3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
4. ☒ Interview Summary (PTO-413), Paper No./Mail Date *6/17/16* .
5. ☒ Examiner's Amendment/Comment
6. ☒ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

/BACKHEAN TIV/
Primary Examiner, Art Unit 2451

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Scott Zingerman(35422) on 6/17/16.

The application has been amended as follows:

1. (Currently Amended) A method for managing data including the steps of:

(a) creating a questionnaire comprising a series of questions customized for a location;

(b) said questionnaire including at least one question requesting GPS coordinates ~~location identifying information~~;

(c) tokenizing said questionnaire, thereby producing a plurality of device indifferent tokens representing said questionnaire;

(d)transmitting said plurality of tokens to a remote computing device;

(e)when said remote computing device is ~~proximate to~~ at said location, executing at least a portion of said plurality of tokens representing said questionnaire at within said remote computing device to collect a response from a user;

(f) automatically entering the GPS coordinates ~~location identifying information~~ into said questionnaire;

(g)transmitting at least a portion of said response from the user to a server in real time via a network; and

(h) storing said response at said server.

7. (Currently Amended) A method for collecting survey data from a user and making responses available via the Internet, comprising:

(a) designing a questionnaire including at least one question said questionnaire customized for a particular location having branching logic on a first computer platform wherein at least one of said at least one questions requests location identifying information;

(b) automatically transferring said designed questionnaire to at least one loosely networked computer having a GPS integral thereto;

(c) when said loosely networked computer is ~~proximate to~~ at said particular location, executing said transferred questionnaire on said loosely networked computer, thereby collecting responses from the user;

(d)while said transferred questionnaire is executing, using said GPS to automatically provide said location identifying information as a response to said executing questionnaire;

(e)automatically transferring via the loose network any responses so collected in real time to a central computer; and,

(f) making available via the Internet any responses transferred to said central computer in step (e).

10-11.(Cancelled)

19. (Currently Amended) A method for managing data comprising the steps of:

(a) establishing communications between a handheld computing device and an originating computer, said handheld device having at least a capability to determine a current location thereof;

(b) receiving within said handheld computing device a transmission of a tokenized questionnaire including at least one question requesting GPS coordinates ~~location identifying information~~, said tokenized questionnaire comprising a plurality of device independent tokens;

(c) ending said communications between said handheld computing device and said originating computer;

(d) after said communications has been terminated, when said handheld computing device is at said particular location

(d1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least said current location of said handheld computing device, and,

(d2) storing within said handheld computing device said current location;

(d3) automatically entering the GPS coordinates ~~location identifying information~~ into said questionnaire;

(e) establishing communications between said handheld computing device and a recipient computer; and,

(f) transmitting at least one value representative of said stored current location to said recipient computer.

26. (Currently Amended) A method for managing data comprising the steps of:

(a) within a central computer, accessing at least one user data item stored in a recipient computer, wherein said at least one data item is obtained via the steps of:

(1) establishing communications between a handheld computing device and an originating computer wherein said handheld computing device has a GPS integral thereto;

(2) receiving within said handheld computing device a transmission of a tokenized questionnaire, including at least one question requesting GPS coordinates ~~location identifying information~~ and at least one additional question, said tokenized questionnaire comprising a plurality of device independent tokens;

(3) ending said communications between said handheld computing device and said originating computer;

(4) after said communications has been ended,

(i) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device,

(ii) automatically entering the GPS coordinates ~~location identifying information~~ into said questionnaire:

(iii) presenting said at least one additional question to a user;

(iv) receiving at least one response from the user to each of said presented at least one additional question,

(v) storing at least one value representative of said GPS coordinates ~~location identifying information~~ and said at least one response within said handheld computing device;

(5) establishing a communications link between said handheld computing device and a recipient computer;

(6) transmitting said stored at least one value representative of said GPS coordinates ~~location identifying information~~ and said at least one response stored within said handheld computing device to said recipient computer; and,

(7) storing within said recipient computer any of said transmitted GPS coordinates ~~location identifying information~~ and said at least one value representative of said at least one response, thereby creating said at least one user data item stored in said recipient computer; and,

(b) forming a visually perceptible report from any of said at least one stored user data item.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The closest prior art of record are US Patent 5,704,029 issued to Wright, Jr, which teaches an electronic questionnaire which includes various fields for inputting response to the questions.

US Publication 2002/0007303 issued to Brookler et al., which teaches a system to create survey, pushing the survey to respondents, and making the result of the survey available to the creator of the survey.

US Publication 2002/0147850 issued to Richards et al, teaches creation of survey and ask questions in a logical manner through the use of logic trees.

However the prior art singly or in combination does not teach the totality of the independent claims when read in light of the specification(para.0008,0027,0030,0063-0070). Also claims recites the use of a GPS integral thereto which obtain location identifying information which is interpreted as a GPS obtaining GPS coordinates for the handheld device. see also Remarks filed on 5/6/16, pgs.21-23,26-29,35-36 and Remarks filed 5/9/14,pgs.16-18,20-23,25-29,33.

In further the term "networked" is presumed to be “loosely networked”, which as describe as in para.0027 is defined as a network computer system wherein devices on the network are tolerant of intermittent network connection and tolerant of the type of network connection available and when a network connection is unavailable at that moment, the information is temporarily stored in the device and later transmitted when the connection is restored is read into the claims.

The term “token” as defined and argued in the Interview held on 11/16/2012, has a special meaning(i.e. logical, mathematical or branching operation), para.0054 of applicant's specification which is read into the claims.

Note: all conditional limitations are given patentable weight.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BACKHEAN TIV whose telephone number is (571)272-5654. The examiner can normally be reached on M-THUR 5:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, CHRISTOPHER L. PARRY can be reached on (571) 272-8328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BACKHEAN TIV/
Primary Examiner, Art Unit 2451

Applicant-Initiated Interview Summary	Application No.	Applicant(s)	
	12/910,706	PAYNE, J. DAVID	
	Examiner	Art Unit	
	BACKHEAN TIV	2451	

All participants (applicant, applicant's representative, PTO personnel):

(1) *BACKHEAN TIV*.

(3) *SCOTT ZINGERMAN(35422)*.

(2) _____.

(4) _____.

Date of Interview: *6/17/16*.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☒ No.
If Yes, brief description: _____.

Issues Discussed ☐101 ☐112 ☐102 ☐103 ☒Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: *1,7,10,11,19 and 26*.

Identification of prior art discussed: *N/A*.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

APPLICANT AUTHORIZED CANCELLING CLAIMS 10,11, AND AMENDING CLAIMS TO ADVANCE THE PROSECUTION OF THE APPLICATION.

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/BACKHEAN TIV/ Primary Examiner, Art Unit 2451	

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record
A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews
Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.
All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:
- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:
1) A brief description of the nature of any exhibit shown or any demonstration conducted,
2) an identification of the claims discussed,
3) an identification of the specific prior art discussed,
4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
5) a brief identification of the general thrust of the principal arguments presented to the examiner,
   (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
6) a general indication of any other pertinent matters discussed, and
7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Notice of References Cited	Application/Control No. 12/910,706	Applicant(s)/Patent Under Reexamination PAYNE, J. DAVID	
	Examiner BACKHEAN TIV	Art Unit 2451	Page 1 of 3

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-4,937,439 A	06-1990	Wanninger; Lester A.	G06F3/033	235/456
*	B	US-5,442,786 A	08-1995	Bowen; Robert E.	G06F17/30961	707/758
*	C	US-5,555,101 A	09-1996	Larson; Joseph C.	G06F17/243	358/400
*	D	US-5,704,029 A	12-1997	Wright, Jr.; Gerald V.	G06F17/243	345/173
*	E	US-5,757,916 A	05-1998	MacDoran; Peter F.	G01S19/215	342/357.48
*	F	US-5,842,195 A	11-1998	Peters; Graham	G06Q30/02	1/1
*	G	US-5,991,771 A	11-1999	Falls; Patrick T.	G06F9/466	1/1
*	H	US-6,163,811 A	12-2000	Porter; Swain W.	H04L29/06	707/999.101
*	I	US-6,230,142 B1	05-2001	Benigno; Benedict B.	G06F19/325	705/2
*	J	US-2002/0007303 A1	01-2002	Brookler, Brent D.	G06Q30/02	705/7.32
*	K	US-2002/0026338 A1	02-2002	BUKOW, HANS MAX THEODORE	G06Q10/063112	705/7.14
*	L	US-2002/0087361 A1	07-2002	Benigno, Benedict B.	G06F19/325	705/3
*	M	US-2002/0137524 A1	09-2002	Bade, Steven A.	H04W12/08	455/456.2

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	CPC Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Notice of References Cited	Application/Control No. 12/910,706	Applicant(s)/Patent Under Reexamination PAYNE, J. DAVID	
	Examiner BACKHEAN TIV	Art Unit 2451	Page 2 of 3

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-6,462,708 B1	10-2002	Tsujimoto; Ikuo	G01S5/0009	342/357.43
*	B	US-6,477,373 B1	11-2002	Rappaport; Stephen S.	H04W36/12	455/436
*	C	US-2002/0194219 A1	12-2002	Bradley, George Wesley	G06F17/243	715/223
*	D	US-2003/0022656 A1	01-2003	Hinnant, Harris O. JR.	G01S5/02	455/410
*	E	US-6,519,571 B1	02-2003	Guheen; Michael F.	G06Q30/02	705/14.66
*	F	US-6,584,464 B1	06-2003	Warthen; David	G06F17/30398	1/1
*	G	US-6,615,166 B1	09-2003	Guheen; Michael F.	G06Q10/06	703/26
*	H	US-6,631,184 B1	10-2003	Weiner; Moshe	H04L12/2854	379/92.01
*	I	US-2004/0122730 A1	06-2004	Tucciarone, Joel D.	G06Q10/107	705/14.36
*	J	US-6,826,726 B2	11-2004	Hsing; Jeff	G06F17/30578	707/999.201
*	K	US-7,181,225 B1	02-2007	Moton, Jr.; Robert T.	H04W16/00	455/414.2
*	L	US-2007/0050256 A1	03-2007	Walker; Jay	G06Q30/00	705/14.19
*	M	US-2007/0242809 A1	10-2007	Mousseau; Gary	H04M7/0036	379/88.18

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
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	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Notice of References Cited	Application/Control No. 12/910,706	Applicant(s)/Patent Under Reexamination PAYNE, J. DAVID	
	Examiner BACKHEAN TIV	Art Unit 2451	Page 3 of 3

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-7,310,350 B1	12-2007	Shao; Victor	H04W4/00	370/338
*	B	US-2008/0098291 A1	04-2008	Bradley; George Wesley	G06F17/243	715/223
*	C	US-7,693,283 B2	04-2010	Livesay; Paul Owen	H04L63/0421	380/255
*	D	US-7,739,658 B2	06-2010	Watson; Mark Alexander	G06F17/30905	709/217
*	E	US-2012/0008560 A1	01-2012	Lewis; Allan D.	G06Q20/102	370/328
	F	US-				
	G	US-				
	H	US-				
	I	US-				
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
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	P					
	Q					
	R					
	S					
	T					

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	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12910706	PAYNE, J. DAVID
	Examiner	Art Unit
	BACKHEAN TIV	2451

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
709	203	03/09/2011	NT
709	223	03/09/2011	NT
709	224	03/09/2011	NT

SEARCH NOTES		
Search Notes	Date	Examiner
Keyword search using EAST	03/09/2011	NT
UPDATE SEARCH	9/16/2012	BT
UPDATE SEARCH	10/21/2015	BT
UPDATE SEARCH	11/4/2015	BT
UPDATE SEARCH	6/24/2016	BT

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
G06F	17/243,17/2247,19/363	6/24/2016	BT
G06Q	30/0203	6/24/2016	BT
G06B	7/06	6/24/2016	BT

	/BACKHEAN TIV/ Primary Examiner.Art Unit 2451

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	275	(location or GPS) near3 coordinat$4 with (survey or question$5) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/24 09:45
L3	3	(("6163811") or ("20020007303") or ("6477373")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/06/24 10:11
L4	1	("20020147850").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2016/06/24 10:14
L5	28	(US-20020026338-$ or US-20020087361-$ or US-20020007303-$ or US-20070242809-$ or US-20080098291-$ or US-20020194219-$ or US-20120008560-$ or US-20030022656-$ or US-20020137524-$).did. or (US-6519571-$ or US-7693283-$ or US-5757916-$ or US-6615166-$ or US-6230142-$ or US-7310350-$ or US-6631184-$ or US-5555101-$ or US-5704029-$ or US-7739658-$ or US-6826726-$ or US-6584464-$ or US-6477373-$ or US-6462708-$ or US-5842195-$ or US-5991771-$ or US-5442786-$ or US-6163811-$).did. or (US-6577713-$).did.	US-PGPUB; USPAT; DERWENT	OR	OFF	2016/06/24 10:20
L13	1	1 AND ((G06F17/243 OR G06F17/2247 OR G06F19/363 OR G06Q30/0203 OR G09B7/06).CPC.)	US-PGPUB; USPAT; DERWENT	OR	OFF	2016/06/24 10:23
S1	2	("20040210472").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/09/15 15:56
S2	2	("20030198934").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/09/15 15:57
S3	643	creat$4 near4 (survey or questionnaire) and (@ad<="20010831" or	US-PGPUB; USPAT; USOCR;	OR	ON	2012/09/15 16:18

		@rlad<="20010831")	FPRS; EPO; JPO; DERWENT; IBM_TDB			
S4	33	creat$4 near4 (survey or questionnaire) same feedback and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/15 16:18
S5	0	creat$4 near4 (survey or questionnaire) with token$4 and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/15 16:20
S6	0	creat$4 near4 (survey or questionnaire) same token$4 and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/15 16:20
S7	23	creat$4 near4 (survey or questionnaire) and token$4 and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/15 16:20
S8	9	creat$4 near4 (survey or questionnaire) same mobile and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/15 16:29
S9	242	creat$4 near4 (survey or questionnaire or form) same mobile and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/15 16:31
S10	19	creat$4 near4 (survey or questionnaire or form) same mobile and (download$4 or upload$4) near4 (survey or questionnaire or form) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/15 16:32
S11	2	("5555101").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/09/15 16:33
S12	4	(("6826726") or ("7739658")).PN.	US-PGPUB;	OR	OFF	2012/09/15

			USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			16:37
S13	367	tokenizer and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 09:17
S14	1	tokenizer near4 question and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 09:18
S15	2	tokenizer with question and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 09:18
S16	2	tokenizer with (question or survey) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 09:19
S17	68	tokenizer same (question or survey) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 09:19
S18	0	tokenizer same (question or survey) same feedback and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 09:20
S19	56	tokenizer same (question or survey) and feedback and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 09:20
S20	6	(("5704029") or ("6584464") or ("20020007303")).PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT;	OR	OFF	2012/09/16 09:45

			IBM_TDB			
S21	2	S20 and updat$4	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 09:46
S22	0	("20010056837").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/09/16 10:06
S23	0	("200100568374").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/09/16 10:07
S24	2	("20010056374").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/09/16 10:07
S25	1	charg$4 near4 response with survey and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:09
S26	5	(charg$4 or fee) near4 response with survey and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:09
S27	14	(charg$4 or fee) with response with survey and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:11
S28	0	mobile near3 re$connect near4 server and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:50
S29	1	mobile with re$connect near4 server and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS;	OR	ON	2012/09/16 10:50

			EPO; JPO; DERWENT; IBM_TDB			
S30	18	mobile with re$connect$4 near4 server and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:50
S31	0	mobile with re$connect$4 near4 server same GPS and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:50
S32	1	mobile with re$connect$4 near4 server and GPS and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:51
S33	1	mobile with re$connect$4 with server and GPS and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:51
S34	44	mobile with re$connect$4 and GPS and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:52
S35	10	mobile with re$connect$4 and connection with (fail$4 or un$available) and GPS and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:53
S36	53	mobile with re$connect$4 and connection with (fail$4 or un$available) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 10:55
S37	24237412	authenticate near3 mobile (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 11:07
S38	663	authenticate near3 mobile and (@ad<="20010831" or	US-PGPUB; USPAT;	OR	ON	2012/09/16 11:08

		@rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB			
S39	2	authenticate near3 mobile same GPS and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 11:09
S40	33	send$4 near4 GPS near4 location with server and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2012/09/16 11:18
S41	2	("5842195").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2012/09/16 13:06
S42	4	(("6477373") or ("20010056374") or ("20020137524") or ("6462708")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2013/03/27 09:24
S43	1	("7822816").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/07/10 11:08
S44	1	(12/910706).APP.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/07/10 12:17
S45	4	(("6453329") or ("20020147850") or ("6163811") or ("6618746")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/07/14 09:56
S46	2	(("5991771") or ("5442786")).PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2014/07/14 10:50
S47	3	("20110040831").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2015/10/07 07:35
S48	4	("7822816").PN.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2015/10/07 07:37
S49	264	(survey or questionnaire) same (location or proximat$4) same mobile and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO;	OR	ON	2015/10/07 07:40

			DERWENT; IBM_TDB			
S50	0	(survey or questionnaire) with (location or proximat$4) near4 (restaurant or business or venue) same mobile and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/07 07:40
S51	0	(survey or questionnaire) with (location or proximat$4) with (restaurant or business or venue) same mobile and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/07 07:40
S52	0	(survey or questionnaire) with (location or proximat$4 or GPS) with (restaurant or business or venue) same mobile and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/07 07:40
S53	1	(survey or questionnaire) same (location or proximat$4 or GPS) with (restaurant or business or venue) same mobile and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/21 08:24
S54	2	(survey or questionnaire) with (restaurant or business or venue) same mobile and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/21 08:25
S55	1048	(survey or questionnaire) with (restaurant or business or venue) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/21 08:25
S56	1	creating near4 (survey or questionnaire) with (restaurant or business or venue) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/21 08:25
S57	1	("7822816").PN.	US-PGPUB; USPAT; USOCR	OR	OFF	2015/10/21 08:58
S58	17	device near3 independent near3 token and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/21 10:56

S59	1	device adj3 independent near3 question and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/21 11:01
S60	3	device near2 independent near3 question and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/21 11:02
S61	0	tokenizer with security and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/22 07:13
S62	1641	(tokenizer or token) near4 security and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/22 07:13
S63	285	(tokenizer or token) near4 (data or information) near4 security and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2015/10/22 07:14
S64	6	(survey or questionnaire) with (restaurant or business or venue) near3 (location or GPS) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/10 10:22
S65	1514	(survey or questionnaire) near3 (location or GPS) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/10 10:23
S66	0	(survey or questionnaire) near3 (location or GPS) same automatic$4 near4 (entering or enter or import$4) near4 (location or GPS or coordinate) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/10 10:24
S67	88	(obtain$4 or determin$4) near4 (location or GPS) near3 coordinat$4 same (survey or question$5) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO;	OR	ON	2016/06/10 10:27

			DERWENT; IBM_TDB			
S68	58	(obtain$4 or determin$4) near4 (location or GPS) near3 coordinat$4 with (survey or question$5) and (@ad<="20010831" or @rlad<="20010831")	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2016/06/10 10:27
S69	27	(US-20020026338-$ or US-20020087361-$ or US-20020007303-$ or US-20070242809-$ or US-20080098291-$ or US-20020194219-$ or US-20120008560-$ or US-20030022656-$ or US-20020137524-$).did. or (US-6519571-$ or US-7693283-$ or US-5757916-$ or US-6615166-$ or US-6230142-$ or US-7310350-$ or US-6631184-$ or US-5555101-$ or US-5704029-$ or US-7739658-$ or US-6826726-$ or US-6584464-$ or US-6477373-$ or US-6462708-$ or US-5842195-$ or US-5991771-$ or US-5442786-$).did. or (US-6577713-$).did.	US-PGPUB; USPAT; DERWENT	OR	ON	2016/06/10 10:53

6/ 24/ 2016 10:29:23 AM
C:\ Users\ btiv\ Documents\ EAST\ Workspaces\ 12910706_creating_survey_feedback_mobile.wsp

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12910706	PAYNE, J. DAVID
	Examiner	**Art Unit**
	BACKHEAN TIV	2451

CPC						
Symbol					**Type**	**Version**
G06Q		10	/	10	F	2013-01-01
G06F		17	/	243	A	2013-01-01
G06F		17	/	2247	A	2013-01-01
G09B		7	/	06	A	2013-01-01
G06Q		30	/	0203	A	2013-01-01
G06Q		30	/	02	I	2013-01-01
			/			
			/			
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			/			
			/			
			/			
			/			
			/			
			/			

CPC Combination Sets							
Symbol					**Type**	**Set**	**Ranking**	**Version**
			/					
			/					

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	22	
/BACKHEAN TIV/ Primary Examiner.Art Unit 2451	06/24/2016	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	5

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12910706	PAYNE, J. DAVID
	Examiner	Art Unit
	BACKHEAN TIV	2451

US ORIGINAL CLASSIFICATION		INTERNATIONAL CLASSIFICATION										
CLASS	SUBCLASS	CLAIMED					NON-CLAIMED					
		G	0	6	Q	10 / 10 (2012.01.01)						
CROSS REFERENCE(S)												
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)											

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	22	
/BACKHEAN TIV/ Primary Examiner.Art Unit 2451	06/24/2016	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	5

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12910706	PAYNE, J. DAVID
	Examiner	**Art Unit**
	BACKHEAN TIV	2451

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☒ T.D. ☐ R.1.47

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1	14	17												
2	2	15	18												
3	3	16	19												
4	4	17	20												
5	5	18	21												
6	6	-	22												
7	7	-	23												
8	8	19	24												
-	9	20	25												
-	10	21	26												
-	11	22	27												
9	12														
10	13														
11	14														
12	15														
13	16														

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 22	
/BACKHEAN TIV/ Primary Examiner.Art Unit 2451 (Primary Examiner)	06/24/2016 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 5

U.S. Patent and Trademark Office

Part of Paper No. 20160610

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	12910706	PAYNE, J. DAVID
	Examiner	**Art Unit**
	BACKHEAN TIV	2451

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☒ T.D. ☐ R.1.47

CLAIM		DATE								
Final	Original	03/09/2011	09/16/2012	03/26/2013	11/04/2015	06/10/2016	06/24/2016			
1	1	✓	✓	✓	✓	=	=			
2	2	✓	✓	✓	✓	=	=			
3	3	✓	✓	✓	✓	=	=			
4	4	✓	✓	✓	✓	=	=			
5	5	✓	✓	✓	✓	=	=			
6	6	✓	✓	✓	✓	=	=			
7	7	✓	✓	✓	✓	=	=			
8	8	✓	✓	✓	✓	=	=			
-	9	✓	✓	✓	✓	-	-			
-	10	✓	✓	✓	✓	=	-			
-	11	✓	✓	✓	✓	=	-			
9	12		✓	✓	✓	=	=			
10	13		✓	✓	✓	=	=			
11	14		✓	✓	✓	=	=			
12	15		✓	✓	✓	=	=			
13	16		✓	✓	✓	=	=			
14	17		✓	✓	✓	=	=			
15	18		✓	✓	✓	=	=			
16	19		✓	✓	✓	=	=			
17	20		✓	✓	✓	=	=			
18	21		✓	✓	✓	=	=			
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-	23		✓	-	-	-	-			
19	24		✓	✓	✓	=	=			
20	25		✓	✓	✓	=	=			
21	26		✓	✓	✓	=	=			
22	27		✓	✓	✓	=	=			
-	28		✓	✓	✓	-	-			
-	29		✓	✓	✓	-	-			
-	30		✓	✓	✓	-	-			
-	31		✓	✓	✓	-	-			

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United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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BIB DATA SHEET

CONFIRMATION NO. 8703

SERIAL NUMBER	FILING or 371(c) DATE RULE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
12/910,706	10/22/2010	709	2451	71855/10-351

APPLICANTS

INVENTORS

J. David Payne, Broken Arrow, OK;

**** CONTINUING DATA ***************************

This application is a CON of 10/643,516 08/19/2003 PAT 7822816
which claims benefit of 60/404,491 08/19/2002

**** FOREIGN APPLICATIONS ***************************

**** IF REQUIRED, FOREIGN FILING LICENSE GRANTED **** ** SMALL ENTITY **
11/03/2010

Foreign Priority claimed ☐ Yes ☑ No 35 USC 119(a-d) conditions met ☐ Yes ☑ No Verified and Acknowledged /BACKHEAN TIV/ Examiner's Signature	☐ Met after Allowance Initials	STATE OR COUNTRY	SHEETS DRAWINGS	TOTAL CLAIMS	INDEPENDENT CLAIMS
		OK	6	~~11~~ 22	~~3~~ 6

ADDRESS

FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318
UNITED STATES

TITLE

SYSTEM AND METHOD FOR DATA MANAGEMENT

FILING FEE RECEIVED		
1298	FEES: Authority has been given in Paper No._____ to charge/credit DEPOSIT ACCOUNT No._____ for following:	☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit

BIB (Rev. 05/07).

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

22206 7590 07/07/2016
FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Jamie A. Robinson	(Depositor's name)
Jamie A Robinson	(Signature)
08/24/2016	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/910,706	10/22/2010	J. David Payne	71855/10-351	8703

TITLE OF INVENTION: SYSTEM AND METHOD FOR DATA MANAGEMENT

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0	$0	$480	10/07/2016

EXAMINER	ART UNIT	CLASS-SUBCLASS
TIV, BACKHEAN	2451	709-203000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Fellers, Snider, Blankenship,
1 Bailey & Tippens, P.C.
2
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE: EDICHE, LLC

(B) RESIDENCE: (CITY and STATE OR COUNTRY): TULSA, OK

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:
☒ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

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☐ A check is enclosed.
☒ Payment by credit card. Form ~~PTO-2038~~ attached via EFS Web
☒ The director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number 060540 (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
☐ Applicant certifying micro entity status. See 37 CFR 1.29
NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
☐ Applicant asserting small entity status. See 37 CFR 1.27
NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
☐ Applicant changing to regular undiscounted fee status.
NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature Terry L Watt Date 08/24/2016
Typed or printed name Terry L. Watt Registration No. 42214

PTO/ 85 Part B (10-12) Approved for use through 10/31/2012 OMB 0651-0033 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Electronic Patent Application Fee Transmittal

Application Number:	12910706
Filing Date:	22-Oct-2010
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Filer:	Terry L. Watt/Jamie Robinson
Attorney Docket Number:	71855/10-351

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl Issue Fee	2501	1	480	480

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**480**

Electronic Acknowledgement Receipt	
EFS ID:	26735873
Application Number:	12910706
International Application Number:	
Confirmation Number:	8703
Title of Invention:	SYSTEM AND METHOD FOR DATA MANAGEMENT
First Named Inventor/Applicant Name:	J. David Payne
Customer Number:	22206
Filer:	Terry L. Watt/Jamie Robinson
Filer Authorized By:	Terry L. Watt
Attorney Docket Number:	71855/10-351
Receipt Date:	24-AUG-2016
Filing Date:	22-OCT-2010
Time Stamp:	15:03:36
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$480
RAM confirmation Number	082516INTEFSW15044000
Deposit Account	1010
Authorized User	Jamie Robinson
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	IssueFeeTransmittal_08-24-2016.pdf	128679 c15baefbb6d3f234f9b7518e51cc1b0326e4796c	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30618 d686818e2b2429d7004b71456d1c2e57c34fb4a9	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	159297		

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New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/910,706	09/27/2016	9454748	71855/10-351	8703

22206 7590 09/07/2016

FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 500 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site http://pair.uspto.gov for additional applicants):

J. David Payne, Broken Arrow, OK;

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AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court FOR THE EASTERN DISTRICT OF TEXAS on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:17-CV-202	4/5/2017	FOR THE EASTERN DISTRICT OF TEXAS

PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	AMERICAN AIRLINES GROUP, INC. and AMERICAN AIRLINES, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,454,748		FALL LINE PATENTS, LLC
2			
3			
4			
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

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CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
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AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court FOR THE EASTERN DISTRICT OF TEXAS on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:17-CV-203	4/5/2017	FOR THE EASTERN DISTRICT OF TEXAS

PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	CINEMARK HOLDINGS, INC. and CINEMARK USA, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,454,748		FALL LINE PATENTS, LLC
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:17-CV-204	4/5/2017	FOR THE EASTERN DISTRICT OF TEXAS

PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	GRUBHUB HOLDINGS, INC. and GRUBHUB, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,454,748		FALL LINE PATENTS, LLC
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Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

The United States Patent and Trademark Office
PATENT TRIAL AND APPEAL BOARD

A petition has been filed in Patent Number 9,454,748, Application Number 12/910706, on October 12, 2017.

The Case Number is IPR2018-00043.

To view the documents filed in this petition, go to http://www.uspto.gov/ip/boards/bpai/prps.jsp and click on the Direct Link.

Click on Search for a proceeding / Browse the proceedings and enter the Patent Number or the Trial or Case Number and select the Search button.

Questions regarding this notice should be directed to the Patent Trial and Appeal Board at 571-272-7822.

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court FOR THE EASTERN DISTRICT OF TEXAS on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:17-CV-204	4/5/2017	FOR THE EASTERN DISTRICT OF TEXAS

PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	GRUBHUB HOLDINGS, INC. and GRUBHUB, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,454,748		FALL LINE PATENTS, LLC
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Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court FOR THE EASTERN DISTRICT OF TEXAS on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:17-cv-407	7/10/2017	FOR THE EASTERN DISTRICT OF TEXAS

PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	CHOICE HOTELS INTERNATIONAL, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,454,748		FALL LINE PATENTS, LLC
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court FOR THE EASTERN DISTRICT OF TEXAS on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:17-cv-408	7/10/2017	FOR THE EASTERN DISTRICT OF TEXAS

PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	UBER TECHNOLOGIES, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,454,748		FALL LINE PATENTS, LLC
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

The United States Patent and Trademark Office
PATENT TRIAL AND APPEAL BOARD

A petition has been filed in Patent Number: 9,454,748

Application Number: 12/910,706 on 1/25/18.

The Case Number is IPR2018-00535.

To view the documents filed in this petition, go to www.uspto.gov/ptab and click on the Direct Link.

Click on Search for a proceeding / Browse the proceedings and enter the Patent Number or the Trial or Case Number and select the Search button.

Questions regarding this notice should be directed to the Patent Trial and Appeal Board at 571-272-7822.

Trials@uspto.gov
Tel: 571-272-7822

Paper 6
Entered: April 5, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.
Petitioner,

v.

FALL LINE PATENTS, LLC
Patent Owner.

Case IPR2018-00043
Patent 9,454,748 B2

Before MICHELLE N. WORMMEESTER, SHEILA F. McSHANE, and JOHN R. KENNY, *Administrative Patent Judges.*

KENNY, *Administrative Patent Judge.*

DECISION
Institution of *Inter Partes* Review
35 U.S.C. § 314(a) and 37 C.F.R. § 42.108(b)

I. INTRODUCTION

Unified Patents Inc. ("Petitioner") filed a Petition (Paper 2, "Pet."), requesting an *inter partes* review of claims 16–19, 21, and 22 of U.S. Patent No. 9,454,748 B2 (Ex. 1001, "the '748 patent"). Fall Lines Patents, LLC ("Patent Owner") filed a Preliminary Response (Paper 5, "Prelim. Resp."). We have authority under 35 U.S.C. § 314 to institute an *inter partes* review if "there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." Upon considering the record developed thus far, for reasons discussed below, we institute *inter partes* review of claims 16–19, 21, and 22 of the '748 patent.

II. BACKGROUND

A. Related Proceedings

The parties indicate that the '748 patent is or has been involved in the following civil actions in the United States District Court for the Eastern District of Texas:

Case Caption	Number
Fall Line Patents, LLC v. American Airlines Group, Inc.	6:17-cv-00202
Fall Line Patents, LLC v. Cinemark Holdings, Inc.	6:17-cv-00203
Fall Line Patents, LLC v. Grubhub Holdings, Inc.	6:17-cv-00204
Fall Line Patents, LLC v. Choice Hotels Int'l, Inc.	6:17-cv-00407
Fall Line Patents, LLC v. Uber Technologies, Inc.	6:17-cv-00408

Pet. 1; Paper 4, 2–3.

According to Petitioner and Patent Owner, Civil Action No. 6:17-cv-00204 has been terminated/was dismissed. Pet. 1; Paper 4, 2–3. Patent Owner states that Civil Action No. 6:17-cv-00202 was also dismissed. Paper 4, 2–3. And Petitioner notes claims 1–14 of U.S. Patent No.

7,822,816, of which the '748 patent is a continuation, were the subject of ex parte reexamination Serial No. 90/012,829 and IPR2014-00140. Pet. 1–2.

B. Overview of the '748 Patent (Ex. 1001)

The '748 patent is directed to collecting data from a remote computing device, such as a handheld computing device, by creating and delivering a questionnaire to the remote computing device, executing the questionnaire on the remote computing device, and transmitting responses to a server via a network. Ex. 1001, [57].

Figure 1 of the '748 patent is reproduced below:

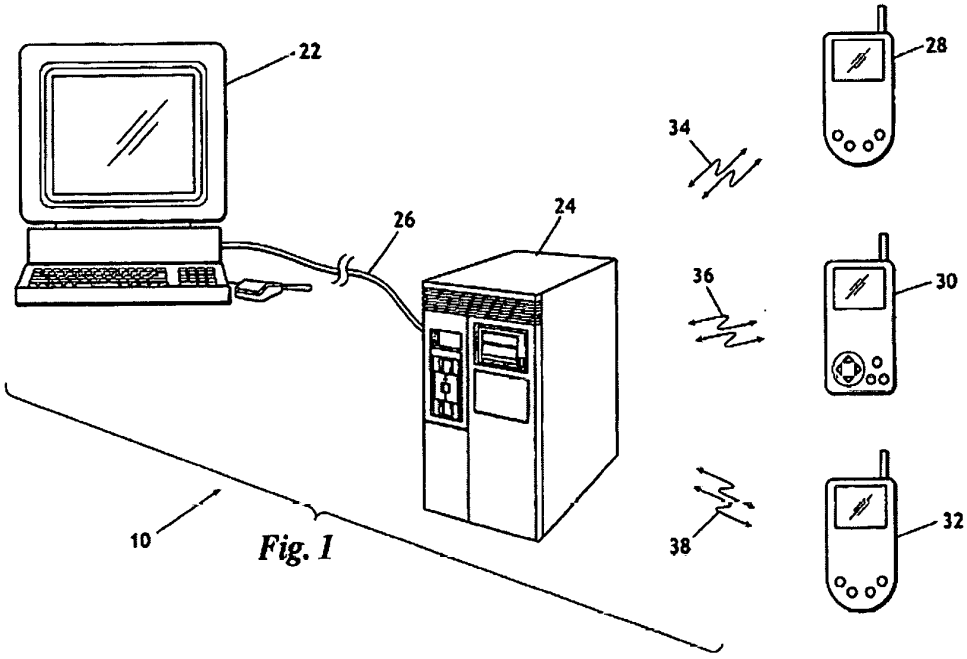


Fig. 1

Figure 1 is a diagram of the '748 patent's system for data management. Ex. 1001, 6:57, 7:13–23. System 10 includes server 24; handheld computers 28, 30, and 32, which are operated remotely from server 24; and computer 22, which provides for administration of the system and reviewing data

collected by the system. *Id.* at 7:13–23, Fig. 1. Server 24 is connected to computer 22 via the Internet 26, a local area network, or a private wide area network. *Id.* at 7:24–28, Fig. 1. Server 24 is connected to handheld computers 28, 30, and 32 via connections 34, 36, and 38, respectively. *Id.* at 7:24–26. Connections 34, 36, and 38 are loose network connections, meaning that handheld computers 28, 30, and 32 and server 24 are tolerant of intermittent network connections. *Id.* at 7:59–62. Computer 22 is used for administrating system 10 and for reviewing data collected by the system. *Id.* at 7:21–23.

Figure 2 of the '748 patent is reproduced below:

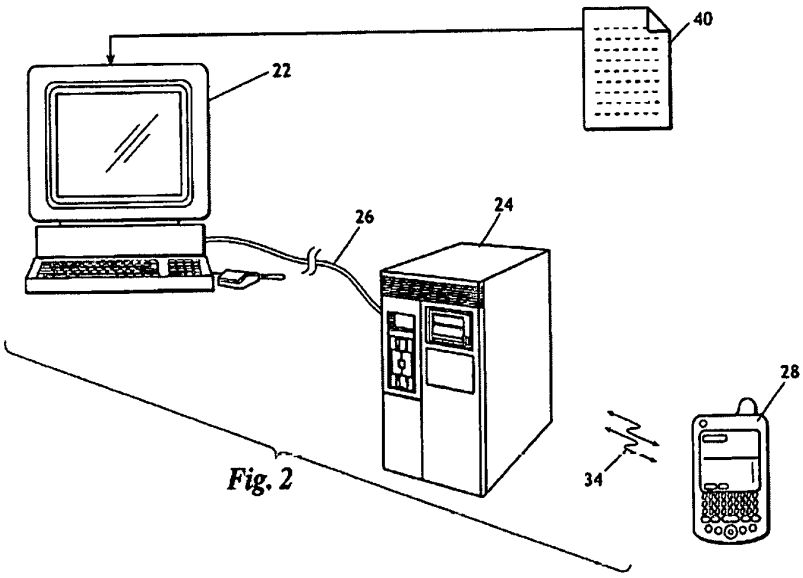


Fig. 2

Figure 2 of the '748 patent is a diagram of system 10 as it is used for form creation. Ex. 1001, 6:58–59; 8:11–17. Computer 22 has an interface that allows a user to create and distribute a form to handheld devices using computer 22. *Id.* at 8:38–50. As the client enters questions and selects

response types, server 24 builds a stack of questions and responses, and assigns indices, or tokens, which point to each question or response. *Id.* at 8:53–56, 9:3–6. Each token can correspond to a logical, mathematical, or branching operation. *Id.* at 8:56–59, 9:3–6. When questionnaire (40) is complete, server 24 sends the stack of questions and defined responses to the handheld devices (e.g., handheld computer 28). *Id.* at 9:3–6. System 10 can incrementally update the questionnaire on the handheld devices. *Id.* at 9:14–18.

For example, system 10 can track mystery shoppers at restaurant chains. Ex. 1001, 10:37–43. System 10 can track the time it takes a mystery shopper to go through a drive through window. *Id.* at 10:41–43. When the mystery shopper enters a parking lot for a franchise, a handheld device with a GPS receiver can identify the franchise. *Id.* at 10:55–59. The device can also record the amount of time it takes for the shopper to go through a drive through line. *Id.* at 10:55–11:21.

C. Illustrative Claims

Petitioner challenges claims 16–19, 21, and 22 of the '748 patent, of which, claims 16, 19, and 21 are independent and reproduced below:

[16.0][1] 16. A method for managing data comprising the steps of:

[16.1] (a) establishing communications between a handheld computing device and an originating computer, said handheld

[1] Petitioner labels individual phrases in claims 16, 19, and 21 as shown in brackets. For clarity, we use the bracketed labels for the phrases in these claims.

device having at least a capability to determine a current location thereof;

[16.2.1] (b) receiving within said handheld computing device a transmission of a tokenized questionnaire
[16.2.2] including at least one question requesting GPS coordinates,
[16.2.3] said tokenized questionnaire comprising a plurality of device independent tokens;

[16.3] (c) ending said communications between said handheld computing device and said originating computer;

[16.4] (d) after said communications has been terminated, when said handheld computing device is at said particular location

[16.5] (dl) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least said current location of said handheld computing device; and;

[16.6] (d2) storing within said handheld computing device said current location;

[16.7] (d3) automatically entering the GPS coordinates into said questionnaire;

[16.8] (e) establishing communications between said handheld computing device and a recipient computer; and,

[16.9] (f) transmitting at least one value representative of said stored current location to said recipient computer.

[19.0] 19. A method for managing data comprising the steps of:

[19.1] (a) establishing communications between a handheld computing device and an originating computer wherein said handheld computing device has a GPS integral thereto;

[19.2.1] (b) receiving within said handheld computing device a transmission of a tokenized questionnaire from said originating computer,
[19.2.2] said tokenized questionnaire including at least one question requesting location identifying information,
[19.2.3] said tokenized questionnaire comprising a plurality of device independent tokens;

[19.3] (c) ending said communications between said handheld computing device and said originating computer;

[19.4] (d) after said communications has been ended,

[19.5] (dl) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a first user, and,

[19.6] (d2) storing within said computing device said at least one response from the first user

[19.7] (d3) using said GPS to automatically obtain said location identifying information in response to said at least one question that requests location identifying information;

[19.8] (e) establishing communications between said handheld computing device and a recipient computer;

[19.9] (f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer; and,

[19.10] (g) after receipt of said transmission of step (f), transmitting a notice of said received value representative of each of said at least one response to a second user.

[21.0] 21. A method for managing data comprising the steps of:

[21.1] (a) within a central computer, accessing at least one user data item stored in a recipient computer, wherein said at least one data item is obtained via the steps of:

[21.2] (1) establishing communications between a handheld computing device and an originating computer wherein said handheld computing device has a GPS integral thereto;

[21.3.1] (2) receiving within said handheld computing device a transmission of a tokenized questionnaire,
[21.3.2] including at least one question requesting GPS coordinates and at least one additional question,
[21.3.3] said tokenized questionnaire comprising a plurality of device independent tokens;

[21.4] (3) ending said communications between said handheld computing device and said originating computer;

[21.5] (4) after said communications has been ended,

[21.6] (i) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device,

[21.7] (ii) automatically entering the GPS coordinates into said questionnaire:

[21.8] (iii) presenting said at least one additional question to a user;

[21.9] (iv) receiving at least one response from the user to each of said presented at least one additional question,

[21.10] (v) storing at least one value representative of said GPS coordinates and said at least one response within said handheld computing device;

[21.11] (5) establishing a communications link between said handheld computing device and a recipient computer;

[21.12] (6) transmitting said stored at least one value representative of said GPS coordinates and said at least one response stored within said handheld computing device to said recipient computer; and,

[21.13] (7) storing within said recipient computer any of said transmitted GPS coordinates and said at least one value representative of said at least one response, thereby creating said at least one user data item stored in said recipient computer; and,

[21.14] (b) forming a visually perceptible report from any of said at least one stored user data item.

D. Evidence Relied Upon by Petitioner

Petitioner relies on the following references:[2]

Reference		Issue/Copyright Date	Exhibit
Chan	U.S. Patent No. 6,381,603 B1	Apr. 30, 2002	Ex. 1010
Darnell	HTML 4 Unleashed[3]	1998	Ex. 1007
Kari	U.S. Patent No. 6,154,745	Nov. 28, 2000	Ex. 1006
Todd	U.S. Patent No. 6,380,928 B1	Apr. 30, 2002	Ex. 1009

Petitioner also relies on declarations from Dr. A.L. Narasimha Reddy (Ex. 1005) and David Bader (Ex. 1008).

[2]The '748 patent is a continuation of Serial No. 10/643,516, filed Aug. 19, 2003, now U.S. Patent No. 7,822,816. The '748 patent also claims the benefit of Provisional Application No. 60/404,491, filed Aug. 19, 2002.

[3] Rick Darnell, *HTML 4 Unleashed*, 3–29, 231–253 (1998).

E. Asserted Ground

Petitioner asserts that claims 16–19, 21, and 22 of the '748 patent are unpatentable under 35 U.S.C. § 103(a) as obvious over Kari, Darnell, Todd, and Chan. Pet. 5.

F. Real Parties-in-Interest

Petitioner identifies Unified Patents, Inc. as its sole real party-in-interest in this proceeding. Pet. 1. Patent Owner identifies Fall Line Patents, LLC as its sole real party-in-interest. Paper 4, 2.

III. DISCUSSION

A. Identification of Petitioner's Real Party-In-Interest

Patent Owner argues (i) the Petition should be denied because Petitioner has not identified all of its real parties-in-interest, or (ii) in the alternative, this IPR should be stayed so Patent Owner can conduct discovery to determine whether Petitioner has disclosed the real parties-in-interest. Prelim. Resp. 28.

Petitioner bears the burden of correctly identifying the real parties-in-interest, but the Board "generally accept[s] the petitioner's identification of real parties-in-interest at the time of filing the petition." *See Zerto, Inc. v. EMC Corp.*, IPR2014-01254, Paper 35, 6 (PTAB Mar. 3, 2015) (citing *Changes to Implement Inter Partes Review Proceedings, Post-Grant Review Proceedings, and Transitional Program for Covered Business Method Patents*; 77 Fed. Reg. 48,680, 48,695 (Aug. 14, 2012)). Such identification gives rise to a rebuttable presumption that Petitioner has complied with its obligation to identify all real parties-in-interest. *Id.* at 6–7. But when a patent owner provides sufficient rebuttal evidence that reasonably brings into question the accuracy of the petitioner's identification, the petitioner

must provide evidence that it has complied with the statutory requirement of 35 U.S.C. § 312(a) to identify all real parties-in-interest. *See Jiawei Tech. Ltd. v. Simon Nicholas Richmond*, IPR2014-00935, Paper No. 52, 5 (PTAB Aug. 21, 2015).

At this stage of the proceeding, Patent Owner has not provided sufficient evidence to reasonably bring into question the accuracy of Petitioner's identification. Prelim. Resp. 28–33. Although Patent Owner argues Petitioner's business model and public statements could make Petitioner's members real parties-in-interest, Patent Owner does not provide any evidence indicating that any of those members are real parties-in-interest in this proceeding. *Id.* Similarly, Patent Owner's observation that Petitioner in other IPRs submitted "Voluntary Interrogatory Responses," but did not do so here (Prelim Resp. 31–32) is insufficient rebuttal evidence. We do not require evidence beyond a petitioner's identification of real parties-in-interest in the absence of rebuttal evidence that such identification is erroneous or incomplete. *Unified Patents Inc. v. Digital Stream IP, LLC*, IPR2016-01749, Paper 22, 6–8 (PTAB Mar. 9, 2018). The fact that Petitioner did not submit Voluntary Interrogatory Responses in the instant case does not constitute such rebuttal evidence.

B. Claim Construction

In an *inter partes* review, claim terms in an unexpired patent are given their broadest reasonable interpretation in light of the specification of the patent in which they appear. 37 C.F.R. § 42.100(b). Under this standard, we presume that a claim term carries its "ordinary and customary meaning," which "is the meaning the term would have to a person of ordinary skill in the art in question" at the time of the invention. *In re Translogic Tech., Inc.*,

504 F.3d 1249, 1257 (Fed. Cir. 2007) (quoting *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005) (en banc); *see also Trivascular, Inc. v. Samuels*, 812 F.3d 1056, 1062 (Fed. Cir. 2016) ("Under a broadest reasonable interpretation, words of the claim must be given their plain meaning, unless such meaning is inconsistent with the specification and prosecution history," citing *Straight Path IP Grp., Inc. v. Sipnet EU S.R.O.*, 806 F.3d 1356, 1362 (Fed. Cir. 2015).). Any special definition for a claim term must be set forth in the specification with reasonable clarity, deliberateness, and precision. *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994). Finally, only terms which are in controversy need to be construed, and then only to the extent necessary to resolve the controversy. *See Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017); *Vivid Techs., Inc. v. Am. Sci. & Eng'g. Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999).

Petitioner requests that we construe the terms "GPS integral thereto," and "token," and that we partially construe the terms "originating computer," "recipient computer," and "central computer." Pet. 9–13. Patent Owner does not address whether we should construe these terms, does not propose any alternative construction of these terms, and does not propose that we construe any other terms. For purposes of this Decision, and on this record, we construe the terms "GPS integral thereto," and "token" and partially construe "originating computer" "recipient computer," and "central computer."

1. "GPS integral thereto"

Petitioner asserts that the broadest reasonable construction of "GPS integral thereto," as recited in claims 19 and 21, is "Global Positioning

System equipment integral thereto." Pet. 9. This proposed construction is supported by the testimony of Dr. Reddy. Ex. 1005 ¶¶ 44–47. Petitioner argues, with supporting testimony from Dr. Reddy, that GPS is a known acronym for the Global Positioning System and an ordinarily skilled artisan would know that the entire Global Positioning System includes multiple satellites. Pet. 9 (citing Ex. 1005 ¶¶ 44, 45; Ex. 1013, 3–4). According to Petitioner, an ordinarily skilled artisan would understand that a handheld computing device could not integrate the entire Global Positioning System. *Id.* (citing Ex. 1005 ¶ 45); *see also* Ex. 1005 ¶ 46. Dr. Reddy testifies that this understanding is consistent with the Specification, which uses the acronym "GPS" to refer to a "GPS receiver." Ex. 1005 ¶ 47 (citing Ex. 1001, 5:47–48, 10:56–57). Consequently, Petitioner argues, an ordinarily skilled artisan would have understood the term "GPS integral thereto" to refer to GPS equipment integral to the handheld computing device, such as a GPS receiver. *Id.* (citing Ex. 1001, 5:47–48, 10:56–57). Patent Owner provides no counterargument.

For purposes of this Decision, we adopt Petitioner's proposed construction and construe "GPS integral thereto" to be "Global Positioning System equipment integral thereto."

2. "token"

"[T]oken" as used in the claims of the '748 patent and in the claims of U.S. Patent 7,822,816 ("'816 patent") (Ex. 3001), of which the '748 patent is a continuation, has been previously construed three times: (i) in *RPX Corp. v. Macrosolve, Inc*, Case No. IPR 2014-00140, (ii) in *Macrosolve, Inc. v. Antenna Software, Inc.*, Civil Action No. 6:11-cv-287 MHS-KNM in the Eastern District of Texas, and (iii) during prosecution of the '748 patent.

In the Institution Decision in *RPX Corp.*, Case IPR2014-00140, the Board adopted Petitioner's (unopposed) proposed construction of the term "token," as used in the claims of the '816 patent, as: "a distinguishable unit of a program, such as an index, an instruction, or a command that can represent something else such as a question, answer, or operation."[4] Ex. 1012, 10. The Board found that the proposed construction was the broadest reasonable construction consistent with the Specification of the '816 patent. *Id.* (citing Ex. 1001 in that IPR ('816 patent) (Ex. 3001 in this IPR), 8:40–46, 60–64, 5:12–17, 12:1–2).

In *Macrosolve*, Civil Action No. 6:11-cv-287 MHS-KNM, the District Court for the Eastern District of Texas construed "token," as used in the claims of thc '816 patent, as: "any non-reducible element of the computer code that is being parsed." Ex. 1011, 13–14 (emphasis omitted).

During prosecution of the '748 patent, the Examiner found "token" to have "a special meaning (i.e., logical, mathematical or branching operation) . . .," citing to paragraph 54 of the Specification, which published as Pub. No. US 2011/0040831 (Ex. 3002). Ex. 1002, 2554.[5] Paragraph 54 of that publication does not address tokens, but paragraph 59 states: "Each token preferably corresponds to a logical, mathematical, or branching operation . . ." Ex. 3002 ¶¶ 54, 59; *see also* Ex. 1001, 8:56–59.

Petitioner argues that we should adopt the construction for "token" provided in *RPX Corp.*, Case IPR2014-00140. Pet. 10–11. To support that

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[4] *RPX Corp.*, IPR2014-00140 terminated prior to the completion of trial. IPR2014-00140, Paper 13, 2 (PTAB June 20, 2014).

[5] For Exhibit 1002, we cite to the exhibit page numbers appended to the exhibit.

proposed construction, Petitioner relies on the testimony of Dr. Reddy, who refers to dictionary definitions. *Id.*; Ex. 1005 ¶ 50. Petitioner contends that the Specification does not define the term "token," but instead merely describes examples or preferred embodiments of tokens. Pet. 10.

Specifically, Dr. Reddy references the Dictionary of Computer Science (Ex. 1016) and the Dictionary of Scientific and Technical Terms (Ex. 1017). Ex. 1005 ¶ 50. Dr. Reddy testifies that he interprets the Dictionary of Computer Science as defining "token" as "a meaningful unit program, such as a name, constant, reserved word, or operator." *Id.* For "token," the Dictionary of Computer Science refers to its definition for lexical analysis, which is: "The initial phase in the compilation of a program during which the program is split up into meaningful units. These units could, for example be names, constants, reserved words, or operators . . . . The units recognized by the analyzer are known as tokens." Ex. 1016, 111, 204 (emphases omitted).

The Dictionary of Scientific and Technical Terms defines "token" as "[a] distinguishable unit in a sequence of characters." Ex. 1017, 1940. Based on these dictionary definitions, Dr. Reddy testifies, in conclusion, that an ordinarily skilled artisan would interpret "token," as the panel did in *RPX Corp.*, Case No. IPR2014-00140, to be "a distinguishable unit of a program, such as an index, an instruction, or a command that can represent something else such as a question, answer, or operation." Ex. 1005 ¶¶ 51–54.

Petitioner further argues, and Dr. Reddy provides supporting testimony, that the patentability analysis in the Petition would be the same, however, if "token" were given the construction provided by the Eastern

District of Texas, rather than the construction used in *RPX Corp.*, Case No. IPR2014-00140. Pet. 10–11; Ex. 1005 ¶¶ 51–54.

Petitioner argues that the construction provided during prosecution of the '748 patent is too narrow because the pertinent portion of the Specification merely states that each token preferably corresponds to a logical, mathematical, or branching operation and that preference does not define the scope of the term "token." Pet. 10 (citing Ex. 1001 8:56–59).

Patent Owner provides no counterargument.

On this record, the Examiner's finding of a special meaning for the term "token," is questionable because the portion of the Specification referenced during prosecution merely expresses a preference for tokens to be logical, mathematical or branching operations (Ex. 3002 ¶ 59), and "[i]t is a familiar axiom of patent law . . . that the scope of the claims is not limited to the preferred embodiments described in the specification." *See Fuji Photo Film Co. v. International Trade Comm'n*, 386 F.3d 1095, 1106 (Fed. Cir. 2004) (citing *Cordis Corp. v. Medtronic Ave, Inc.*, 339 F.3d 1352, 1365 (Fed. Cir. 2003). For purposes of this Decision, we will adopt Petitioner's proposed construction for "token" as used in *RPX Corp.*, Case IPR2014-00140. The Specification of the '816 patent at issue in *RPX Corp.*, Case IPR2014-00140., is substantially the same as the '748 patent of the present case. We have reviewed portions of the '748 patent Specification—in particular those that appear to be parallel to those of the '816 patent that were referenced in the claim construction in *RPX Corp.*, Case IPR2014-01140—and Petitioner's proposed construction is consistent with the broadest reasonable term use in view of the Specification. *See e.g.*, Ex. 1001, 5:21–26, 8:53–59, 8:66–9:2. Accordingly, for purposes of this

Decision, we construe "token" as "a distinguishable unit of a program, such as an index, an instruction, or a command that can represent something else such as a question, answer, or operation."

3. "originating computer"/"recipient computer"/"central computer"

Petitioner requests that we partially construe the terms "originating computer" (recited in claims 16, 19, and 21), "recipient computer" (recited in claims 16, 19, and 21), and "central computer" (recited in claim 21) as encompassing a computer having the ability to perform functions associated with an originating computer, a recipient computer, and/or a central computer (i.e., the same computing device can be the "originating computer," the "recipient computer," and the "central computer."). Pet. 11–13. This proposed partial construction is supported by the testimony of Dr. Reddy. Ex. 1005 ¶¶ 55–60.

Dr. Reddy testifies that an ordinarily skilled artisan would understand that an originating computer and a recipient computer can be the same computer because, in the Specification, server 24 is both an originating computer and recipient computer. Ex. 1005 ¶ 57. Dr. Reddy testifies that server 24 in the Specification is an originating computer because (i) communications are established between server 24 and handheld computers 28–32, and (ii) server 24 sends stacks of questions and defined responses to handheld computers 28–32. *Id.* According to Dr. Reddy, server 24 is also a recipient computer because handheld computer 28 transmits responses to server 24. *Id.* at ¶ 58. Dr. Reddy further testifies that claim 18, which depends from claim 16, also establishes that the originating computer and the recipient computer may be the same computer by reciting "said

originating computer and said recipient computer are a same computer." *Id.* at 59.

According to Dr. Reddy, an ordinarily skilled artisan would also understand that a central computer and a recipient computer can be the same computer because claim 22, which depends from claim 21, recites "said central computer and said recipient computer are a same computer." Ex. 1005 ¶ 60.

Dr. Reddy testifies that the combination of these disclosures would lead an ordinarily skilled artisan to the conclusion that one computing device can perform the functions of the central computer, the originating computer and the recipient computer. Ex. 1005 ¶ 60.

Patent Owner provides no counterargument.

For purposes of this Decision, we find Petitioner's proposed partial construction of these terms to be reasonable and construe "central computer," "originating computer," and "recipient computer" as encompassing a computer having the ability to perform functions associated with an originating computer, a recipient computer, and/or a central computer.

C. Analysis of the Asserted Grounds of Unpatentability

1. Principles of Law

A patent claim is unpatentable under 35 U.S.C. § 103(a) if the differences between the claimed subject matter and the prior art are "such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying

factual determinations, including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in the art;[6] and (4) objective evidence of nonobviousness, i.e., secondary considerations.[7] *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966). "To satisfy its burden of proving obviousness, a petitioner cannot employ mere conclusory statements. The petitioner must instead articulate specific reasoning, based on evidence of record, to support the legal conclusion of obviousness." *In re Magnum Oil Tools Int'l, Ltd.*, 829 F.3d 1364, 1380 (Fed. Cir. 2016). We analyze the asserted ground with the principles stated above in mind.

2. Overview of the Prior Art References

a. Kari (Ex. 1006)

Kari describes a method and system for transmitting information to a user. Ex. 1006, [57]. Figure 2 of Kari is reproduced below:

[6] Petitioner argues "A person of ordinary skill in the art at and before the priority date for the '748 Patent ('POSITA') would have a bachelor's degree in computer science, computer engineering, electrical engineering, or a related subject, or equivalent industry or trade school experience in programming software applications." Pet. 6 (citing Ex. 1005 ¶¶ 36–40). Patent Owner does not dispute this assessment or propose an alternative assessment. For purposes of this Decision, and to the extent necessary, we find this assessment reasonable and adopt it.

[7] Patent Owner does not contend in its Preliminary Response that such secondary considerations are present.

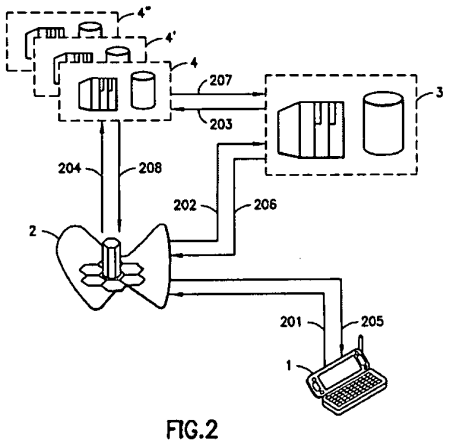


FIG.2

Figure 2 is a reduced block chart illustrating Kari's system. Ex. 1006, 2:35–36. In this system, search terminal 1 comprises a telecommunication terminal, such as a mobile station. *Id.* at 2:58–59. Search terminal 1 can be a PDA (personal digital assistant) and can use satellite communication means (GPS). *Id.* at 3:11-16. Search terminal 1 communicates with telecommunication network 2, which can be a mobile communication network. *Id.* at 2:59–64. Connection server 3 and remote servers 4, 4', and 4" also communicate with telecommunication network 2. *Id.* at 2:64–66.

Search terminal 1 can start a World Wide Web [WWW] browser to form a query message. Ex. 1006, 6:40–45. To do so, the user starts a connection set-up to connection server 3, then connection server 3 provides a query form to search terminal 1. *Id.* at 2:45–46. Figure 7 of Kari is reproduced below:

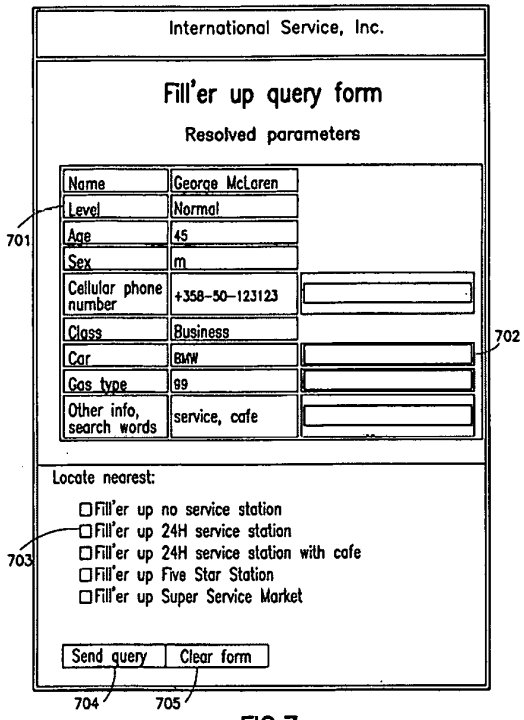


FIG.7

Figure 7 of Kari shows a query form loaded from connection server 3 to the data processor at search terminal 1. Ex. 1006, 2:45–46. The illustrated form is a blank form designed as an Internet-type WWW page. *Id.* at 6:40–49.

The user can enter data into the blank form as illustrated in Figure 8 of Kari, reproduced below:

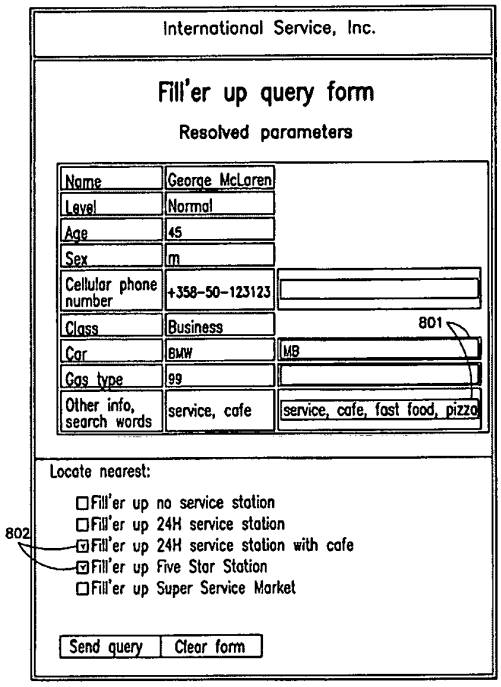


FIG.8

Figure 8 of Kari shows a query form filled in by the user. Ex. 1006, 2:47. Reference number 801 designates parameters defined by the user. *Id.* at 15:28–31. After the query form is filled out, connection server 3 searches its databases to respond to the query. *Id.* at 15:32–35. Connection server 3 can then transmit the query form to a remote server 4, 4', or 4" to further process the query form. *Id.* at 8:20–27; 15:62–64.

b. Chan (Ex. 1010)

Chan describes a system for accessing local information in a database. Ex. 1010, [57]. The database contains merchandise information and position coordinates of a Global Position System. *Id.* A user searches the database by sending a query, to a remote server computer, which indicates the geographical area to be searched and search criteria. *Id.* The server computer returns the search result. *Id.*

Figure 3 of Chan is reproduced below:

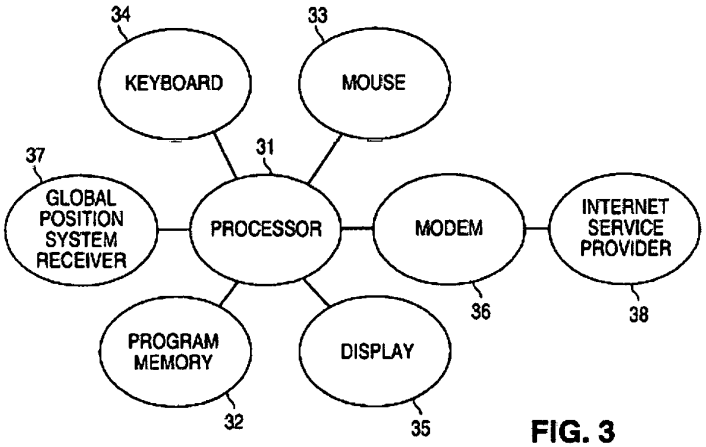


FIG. 3

Figure 3 of Chan shows end-user computer system 30 that is used to retrieve merchandise information. Ex. 1010, 3:63, 5:21–23. As shown, end-user computer system 30 includes Global Positioning System receiver 37. *Id.* at 5:23–28. End-user computer system 30 is used in the embodiment of Figure 2 of Chan as an end-user computer system. *Id.* at 5:27–32.

Figure 2 of Chan is reproduced below:

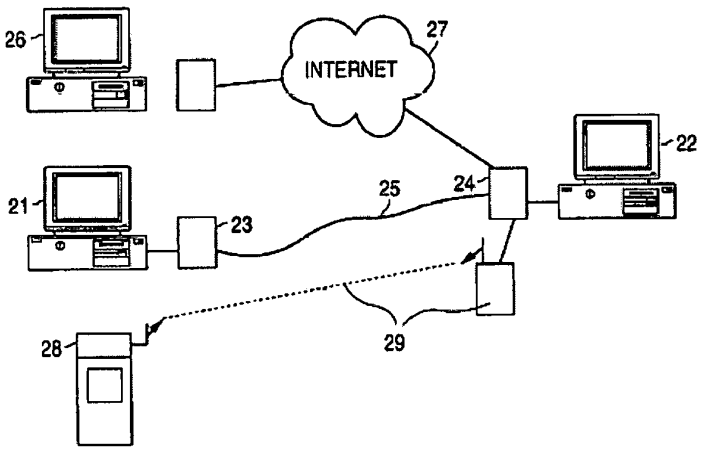


FIG. 2
(PRIOR ART)

Figure 2 of Chan shows end-user computers 21, 26, and 28 communicating with server computer 22. Ex. 1010, 4:50-51. End-user computer 21 communicates with server computer 22 via modems 23 and 24 and phone line 25. *Id.* at 4:51–53. End-user computers 26 and 28 use Internet 27 and radio frequency link 29, respectively, to communicate with server computer 22. *Id.* at 4:53–57.

The local computer in Chan can be a hand held computer or a portable computer. Ex. 1010, 3:11–12. Further, a user can install a miniature computer with a GPS receiver on a car and access the Internet through a cellular phone or a wireless connection. *Id.* at 3:12–15.

c. Darnell (Ex. 1007)

Darnell is titled "HTML 4 Unleashed" and describes itself as a complete reference to Hypertext Markup Language (HTML) 4. Ex. 1007, cover[8]. According to Darnell, HTML "is the language that puts the face on the Web" and "consists of a variety of elements called tags." *Id.* at xxxvii. A chapter in Darnell is directed to "Building and Using HTML Forms." *Id.* at 231. Darnell teaches that forms "are used for a variety of purposes" and "allow visitors to your site to give you input." *Id.* at 232. Darnell further describes HTML tags: "An HTML document is composed of HTML tags: "*tags*...are used for everything from defining type styles and headings to inserting specialized content . . . ." Ex. 1007, xxxvii. Further, Darnell

[8] Petitioner added page numbers to Ex. 1007, but, the Petition cites to Darnell's original page numbering. For ease of reference, unless noted otherwise, we cite to each reference's original page or column numbering. (Darnell's cover is page 1, using Petitioner's appended page numbering.)

describes the input element for HTML, providing the example reproduced below:

> # The INPUT Element
> <INPUT(type=text|password|checkbox|radio|submit|imageJreset|button|hidden
> •|file][name=*controlName*][value=*controlValue*][checked][disabled][readonly]
> •[size=controlWidth][maxlength=wordLength][src=URL][alt=altText][usemap=U
> RL]
> •[align=leftJcenter|right|justify][tabindex=tabNum][accesskey=keyCombo]
> •[onfocus=script][onblur=script][onselect=script][onchange=script]
> •[accept=charset] [*core*] [*international*] [*events*]>

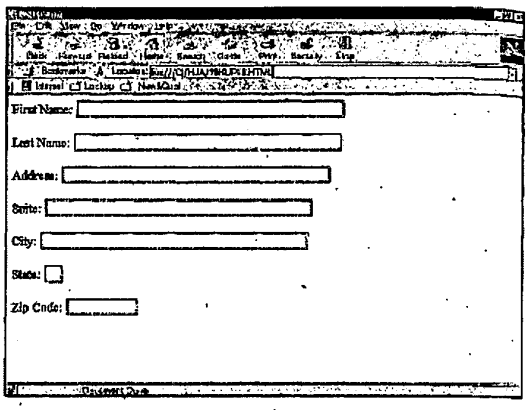
Ex. 1007, 234.

The above example illustrates the INPUT element in HTML, which, as shown, includes a type attribute in the first line. One type attribute is the form control of Text entry boxes, for which text is input. *Id.* at 234–235.

Darnell also provides exemplary code using text responses to create a form. This exemplary code and the form it produces, the latter of which is illustrated in Figure 15.9 of Darnell, are reproduced below:

```
<INPUT type="text" .name="firstname" size="40">
<INPUT type="text" name="lastname" size="40">
<INPUT type="text" name="address1" size="40">
<INPUT type="text" name="address2" size="40">
<INPUT type="text" name="city" size="40">
<INPUT type="text" name="state" size="2">
<INPUT type="text" name="zipcode" size="10">
```

FIGURE 15.9.
Text boxes.



Ex. 1007, 241–242.

As illustrated, the exemplary code includes input elements and the form it produces displays text boxes corresponding to a first name, last name, and an address.

d. Todd (Ex. 1009)

Todd describes a "questionnaire device" for use in restaurants. Ex. 1009, [57]. The device is intended to be incorporated into a book that is presented to a customer with a restaurant check. *Id.* at 5:42–45.

Figure 1 of Todd is reproduced below:

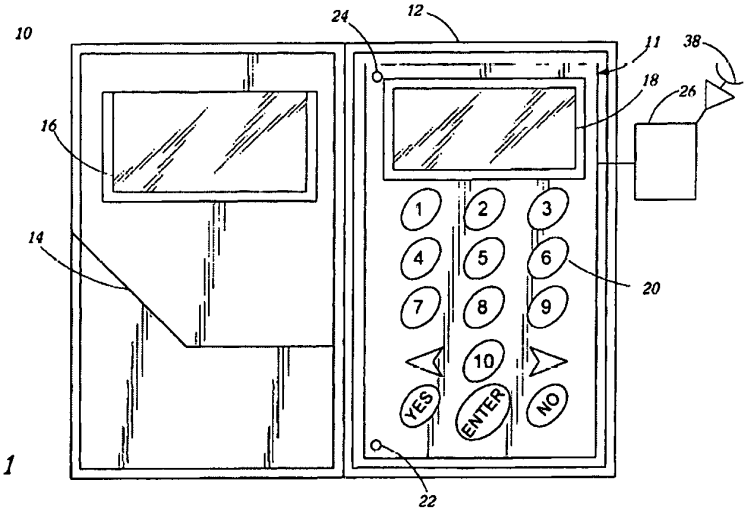


Figure 1

Figure 1 is an illustrative view of Todd's device 11. Ex. 1009, 6:19–21. Device 11 is in checkbook 12, which has pockets 14 and 16 for holding a check and a credit card, respectively. *Id.* at 7:6–13. Device 11 contains display screen 18, keypad 20, and transceiver 26 with antenna 28.[9] *Id.* at 7:15–42. Device 11 electronically presents a series of questions, records the answers, and stores and/or transmits all or a portion of a survey response. *Id.* at [57]. The device can store responses internally. *Id.* at 5:35–40.

3. Analysis of Claim 19

The Petition begins its analysis of the alleged obviousness of the challenged claims with claim 19. For ease of reference, we do also.

19.0. A method for managing data

Petitioner argues that Kari describes the preamble recitation of claim 19 by describing "a method and system of transmitting information." Pet. 16 (quoting Ex. 1006, [57]). This argument is supported by the testimony of Dr. Reddy. Ex. 1005 ¶¶ 78–80. Patent Owner provides no counterargument.

On this record, after reviewing the parties' evidence and arguments, we determine that Petitioner has established sufficiently, for purposes of this Decision, that Kari would have taught the preamble recitation of "a method of managing data."[10]

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[9] In the Specification, Todd identifies this antenna with numeral 28. *Id.* at 7:15–42. Figure 1 identifies it with numeral 38.

[10] Neither party has requested that we determine whether the preamble is limiting. In light of our finding that the Petitioner has sufficiently shown that Kari would have taught the preamble limitation, for purposes of this Decision, we do not need to determine whether a method of managing data is a limitation of claim 19.

> *19.1. (a) establishing communications between a handheld computing device and an originating computer wherein said handheld computing device has a GPS integral thereto*;

Petitioner argues the combination of Kari and Chan teaches limitation 19.1. Pet. 16. According to Petitioner, Kari establishes communications between search terminal 1 and connection server 3. *Id.* at 16–17 (citing Ex. 1006, 6:49–51, 6:66–7:2, 15:45–52). Petitioner argues search terminal 1 is a "mobile station," which corresponds to a handheld computing device. *Id.* at 17 (citing Ex. 1006, 2:56–59). Petitioner further argues connection server 3 is an Internet server, which corresponds to an originating computer. *Id.* (citing Ex. 1006, 4:59–67). Further, Petitioner argues that search terminal 1 "can use satellite location means (GPS)" and, therefore, would have to include GPS equipment. *Id.* at 18.

Petitioner does not contend that Kari's search terminal 1 has GPS equipment integral thereto. Pet. 18. Petitioner, however, argues that an ordinarily skilled artisan would have understood that there are a finite number of predictable choices for the physical arrangement of Kari's GPS equipment and search terminal 1: the GPS equipment is either integral to or is externally connected to the search terminal (e.g., by a serial connection). *Id.* at 18–19. Petitioner argues that making the GPS equipment integral to the search terminal would have been suggested to the ordinarily skilled artisan because of efficiency. *Id.* Further, Petitioner argues an ordinarily skilled artisan would have had a reasonable expectation of success in incorporating the GPS equipment into the search terminal because it was well known prior to the '748 patent to incorporate GPS equipment into a mobile telephone. *Id.* at 19 (citing Ex. 1014, Fig. 3; Ex. 1015, Figs. 4–5).

Petitioner further argues that Chan "teaches a computing device with GPS integral thereto by describing a 'hand held computer or . . . portable computer' as an 'end-user computer system' that 'comprises a Global Position System receiver 37.'" *Id.* at 19 (quoting Ex. 1010, 3:11–15, 5:21–27) (emphasis omitted.). Petitioner argues that Kari and Chan are analogous art in the same field of endeavor: systems and methods for receiving and fulfilling location-based queries. *Id.* Further, Petitioner argues an ordinarily skilled artisan would have been motivated to combine Chan's hand-held computer with an integrated GPS receiver with Kari's systems and methods because Chan teaches that an integrated GPS receiver can continuously update current position coordinates. *Id.* at 20. Petitioner's arguments are supported by the testimony of Dr. Reddy. Ex. 1005 ¶¶ 81–90.

Although Patent Owner indicates both Kari and Chan teach computers with internal GPS receivers, Patent Owner argues neither teaches a handheld device with an integral GPS receiver. Prelim. Resp. 24. According to Patent Owner, Kari only teaches that its handheld device can be connected to a separate GPS unit, and Chan's miniature computer with a GPS receiver is not a handheld computer because it is installed on a car. *Id.*

On this record, after reviewing the parties' evidence and arguments, we determine that Petitioner has established sufficiently, for purposes of this Decision, that the combination of Kari and Chan would have taught or suggested limitation 19.1. Although Patent Owner asserts that Chan's miniature computer is not a handheld computer, this is solely attorney argument, which is contradicted by the cited teaching in Chan as well as the testimony of Dr. Reddy. *See* Ex. 1005 ¶¶ 87–88; Ex. 1010, 3:11–15, 5:21–27. Further, even if we were to accept Patent Owner's argument, it does not

address or counter Petitioner's argument that Kari would have suggested to an ordinarily skilled artisan incorporating a GPS receiver into Kari's handheld device because there were a finite number of predictable choices for the physical arrangement of Kari's GPS equipment and search terminal 1, there was rationale for doing so, and there was a reasonable expectation of success. Pet. 18–19.

For purposes of this Decision, we find Petitioner's evidence, argument, and explanation regarding limitation 19.1 to be sufficient.

19.2.1 (b) receiving within said handheld computing device a transmission of a tokenized questionnaire from said originating computer

Petitioner argues that the combination of Kari and Darnell teaches limitation 19.2.1. In particular, Petitioner argues that Kari describes sending, from the connection server, a query form that is loaded and stored on the search terminal. Pet. 21 (citing Ex. 1006, 6:66–7:6). Petitioner argues that Kari "teaches 'receiving within said handheld computing device a transmission of a' . . . 'questionnaire form from said originating computer.'" *Id.* (emphasis omitted).

Petitioner acknowledges that Kari does not describe its query form as tokenized, but Petitioner argues that Kari teaches that its questionnaire is "an Internet-type WWW page" and that its search terminal starts "a WWW browser." Pet. 21 (citing Ex. 1006, 6:47–49, 64–66). Referencing Darnell, Petitioner argues that a WWW page displayed in a WWW browser would have been written in HTML with HTML tags. *Id.* (citing Ex. 1007, xxxvii). Petitioner further argues that HTML tags are distinguishable units of a program (an HTML page) that represent instructions, such as how to render a text input box. *Id.* at 21–22 (citing Ex. 1007, xxxvii, 232, 234, 241).

Accordingly, Petitioner argues that HTML tags are tokens, which comports with our construction of "token" above. *Id.* at 22. Petitioner further argues Kari's query form would have had multiple HTML tags and, thus, multiple tokens. *Id.* at 23. Therefore, Petitioner argues that Kari's query form is a tokenized questionnaire. *Id.* at 23.

Petitioner argues that an ordinarily skilled artisan would have combined Kari and Darnell because Darnell is a reference book that would have been obvious for an ordinarily skilled artisan to consult when implementing Kari's teachings. Pet. 25. Petitioner argues that Kari describes searching for WWW pages, an ordinarily skilled artisan would have recognized that WWW pages are written in HTML, and Darnell is an HTML reference. *Id.* at 24–25. Petitioner's arguments are supported by the testimony of Dr. Reddy. Ex. 1005 ¶¶ 91–99, 104–108.

In response, Patent Owner contends that Petitioner fails to establish that Kari's handheld device has a web browser (Prelim. Resp. 24), but we disagree because Kari teaches the use of forms designed as "Internet-type WWW page[s]." Ex. 1006, 6:48–49. Further, Patent Owner relies solely on attorney argument to support this contention and does not specifically address the evidence cited by the Petitioner. Prelim. Resp. 24.

For purposes of this Decision, we find Petitioner's evidence, argument, and explanation regarding limitation 19.2.1 to be sufficient.

19.2.2 said tokenized questionnaire including at least one question requesting location identifying information

Petitioner argues that Kari teaches limitation 19.2.2. Pet. 24. According to Petitioner, Kari teaches that the "user can enter the information on the location . . . manually" in Kari's query form. *Id.* (quoting Ex. 1006, 7:11–14, 60–65). Petitioner argues that, as a result, Kari's query form

includes at least one question requesting location information. *Id.* These arguments are supported by the testimony of Dr. Reddy. Ex. 1005 ¶¶ 100–102.

Patent Owner contends that Kari fails to disclose a tokenized questionnaire requesting location information. Prelim. Resp. 24. Patent Owner's contention, however, rests solely on attorney argument and does not specifically address the evidence cited by Petitioner. *Id.* Further, to the extent Patent Owner is arguing Kari fails to disclose a tokenized questionnaire, see our discussion above for limitation 19.2.1.

For purposes of this Decision, we find Petitioner's evidence, argument, and explanation regarding limitation 19.2.2 to be sufficient.

19.2.3 said tokenized questionnaire comprising a plurality of device independent tokens

Petitioner argues that Kari and Darnell teach limitation 19.2.3. Pet. 24–25. Petitioner argues HTML tags are device independent tokens, quoting Darnell that "HTML offered a platform-independent means of marking data for interchange." *Id.* (citing Ex. 1007, 16). Petitioner argues that Kari's disclosure of a query form as a WWW page, combined with Darnell's description of HTML tags, teaches a tokenized questionnaire comprising a plurality of device independent tokens. *Id.* Petitioner's arguments are supported by the testimony of Dr. Reddy. Ex. 1005 ¶ 104.

Patent Owner argues that Petitioner fails to establish that Kari's handheld device has a web browser, and, therefore, Petitioner has not shown that Kari teaches a tokenized HTML document with a plurality of device independent tokens. Prelim. Resp. 24. To support this assertion, however, Patent Owner relies solely on attorney argument and does not specifically address the evidence cited by Petitioner. *Id.* Further, to the extent Patent

Owner is arguing Kari fails to disclose a tokenized questionnaire, see our discussion above for limitation 19.2.1.

For purposes of this Decision, we find Petitioner's evidence, argument, and explanation regarding limitation 19.2.3 to be sufficient.

19.3 (c) ending said communications between said handheld computing device and said originating computer;

Petitioner argues Kari teaches limitation 19.3. Pet. 27–28. Petitioner argues Kari teaches "that 'the connection to connection server 3 can be cut' once 'the query form is loaded on the display of search terminal 1.'" *Id.* at 27 (quoting Ex. 1006, 7:14–17). Petitioner further argues "that 'the connection server 3 has a predefined WWW page' and that the user 'can load the WWW page from the connection 3 and store it locally.'" *Id.* (quoting Ex. 1006, 13:45–52). Further, according to Petitioner, Kari teaches that "when 'the user subsequently wants to make a query' 'if the questionnaire used was a form stored in the storing means of the search terminal 1, connection set-up is started to the connection server 3 after the form is correctly filled-in.'" *Id.* (citing Ex. 1006, 13:59–61, 14:25–28). Petitioner argues that these combined disclosures teach ending the communications between the search terminal and the connection server after the storing of the query form. *Id.* Petitioner argues an ordinarily skilled artisan would have recognized that, because if the search terminal and connection server were still in communication with each other after the query form was stored, there would be no need to subsequently perform a connection set-up. *Id.* Petitioner's arguments are supported by the testimony of Dr. Reddy. Ex. 1005 ¶¶ 110–114. Patent Owner presents no counterargument.

For purposes of this Decision, we find Petitioner's evidence, argument, and explanation regarding limitation 19.3 to be sufficient.

19.4 (d) after said communications has been ended,

Petitioner argues Kari teaches limitation 19.4 because Kari "teaches steps that occur '[a]fter the query form is loaded' are performed once 'the connection to the connection server 3 [is] cut.'" Pet. 28 (citing Ex. 1006, 7:14–17). For purposes of this Decision, we find Petitioner's evidence, argument, and explanation regarding this portion of limitation 19.4 to be sufficient. Because limitation 19.4 must be read in combination with limitations 19.5, 19.6, and 19.7, we address the combinations of those limitations below.

[19.5] (d1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a first user,

Petitioner argues Kari teaches this limitation by disclosing: "[a]t the stage when the user wants to make a query, the WWW page is loaded for example with an Internet browser..." Pet. 28 (citing Ex. 1006, 15:59–61). According to Petitioner, Kari's disclosure of loading a WWW page with an Internet browser corresponds to executing at least a portion of said plurality of tokens on a handheld computing device, because when the WWW page is loaded, the HTML page having HTML tags (the plurality of tokens) would be rendered, or executed, by the web browser to display the form fields. *Id.* (citing Ex. 1007, 24). Petitioner argues Kari loads the WWW page to collect at least one response from a first user, because Kari "describes that 'the WWW page is loaded ... and the questionnaire is filled in for the relevant parts.'" *Id.* at 28–29 (quoting Ex. 1006, 13:59–61). Petitioner further argues

that the WWW page is loaded after the connection to the connection server is cut. *Id.* at 29.

Petitioner's arguments are supported by testimony of Dr. Reddy. Ex. 1005 ¶¶ 118–122.

Patent Owner argues that Petitioner fails to establish that Kari teaches that its handheld device has a web browser. Prelim. Resp. 24. As discussed above for limitation 19.2.1, we disagree. Namely, we note that Kari teaches the use of forms designed as "Internet-type WWW page[s]." *See* Ex. 1006, 6:48–49.

For purposes of this Decision, we find Petitioner's evidence, argument, and explanation regarding the combination of limitations 19.4 and 19.5 to be sufficient.

19.6 (d2) storing within said computing device said at least one response from the first user;

Petitioner argues Kari and Todd teach limitation 19.6. Pet. 29. Petitioner argues Kari suggests storing a response from a first user by disclosing "the application program forms a query message on the basis of the information to be transmitted to the connection server . . . ." *Id.* (citing Ex. 1006, 8:1–5). According to Petitioner, an ordinarily skilled artisan would have understood that, upon forming the query message, Kari's query message and its response[s] from the user are stored (at least temporarily) in random access memory of the search terminal. *Id.* at 29–30. Petitioner argues that it was common for computing devices at the time of the filing of the '748 patent to temporarily store data to be transmitted. *Id.* at 30. Further, Petitioner argues Kari teaches that "the application program combines the entered information and forms a query message for example according to the hypertext mark-up language (HTML) and HTTP definitions

to be transmitted to the connection server 3." *Id.* (citing Ex. 1006, 14:15–21). Petitioner argues that combining the entered information to form a query message would have been understood by an ordinarily skilled artisan to include at least temporarily storing the result of the formation before transmission (e.g., before Kari's connection is established). *Id.* at 29–30.

Petitioner further argues that Todd teaches storing survey responses in a portable survey device. Pet. 30. According to Petitioner, Todd "describes a device which 'electronically presents a series of questions, records the answers, and stores...all or a portion of the survey response.' *Id.* (quoting Ex. 1009, [57]). Further, according to Petitioner, Todd's "device presents a series of questions, or prompts, to the user and records the answers. [And] [t]he on-board storage is sufficiently large to allow the device to store all of the responses internally..." *Id.* (citing Ex. 1009, 5:35–40).

Petitioner argues that an ordinarily skilled artisan would have been motivated to have incorporated Todd's teachings of storing survey responses into Kari's system because Todd suggests storing responses when conditions for transmission are not met. Pet. 31 (citing Ex. 1009, 10:15–18, 9:67–10:1). According to Petitioner, Kari also describes situations in which conditions for transmission are not met (e.g., Ex. 1006, 8:6–15 (describing blocks 312 and 313)). *Id.* Petitioner argues an ordinarily skilled artisan would have understood Kari's query message is analogous to Todd's survey responses and that storing the information in the query in Kari's device would be desirable during Kari's connection, re-establishment, and waiting process to maintain the user's answers until the connection is established. *Id.* at 31–32. Petitioner argues that, without such storing, Kari's user would

have to re-enter his or her information, which would result in a non-optimal experience. *Id.* at 32. Thus, according to Petitioner, an ordinarily skilled artisan would have been motivated to incorporate Todd's storing of survey responses into the system of Kari to remove the need for the user to re-enter query message information while a connection is being set up. *Id.*

Petitioner's arguments are supported by the testimony of Dr. Reddy. Ex. 1005 ¶¶ 122–133. Patent Owner presents no counterargument.

For purposes of this Decision, we find Petitioner's evidence, argument, and explanation regarding the combination of limitations 19.4 and 19.6 to be sufficient.

19.7 (d3) using said GPS to automatically obtain said location identifying information in response to said at least one question that requests location identifying information

Petitioner argues Kari teaches limitation 19.7. Pet. 34. First, Petitioner argues that Kari teaches using GPS to automatically obtain said location identifying information, quoting: "the application program reads automatically the information on the location ... the information on the location can be determined e.g. by using GPS equipment..." *Id.* (quoting Ex. 1006, 7:60–67). Petitioner further argues Kari uses this GPS equipment responsive to a question that requests location identifying information, quoting the "user can enter the information on the location...manually...," but if the user has not done so, "the application program reads automatically the information on the location...by using GPS..." *Id.* (quoting Ex. 1006, 7:11–14, 60–67). Petitioner interprets this disclosure as teaching that the user can enter the location manually in the query form in response to a question, but if the user does not, the device uses the user's GPS location instead. *Id.* Thus, Petitioner argues the entry of the location information is

in response to at least one question that requests location identifying information. *Id.* Petitioner's arguments are supported by the testimony of Dr. Reddy. Ex. 1005 ¶¶ 134–139.

Patent Owner argues that Petitioner has not shown that Kari's query form automatically obtains device location information using GPS in response to a question contained within a tokenized questionnaire. Prelim. Resp. 25–26. Patent Owner argues that instead of obtaining device location information automatically, Kari (i) has the user manually enter location information or (ii) uses a separate application program to determine the device's location after the query form is completed (executed). *Id.* In making this argument, Patent Owner does not address the evidence cited by Petitioner, and we find this evidence to be persuasive. In particular, we find Petitioner's interpretation that Kari's device can use the user's GPS location instead of manual location input is supported by the evidence. *See* Ex. 1006, 7:11–14, 60–67.

For purposes of this Decision, we find Petitioner's evidence, argument, and explanation regarding the combination of limitations 19.4 and 19.7 to be sufficient.

19.8 (e) establishing communications between said handheld computing device and a recipient computer;

Petitioner argues that Kari teaches limitation 19.8. Pet. 35. Petitioner quotes Kari: "[t]he application program starts to reestablish connection in block 312. In block 313, it is checked if the connection is set up . . . . After the search terminal 1 has received a response from the connection server 3, i.e. the connection is established, the search terminal 1 starts transmission . . . ." *Id.* (quoting Ex. 1006, 8:6–19). Petitioner argues Kari's description of re-establishing a connection between search terminal 1 and connection

server 3 teaches establishing communications between a handheld computing device and a recipient computer. *Id.* Petitioner's arguments are supported by the testimony of Dr. Reddy. Ex. 1005 ¶¶ 140–142.

Patent Owner presents no counterargument. Prelim. Resp. 23–26.

For purposes of this Decision, we find Petitioner's evidence, argument, and explanation regarding limitation 19.8 to be sufficient.

19.9 (f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer;

Petitioner argues Kari and Todd teach limitation 19.9. Pet. 36. Petitioner argues Kari teaches transmitting a value representative of each response stored within said handheld computing device by disclosing "the search terminal 1 starts transmission of the query message to the connection server 3" and "the search terminal 1 advantageously sends the information contained in the query form to the connection server 3." *Id.* at 35 (quoting Ex. 1006, 8:16–19). Petitioner further argues Kari and Todd teach storing the query message. *Id.* at 35–36. According to Petitioner, Kari teaches the content of the query message includes the data entered in, for example, Car, GasType, and SearchWords fields. *Id.* at 36 (citing Ex. 1006, 10:20–43). Petitioner argues this data corresponds to values representative of responses, and thus, the query message includes a value representative of each of said at least one response. *Id.* Petitioner further argues that Kari describes sending the information to the connection server 3, and, therefore, teaches transmitting that information to the recipient computer. *Id.* Petitioner's arguments are supported by the testimony of Dr. Reddy. Ex. 1005 ¶¶ 143–146.

Patent Owner presents no counterargument. Prelim. Resp. 23–26.

For purposes of this Decision, we find Petitioner's evidence, argument, and explanation regarding limitation 19.9 to be sufficient.

> *19.10 (g) after receipt of said transmission of step (f), transmitting a notice of said received value representative of each of said at least one response to a second user.*

Petitioner argues Kari teaches limitation 19.10. Pet. 36–38. Petitioner notes that Kari teaches "that 'the query message sent from the search terminal 1 is processed in the connection server 3...Next, the connection server 3 transmits the information of the query message to the remote server 4, 4', 4" selected...'" *Id.* at 36 (quoting Ex. 1006, 8:20–27). Petitioner argues an ordinarily skilled artisan would have understood Kari's sending the information of the query message to the remote server to be for the benefit of a user of the remote server, so that user can review the information in the query message. *Id.* at 37 (citing Ex. 1009, 15:45-46). Accordingly, Petitioner argues, an ordinarily skilled artisan would have understood Kari to teach transmitting a notice of said received value representative of each of said at least one response to a second user. *Id.* at 36–37.

Patent Owner presents no counterargument. Prelim. Resp. 23–26.

For purposes of this Decision, we find Petitioner's evidence, argument, and explanation regarding limitation 19.10 to be sufficient.

Summary regarding claim 19

After reviewing the parties' arguments and evidence, we find Petitioner has demonstrated a reasonable likelihood of prevailing in its contention that claim 19 is unpatentable over Kari, Darnell, Todd, and Chan.

4. Analysis of Claim 16

Claims 16 and 19 have many similar recitations. For example, both claims recite "establishing communications between a handheld computing device and an originating computer." Claim 16 further recites "said handheld device having at least a capability to determine a current location thereof," whereas claim 19 recites "wherein said handheld computing device has a GPS integral thereto."

Petitioner's evidence, argument, and explanation for claim 16 substantially overlaps with its evidence, argument, and explanation for claim 19. For example, Petitioner relies on Kari's disclosures regarding GPS receivers for both claim 16's recitation that "said handheld device having at least a capability to determine a current location thereof" and claim 19's recitation of "wherein said handheld computing device has a GPS integral thereto." Pet. 16–20, 38.

Patent Owner's arguments regarding claims 16 and 19 are also similar. Prelim. Resp. 21–26. For example, Patent Owner argues that Kari and Chan do not teach or suggest both element (a) of claim 16 and element (a) of claim 19 because neither Kari nor Chan teaches a hand held device that can determine its location or has an integral GPS receiver. *Id.* at 21–24. We address those issues in our discussion of claim 19 above. For purposes of this Decision, we find no further discussion of Petitioner's evidence, argument, and explanation or Patent Owner's arguments regarding claim 19 are necessary.

After reviewing the parties' arguments and evidence, and for reasons given above with respect to claim 19, we find Petitioner has demonstrated a

reasonable likelihood of prevailing in its contention that claim 16 is unpatentable over Kari, Darnell, Todd, and Chan.

5. Analysis of Claim 17

Claim 17 recites the method for managing data according to claim 16 and adds the limitation of "wherein said current location of said handheld computing device is determined using GPS." Petitioner argues Kari teaches this limitation of claim 17 because Kari "teaches that the: 'information on the location can be determined e.g. by using GPS equipment...'" Pet. 45 (quoting Ex. 1006, 7:60–67). Petitioner's argument is supported by the testimony of Dr. Reddy. Ex. 1005 ¶¶ 181–183. Patent Owner provides no counterargument for this limitation. Prelim. Resp. 23. Based on the record before us, we find Petitioner has demonstrated a reasonable likelihood of prevailing in its contention that claim 17 is unpatentable over Kari, Darnell, Todd, and Chan.

6. Analysis of Claim 18

Claim 18 recites the method for managing data according to claim 16 and adds the limitation of "wherein said originating computer and said recipient computer are a same computer." Petitioner argues Kari teaches this limitation of claim 18 because Kari's connection server 3 is both an originating computer and a recipient computer. Pet. 45–46. Petitioner's argument is supported by the testimony of Dr. Reddy. Ex. 1005 ¶¶ 184–186. Patent Owner provides no counterargument for this limitation. Prelim. Resp. 23. Based on the record before us, we find Petitioner has demonstrated a reasonable likelihood of prevailing in its contention that claim 18 is unpatentable over Kari, Darnell, Todd, and Chan.

7. Analysis of Claim 21

Claims 21 and 19 have many similar recitations, and Petitioner's evidence, argument, and explanation for claim 21 substantially overlaps with its evidence, argument, and explanation for claim 19. Pet. 16–38, 46–51. Patent Owner's arguments regarding claims 21 and 19 are also similar. Prelim. Resp. 23–28. The arguments and evidence that the parties presented for limitations 21.1, 21.13, and 21.14, however, merit some additional discussion.

> *21.1 within a central computer, accessing at least one user data item stored in a recipient computer, wherein said at least one data item is obtained via the steps of:*

Plaintiff argues Kari teaches limitation 21.1. Pet. 46–47. Dr. Reddy testifies that Kari's connection server 3 is a central computer. Ex. 1005 ¶ 189. Dr. Reddy further testifies that connection server 3 accesses at least one user data item by transmitting its query message to remote server 4, 4', 4." *Id.* (quoting Ex. 1006, 12:32–36[11]). According to Dr. Reddy, an ordinarily skilled artisan would understand that transmitting that query message involves accessing that message. *Id.* Dr. Reddy testifies that Kari's query message is a user data item because Kari "describes 'user-specified information . . . is added to the query message.'" *Id.* (quoting Ex. 1006, 11:31–33). Dr. Reddy also testifies that connection server 3 is also the recipient computer and that Kari teaches storing the query message into the connection server 3, citing Kari's disclosure of "[h]aving received the query message (block 401), the connection server 3 reads it into its memory (block

[11] Dr. Reddy cites Ex. 1006, 12:62–36, but the actual quote is at Ex. 1006, 12:32–36.

402) and store the message preferably for the time of its processing . . . " *Id.* at ¶ 190 (quoting Ex. 1006, 11:17–22). Dr. Reddy further testifies that connection server 3 obtains the query message via the steps recited by limitations 21.2 through 21.13. *Id.* at ¶ 191 (and in the paragraphs that follow in Ex. 1005). Patent Owner presents no counterargument for limitation 21.1. Prelim. Resp. 6–9, 26–28.

For purposes of this Decision, we find Petitioner's evidence, argument, and explanation regarding limitation 21.1 to be sufficient.

> *21.13 storing within said recipient computer any of said transmitted GPS coordinates and said at least one value representative of said at least one response, thereby creating said at least one user data item stored in said recipient computer*

Petitioner argues Kari teaches limitation 21.13. Pet. 50. Dr. Reddy testifies that connection server 3 is a recipient computer that stores Kari's query message. Ex. 1005 ¶¶ 211–212. Further, Dr. Reddy testifies that Kari's query message includes a user identification. *Id.* at ¶ 211 (citing Ex. 1006, 10:20). Dr. Reddy further testifies that Kari describes placing the GPS location into the query message. *Id.* at ¶¶ 136, 137. Patent Owner presents no counterarguments regarding this limitation. Prelim. Resp. 6–9, 26–28.

For purposes of this Decision, we find Petitioner's evidence, argument, and explanation regarding limitation 21.13 to be sufficient.

> *21.14 (b) forming a visually perceptible report from any of said at least one stored user data item.*

Petitioner argues Todd teaches limitation 21.14. Pet. 50–51. Dr. Reddy testifies that, in Todd, "computer 32 is used to . . . store an analyze survey results"; those stored survey results are analogous to Kari's stored query messages; and Todd describes printing "reports summarizing the

survey results." Ex. 1005 ¶ 214 (quoting Ex. 1009, 12:51–55). Further, Dr. Reddy testifies that an ordinarily skilled artisan would have understood that a printed report is a visually perceptible report. *Id.* Patent Owner presents no counterarguments regarding this limitation. Prelim. Resp. 6–9, 26–28.

For purposes of this Decision, we find Petitioner's evidence, argument, and explanation regarding limitation 21.14 to be sufficient.

Summary regarding claim 21

After reviewing the parties' arguments and evidence, we find Petitioner has demonstrated a reasonable likelihood of prevailing in its contention that claim 21 is unpatentable over Kari, Darnell, Todd, and Chan.

8. Analysis of Claim 22

Claim 22 recites the method according to claim 21 and adds the limitation "wherein said central computer and said recipient computer are a same computer." Petitioner argues Kari teaches this limitation of claim 22 because Kari's connection server 3 is both a central computer and a recipient computer. Pet. 52. Petitioner's argument is supported by the testimony of Dr. Reddy. Ex. 1005 ¶ 220. Patent Owner provides no counterargument for this limitation. Prelim. Resp. 28. Based on the record before us, we find Petitioner has demonstrated a reasonable likelihood of prevailing in its contention that claim 22 is unpatentable over Kari, Darnell, Todd, and Chan.

9. Citation to Hjelm

Patent Owner argues that we should strike or give little weight to the Declaration of Dr. Reddy because it cites Johan Hjelm, *Creating Location Services for the Wireless Web: Professional Developer's Guide* (2002), Ex. 1020 ("Hjelm"), which Patent Owner argues is not prior art to the '748 patent. Prelim. Resp. 19–20. Patent Owner correctly notes that the Petition

appears to misdate Hjelm as having been copyrighted in 2001, rather than in 2002, as the reference indicates. *Id.*; Pet. v; Ex. 1020, 2. Nonetheless, Hjelm is not relied upon as prior art in the challenges to the claims of the '748 patent," nor do we rely on it in this Decision. Accordingly, for purposes of this Decision, we disregard Dr. Reddy's testimony regarding Hjelm. We will not, however, strike or disregard Dr. Reddy's other testimony.

10. Alleged Impermissible Hindsight

Patent Owner argues in conclusory form that Petitioner used impermissible hindsight in combining the teachings of Kari, Darnell, Todd, and Chan. Prelim. Resp. 20–21. As described above, based on the current record, we are not persuaded by this argument.

11. Constitutionality of Inter Partes Review

Patent Owner argues that *inter partes* review proceedings are unconstitutional, noting that a petition for certiorari was granted in *Oil States Energy Services, LLC v. Greene's Energy Group, LLC*, S. Ct. No. 16-712. Prelim. Resp. 33. As of now, the Supreme Court has not ruled in that case, and the Federal Circuit's holding that *inter partes* review proceedings are constitutional is binding. *See MCM Portfolio LLC v. Hewlett-Packard Co.*, 812 F.3d 1284 (Fed. Cir. 2015).

IV. CONCLUSION

Petitioner has demonstrated a reasonable likelihood that it would prevail in establishing that each of claims 16–19 and 21–22 is unpatentable over Kari, Darnell, Todd, and Chan. At this stage of this proceeding, we have not made a final determination with respect to the patentability of any challenged claim or the construction of any claim term.

V. ORDER

It is ORDERED that, pursuant to 35 U.S.C. § 314(a), an *inter partes* review is instituted with respect to claims 16–19, 21, and 22 of the '748 patent on the ground that those claims are unpatentable under 35 U.S.C. § 103(a) as obvious over Kari, Darnell, Todd, and Chan.

FURTHER ORDERED that no other ground of unpatentability, with respect to any claim, is instituted for trial; and

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial, which commences on the entry date of this decision.

FOR PETITIONER:

David W. O'Brien
Raghav Bajaj
David L. McCombs
HAYNES AND BOONE, LLP
david.obrien.ipr@haynesboone.com
raghav.bajaj.ipr@haynesboone.com
david.mccombs.ipr@haynesboone.com

Roshan Mansinghani
Jonathan Stroud
UNIFIED PATENTS INC.
roshan@unifiedpatents.com
jonathan@unifiedpatents.com

FOR PATENT OWNER:

Terry L. Watt
CROWE & DUNLEVY
terry.watt@crowedunlevy.com

Matthew J. Antonelli
Michael E. Ellis
Larry D. Thompson, Jr.
ANTONELLI, HARRINGTON & THOMPSON LLP
matt@ahtlawfirm.com
michael@ahtlawfirm.com
larry@ahtlawfirm.com

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court FOR THE EASTERN DISTRICT OF TEXAS on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:17-CV-203	4/5/2017	FOR THE EASTERN DISTRICT OF TEXAS

PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	CINEMARK HOLDINGS, INC. and CINEMARK USA, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,454,748		FALL LINE PATENTS, LLC
2			
3			
4			
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

Trials@uspto.gov
571-272-7822

Paper No. 12
Entered: July 25, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UBER TECHNOLOGIES, INC. and CHOICE HOTELS INTERNATIONAL, INC.
Petitioners,

v.

FALL LINE PATENTS, LLC
Patent Owner.

Case IPR2018-00535
Patent 9,454,748 B2

Before MICHELLE N. WORMMEESTER, SHEILA F. McSHANE, and JOHN R. KENNY, *Administrative Patent Judges.*

KENNY, *Administrative Patent Judge.*

DECISION
Termination of the Proceeding
35 U.S.C. § 317 and 37 C.F.R. §§ 42.72, 42.74

DISCUSSION

On July 11, 2018, in response to a joint email request from the parties, we authorized the parties to file a joint motion to terminate this case and a joint request to file their settlement agreements as business confidential information. In response, the parties filed a Joint Motion to Terminate Proceedings Pursuant to 35 U.S.C. § 317 and 37 C.F.R. § 42.74 (Paper 10, "Joint Mot.") and a Joint Request to File Settlement Agreements as Business Confidential Information Under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) (Paper 11). The parties also filed copies of their written settlement agreements under 37 C.F.R. § 42.74(b). Exs. 2001, 2002. For the reasons discussed below, the parties' Joint Motion to Terminate and Joint Request to File the Settlement Agreements as Business Confidential Information are *granted*.

In the Joint Motion to Terminate, the parties indicate that termination of this proceeding is appropriate because they have settled their disputes involving U.S. Patent No. 9,454,748 B2 ("the '748 patent"). Joint Mot. 2. Further, the parties represent that all claims have been dismissed in the related litigations. *Id.* at 2–3. The parties also represent that there are no other litigations in which the '748 patent is asserted, and the parties identify only IPR2018–00043, filed by Unified Patents, Inc., as a pending *inter partes* review proceeding challenging the '748 patent. *Id.* at 3. Further, the parties represent that there are no other collateral agreements or understandings made that relate to the termination of this IPR. *Id.* at 2. And as the parties indicate, this proceeding is at an early stage, and trial has not been instituted. *Id.*

Under 35 U.S.C. § 317(a), "[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint

request of the petitioner and patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed." Further, under 37 C.F.R. § 42.74(b), "[a]ny agreement or understanding between the parties made in connection with, or in contemplation of, the termination of a proceeding shall be in writing and a true copy shall be filed with the Board before termination of the trial."

There are strong public policy reasons to favor settlement between the parties to a proceeding. Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012). When, as here, the proceeding is still in its preliminary stages and we have not entered a decision on whether or not to institute an *inter partes* proceeding, we generally expect that the proceeding will terminate after the filing of a settlement agreement. *See id.* Because the parties have filed their written settlement agreements, and the related district court litigations were dismissed, we determine that it is appropriate to terminate this proceeding. *See* 37 C.F.R. §§ 42.72, 42.74.

II. ORDER

Accordingly, it is:

ORDERED that the parties' request to treat the settlement agreements (Exs. 2001 and 2002) as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is GRANTED; and

FURTHER ORDERED that the parties' Joint Motion to Terminate is GRANTED, and this proceeding is terminated.

For PETITIONER:

Jonathan I. Detrixhe
Gerard M. Donovan
REED SMITH LLP
jdetrixhe@reedsmith.com
gdonovan@reedsmith.com

For PATENT OWNER:

Terry L. Watt
CROWE & DUNLEVY
terry.watt@crowedunlevy.com

Matthew J. Antonelli
Michael E. Ellis
Larry D. Thompson, Jr.
ANTONELLI, HARRINGTON & THOMPSON LLP
matt@ahtlawfirm.com
michael@ahtlawfirm.com
larry@ahtlawfirm.com

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court FOR THE EASTERN DISTRICT OF TEXAS on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:17-cv-408	7/10/2017	FOR THE EASTERN DISTRICT OF TEXAS

PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	UBER TECHNOLOGIES, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,454,748		FALL LINE PATENTS, LLC
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

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Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:17-CV-202	4/5/2017	FOR THE EASTERN DISTRICT OF TEXAS

PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	AMERICAN AIRLINES GROUP, INC. and AMERICAN AIRLINES, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court FOR THE EASTERN DISTRICT OF TEXAS on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:17-cv-407	7/10/2017	FOR THE EASTERN DISTRICT OF TEXAS

PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	CHOICE HOTELS INTERNATIONAL, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,454,748		FALL LINE PATENTS, LLC
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:18-cv-406	8/15/2018	for the Eastern District of Texas

PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	PIZZA HUT, LLC, and PIZZA HUT OF AMERICA, LLC

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,454,748	9/27/2016	FALL LINE PATENTS, LLC
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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:18-cv-407	8/15/2018	for the Eastern District of Texas

PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	ZOE'S KITCHEN, INC. and ZOE'S KITCHEN USA, LLC

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,454,748	9/27/2016	FALL LINE PATENTS, LLC
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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:18-cv-408	8/15/2018	for the Eastern District of Texas

PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	AMC ENTERTAINMENT HOLDINGS, INC. and AMERICAN MULTI-CINEMA, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:18-cv-409	8/15/2018	for the Eastern District of Texas

PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	BOSTON MARKET CORPORATION

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,454,748	9/27/2016	FALL LINE PATENTS, LLC
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DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:18-cv-410	8/15/2018	for the Eastern District of Texas

PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	REGAL CINEMAS, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,454,748	9/27/2016	FALL LINE PATENTS, LLC
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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:18-cv-411	8/15/2018	for the Eastern District of Texas

PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	STARBUCKS CORPORATION

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:18-cv-412	8/15/2018	for the Eastern District of Texas

PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	MCDONALD'S CORPORATION and MCDONALD'S USA, LLC

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,454,748	9/27/2016	FALL LINE PATENTS, LLC
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:18-cv-413	8/15/2018	for the Eastern District of Texas

PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	PANDA RESTAURANT GROUP, INC. & PANDA EXPRESS, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,454,748	9/27/2016	FALL LINE PATENTS, LLC
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☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:18-cv-415	8/15/2018	for the Eastern District of Texas

PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	PAPA JOHN'S INTERNATIONAL, INC. & STAR PAPA, LP

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	BOSTON MARKET CORPORATION

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FALL LINE PATENTS, LLC	REGAL CINEMAS, INC.

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PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	STARBUCKS CORPORATION

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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director **Copy 3—Upon termination of action, mail this copy to Director**
Copy 2—Upon filing document adding patent(s), mail this copy to Director **Copy 4—Case file copy**

AO 120 (Rev. 08/10)

TO:	Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court for the Eastern District of Texas on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:18-cv-407	8/15/2018	for the Eastern District of Texas

PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	ZOE'S KITCHEN, INC. and ZOE'S KITCHEN USA, LLC

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,454,748	9/27/2016	FALL LINE PATENTS, LLC
2			
3			
4			
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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DECISION/JUDGEMENT

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Copy 1—Upon initiation of action, mail this copy to Director **Copy 3—Upon termination of action, mail this copy to Director**
Copy 2—Upon filing document adding patent(s), mail this copy to Director **Copy 4—Case file copy**

United States Patent and Trademark Office

Patent Trial and Appeal Board

A, petition has been filed in Patent Number 9,454,748 B2, Application Number 12/910,706 on January 22, 2019.

The AIA Review Number is IPR2019-00610.

To view the documents filed in this petition, go to https://ptab.uspto.gov and Search for the AIA Review Number.

- Enter your search criteria on the "Search PTAB" page
- Type in the AIA Review Number or Patent Number
- You will need to answer the CAPTCHA to prove that you are not a robot.
- Click on the "Search" button
- The search results will appear identifying the AIA Review Number
- Click on the "View Documents" button
- A pop up window will appear with a list of documents
- Click on the "Download" button to download the document.

Questions regarding this notice should be directed to the Patent Trial and Appeal Board at 571-272-7822.

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court FOR THE EASTERN DISTRICT OF TEXAS on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:17-cv-408	7/10/2017	FOR THE EASTERN DISTRICT OF TEXAS

PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	UBER TECHNOLOGIES, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,454,748		FALL LINE PATENTS, LLC
2			
3			
4			
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director **Copy 3—Upon termination of action, mail this copy to Director**
Copy 2—Upon filing document adding patent(s), mail this copy to Director **Copy 4—Case file copy**

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court FOR THE EASTERN DISTRICT OF TEXAS on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:17-cv-407	7/10/2017	FOR THE EASTERN DISTRICT OF TEXAS

PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	CHOICE HOTELS INTERNATIONAL, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,454,748		FALL LINE PATENTS, LLC
2			
3			
4			
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
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Trials@uspto.gov
Tel: 571-272-7822

Paper 14
Entered: August 7, 2019

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.
Petitioner,

v.

FALL LINE PATENTS, LLC
Patent Owner.

Case IPR2019-00610
Patent 9,454,748 B2

Before MICHELLE N. WORMMEESTER, SHEILA F. McSHANE, and JOHN R. KENNY, *Administrative Patent Judges.*

KENNY, *Administrative Patent Judge.*

DECISION
Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

This is a preliminary proceeding to decide whether to institute an *inter partes* review of U.S. Patent No. 9,454,748 B2 (Ex. 1001, "the '748 patent" or "the challenged patent"). *See* 35 U.S.C. § 314(a); 37 C.F.R § 42.4(a) (delegating authority to institute trial to the Board). Institution of an *inter partes* review is authorized by statute when "the information presented in the

petition . . . and any response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." 35 U.S.C. § 314(a).

American Multi-Cinema, Inc.; AMC Entertainment Holdings, Inc.; Boston Market Corporation; Mobo Systems, Inc.; McDonald's Corporation; McDonald's USA; Panda Restaurant Group, Inc.; Panda Express Inc.; Papa John's International, Inc.; Star Papa LP; and Papa John's USA, Inc. (collectively, "Petitioner") and Starbucks Corporation[1] filed a Petition (Paper 7, "Pet.") seeking *inter partes* review of claims 1, 2, 5, 7, and 19–22 of the challenged patent ("challenged claims"). Patent Owner, Fall Line Patents, LLC, filed a Preliminary Response (Paper 10, "Prelim. Resp.") to the Petition.

Having considered the Petition and the Preliminary Response, we determine that the information presented shows a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of at least one of the challenged claims, and we institute *inter partes* review as to all challenges presented in the Petition. At this stage of the proceeding, we have not made a final determination as to the patentability of any challenged claim or any underlying factual or legal issues.

A. Related Proceedings

The parties identify a number of related litigations involving the challenged patent. Pet. 1–2; Paper 9, 2–3. As the parties state, the challenged patent was also reviewed in IPR2018-00043. Pet. 1–2; Paper 9, 2–3. The parties further indicate that the challenged patent was the subject

[1] This proceeding has been terminated with respect to Starbucks Corporation. Paper 13.

of the petition filed in IPR2018-00535, but that proceeding was terminated before an institution decision issued. Pet. 2; Prelim. Resp. 3. Petitioner further indicates that U.S. Patent No. 7,822,816, of which the challenged patent is a continuation, was the subject of Reexamination No. 90/012,829 and was the subject of IPR2014-00140, the latter of which was terminated after institution. Pet. 3.

B. Overview of the Challenged Patent

The challenged patent is directed to a method of collecting data from a remote computing device, such as a handheld computing device, by creating and delivering a questionnaire to the remote computing device, executing the questionnaire on the remote computing device, and transmitting responses to a server via a network. Ex. 1001, at [57].

Figure 1 of the challenged patent is reproduced below:

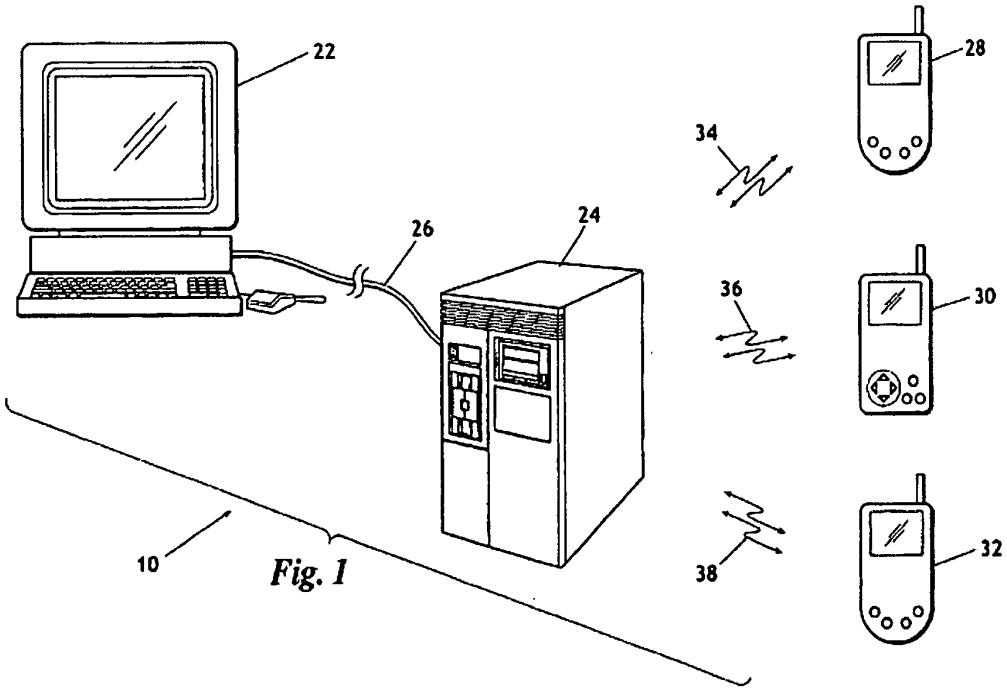


Fig. 1

Figure 1 is a diagram of the challenged patent's system for data management. Ex. 1001, 6:57, 7:13–23. System 10 includes server 24; handheld computers 28, 30, and 32, which are operated remotely from server 24; and computer 22, which provides for administration of the system and reviewing data collected by the system. *Id.* at 7:13–23, Fig. 1. Server 24 is connected to computer 22 via Internet 26, a local area network, or a private wide area network. *Id.* at 7:24–28, Fig. 1. Server 24 is connected to handheld computers 28, 30, and 32 via connections 34, 36, and 38, respectively. *Id.* at 7:24–26. Connections 34, 36, and 38 are loose network connections, meaning that handheld computers 28, 30, and 32 and server 24 are tolerant of intermittent network connections. *Id.* at 7:59–62. Computer 22 is used for administrating system 10 and for reviewing data collected by the system. *Id.* at 7:21–23.

Figure 2 of the challenged patent is reproduced below:

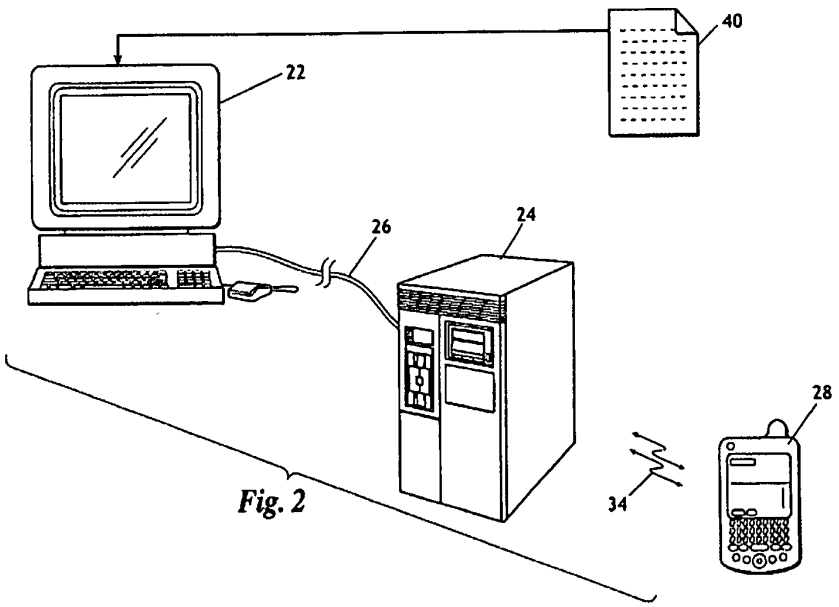


Fig. 2

Figure 2 is a diagram of system 10 as it is used for form creation. Ex. 1001, 6:58–59; 8:11–17. Computer 22 has an interface that allows a user to create a form and distribute it to handheld devices using computer 22. *Id.* at 8:38–50. As the client enters questions and selects response types, server 24 builds a stack of questions and responses, and assigns indices, or tokens, which point to each question or response. *Id.* at 8:53–56, 9:3–6. Each token can correspond to a logical, mathematical, or branching operation. *Id.* at 8:56–59, 9:3–6. When questionnaire 40 is complete, server 24 sends the stack of questions and defined responses to the handheld devices (e.g., handheld computer 28). *Id.* at 9:3–6. System 10 can incrementally update the questionnaire on the handheld devices. *Id.* at 9:14–18.

For example, system 10 can track mystery shoppers at restaurant chains. Ex. 1001, 10:37–43. System 10 can track the time it takes a mystery shopper to go through a drive through window. *Id.* at 10:41–43. When the mystery shopper enters a parking lot for a franchise, a handheld device with a GPS receiver can identify the franchise. *Id.* at 10:55–59. The device can also record the amount of time it takes for the shopper to go through a drive through line. *Id.* at 10:55–11:21.

C. Illustrative Claims

Petitioner challenges claims 1, 2, 5, 7, and 19–22 of the challenged patent, of which, claims 1, 7, 19, and 21 are independent. Claim 19 is reproduced below:

> 19. A method for managing data comprising the steps of:
>
> (a) establishing communications between a handheld computing device and an originating computer wherein said handheld computing device has a GPS integral thereto;

(b) receiving within said handheld computing device a transmission of a tokenized questionnaire from said originating computer,

said tokenized questionnaire including at least one question requesting location identifying information,

said tokenized questionnaire comprising a plurality of device independent tokens;

(c) ending said communications between said handheld computing device and said originating computer;

(d) after said communications has been ended,

(dl) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a first user, and,

(d2) storing within said computing device said at least one response from the first user

(d3) using said GPS to automatically obtain said location identifying information in response to said at least one question that requests location identifying information;

(e) establishing communications between said handheld computing device and a recipient computer;

(f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer; and,

(g) after receipt of said transmission of step (f), transmitting a notice of said received value representative of each of said at least one response to a second user.

D. Asserted Prior Art and Declaration

Petitioner relies on the following references:[2]

[2]The challenged patent is a continuation of Serial No. 10/643,516, filed Aug. 19, 2003, now U.S. Patent No. 7,822,816. Ex. 1001, at [63]. The challenged patent also claims the benefit of Provisional Application No. 60/404,491, filed Aug. 19, 2002. *Id.* at [60].

Reference		Issue Date	Exhibit
Barbosa	U.S. Patent No. 6,961,586 B2	Nov. 1, 2005	Ex. 1002
Hancock	U.S. Patent No. 6,202,023 B1	Mar. 13, 2001	Ex. 1003
Bandera	U.S. Patent No. 6,332,127 B1	Dec. 18, 2001	Ex. 1004
Falls	U.S. Patent No. 5,991,771	Nov. 23, 1999	Ex. 1017

Petitioner also submits a declaration from Kendyl Roman (Ex. 1005).

E. Asserted Grounds

Petitioner asserts the following grounds of unpatentability based on 35 U.S.C. § 103(a):

Ground	Claim(s) Challenged	Reference(s)
1	1 and 19–22	Barbosa[3]
2	1 and 19–22	Barbosa and Bandera
3	7	Barbosa and Falls
4	1, 2, 5, and 19–22	Hancock
5	1, 2, 5, and 19-22	Hancock and Bandera
6	7	Hancock and Falls

Pet. 5.

F. Real Parties in Interest

The Petition identifies American Multi-Cinema, Inc.; AMC Entertainment Holdings, Inc.; Boston Market Corporation; Mobo Systems,

[3] For Grounds 1 and 4, Petitioner also expressly relies on the knowledge of an ordinarily skilled artisan. Pet. 5.

Inc.; McDonald's Corporation; McDonald's USA; Panda Restaurant Group, Inc.; Panda Express Inc.; Papa John's International, Inc.; Star Papa LP; Papa John's USA, Inc, and Starbucks Corporation as real parties in interest in this proceeding. Pet. 1. Patent Owner identifies Fall Line Patents, LLC as its real party in interest. Paper 9, 2.

II. DISCUSSION

A. Constitutional Challenge

Patent Owner objects to an *inter partes* review "because it is carried out by a final order issued by Administrative Patent Judges who have not been nominated by the President and confirmed by the Senate." Prelim. Resp. 52. According to Patent Owner, Administrative Patent Judges are "principal Officers" under the Constitution's Appointments Clause (U.S. Const. Art. II, § 2, Cl. 2), meaning they must be nominated by the President and confirmed by the Senate in order to exercise their authority constitutionally with respect to *inter partes* reviews. *Id.* In this Decision, we will not address this argument by Patent Owner. *See Riggin v. Office of Senate Fair Employment Practices*, 61 F.3d 1563, 1569 (Fed. Cir. 1995). We note, however, that the issue is presently before the Federal Circuit in *Polaris Innovations Limited v. Kingston Technology Company* (No. 2018-1768).

B. Discretionary Denial Under U.S.C. § 314(a)

Patent Owner argues that we should exercise our discretion and deny institution because: (i) Petitioner made inconsistent representations to the district court and the Board, (ii) the claims challenged in this proceeding and in another IPR overlap, and (iii) a related district court trial will occur before a final written decision is due in this proceeding. Prelim. Resp. 50.

First, Patent Owner argues that although Petitioner asserts here that its Petition is substantially different from the petition in IPR2018-00043 ("'043 IPR"), Petitioner told the district court the opposite in seeking a stay. Prelim. Resp. 50. According to Patent Owner, Petitioner argued to the district court that there was substantial overlap in the challenged claims and claim language. *Id.* at 50–51. Patent Owner also notes that Petitioner argued to the district court that, in light of our Final Written Decision in the '043 IPR, it was a "near certainty" that this IPR would be instituted. *Id.* at 51 (quoting Ex. 2004 at 4).

Second, Patent Owner argues that we should deny institution because we already held some of the challenged claims unpatentable in the '043 IPR. Prelim. Resp. 51. Patent Owner cites *Nichia Corp. v. Document Security Systems, Inc.*, Case IPR2019-00397 (PTAB Apr. 19, 2019) (Paper 10), in support of this argument. *Id.*

Third, Patent Owner argues that trial in a related district court case is set for May 18, 2020, which is well before a final written decision in this proceeding is due. Prelim. Resp. 52. Therefore, Patent Owner argues that under *NHK Spring Co. v. Intri-Plex Technology., Inc.*, Case IPR2018-00752 (PTAB Sep. 12, 2018) (Paper 8) (precedential), we should deny institution. *Id.*

Petitioner asserts that we should not deny institution under 35 U.S.C. § 314 (a). Pet. 6–7. Petitioner argues that the parties who filed this IPR are not real-parties-in-interest with respect to the prior petitioners in the '043 IPR and IPR2018-00535. *Id.* Petitioner further asserts that its Petition addresses claims that were not addressed in the '043 IPR. *Id.* Further, Petitioner argues that it did not plan to stagger its Petition with prior

petitions as Patent Owner did not sue the entities that comprise Petitioner until August 2018. *Id.* (The petitions in the '043 IPR and IPR2018-00535 were filed in October 2017 and January 2018, respectively. '043 IPR, Paper 1; IPR2018-00535, Paper 1.) Petitioner further argues that it did not delay in filing its Petition, but rather filed this Petition one week after Patent Owner served its infringement contentions in a related litigation. *Id.* at 7.

We are not persuaded that we should exercise our discretion to deny institution under 35 U.S.C. § 314(a). Here, we agree with Petitioner that, after being sued, it filed its Petition within a reasonable time after it learned which claims Patent Owner was asserting in the district court. Patent Owner has not persuaded us that Petitioner's arguments to the district court seeking a stay are sufficient to deny institution based on the allegedly conflicting nature of those comments.[4] We find no error in Petitioner's statements to the district court that there are some overlapping claims, which we discuss below, and some potential similarities on claim construction issues in the '043 IPR. *See* Ex. 2003, 8, Ex. 2004, 4.

Patent Owner's arguments based on *Nichia* (Prelim. Resp. 51) also do not persuade us that we should deny institution here because some of the challenged claims overlap with claims held unpatentable in the '043 IPR. In *Nichia*, nine of the eleven claims challenged in the petition had been held unpatentable in a prior IPR, and three of the four asserted grounds related solely to claims previously held to be unpatentable. *Nichia*, IPR2019-00397, Paper 10, 6–7. Of importance in *Nichia* was that the limitations of the

[4] The basis for the contention that it was a "near certainty" that this proceeding would institute is unclear, but we do not find that contention warrants denying institution here.

claims that were not challenged in the previous IPR had substantial overlap with the limitations of those previously challenged. *Id.* at 6. Here, three of the eight claims challenged were not challenged in the '043 IPR. And here, none of the asserted grounds relate solely to the previously challenged claims (Pet. ii–viii), and the additional claims being challenged here have limitations that do not overlap with the previously challenged claims (e.g., "transmitting at least a portion of said response from the user to a server in real time via a network," recited in claim 1; "automatically transferring said questionnaire to a loosely networked computer," recited in claim 7). Moreover, an appeal is currently pending in the '043 IPR, which involves a different petitioner than those named here. '043 IPR, Paper 45.

Finally, Patent Owner's arguments based on *NHK Spring* (Prelim. Resp. 52) do not persuade us to deny institution in view of the related litigation. In *NHK Spring*, the panel noted that the related district court proceeding, in which the petitioner had asserted the same prior art and arguments, was nearing its final stages, with expert discovery ending within a few months. *NHK Spring*, IPR2018-00752, Paper 8, 19–20. Although Patent Owner states that trial in a related district court proceeding is set for May 18, 2020 (Prelim. Resp. 52), the record is devoid of other evidence on the status of that case, such as the progress of fact and expert discovery. Additionally, there is no argument or evidence presented by Patent Owner as to any overlap of the asserted prior art and arguments in the district court case to that presented here. Therefore, we decline to exercise our discretion to deny institution on this basis.

C. Level of Ordinary Skill

In the '043 IPR, we determined that an ordinarily skilled artisan at or before the priority date for the challenged patent "would have a bachelor's degree in computer science, computer engineering, electrical engineering, or a related subject, or equivalent industry or trade school experience in programming software applications." '043 IPR, Paper 34, 20 ("'043 Final Written Decision"). In this proceeding, Petitioner proposes that we add to that assessment the following phrase: "as well as significant working knowledge of developing applications for mobile devices that provide location-based services." Pet. 12 (citing Ex. 1005 ¶¶ 36–40). Patent Owner does not dispute Petitioner's proposed assessment or propose an alternative assessment. *See generally* Prelim. Resp. At this point, neither party, however, has given us any reason to change the assessment for an ordinarily skilled artisan that we provided in '043 IPR, which is consistent with the prior art of record here.[5] Therefore, we apply the same assessment here.

D. Claim Construction

In an *inter partes* review where, as here, the Petition was filed on or after November 13, 2018, we construe claim terms "in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent," as the claims would be construed "in a civil action under 35 U.S.C. 282(b)." Changes to the Claim Construction Standard for Interpreting Claims in Trial

[5] The '043 Final Written decision issued after the Petition in this IPR was filed. We, however, provided the same assessment for an ordinarily skilled artisan in our '043 Institution Decision, which issued before the Petition in this IPR was filed. '043 IPR, Paper 6, 19 n.6.

Proceedings Before the Patent Trial and Appeal Board, 83 Fed. Reg. 51,340 (Oct. 11, 2018) (codified at 37 C.F.R. § 42.100(b) (2019)). We presume that a claim term carries its "ordinary and customary meaning," which "is the meaning the term would have to a person of ordinary skill in the art in question" at the time of the invention. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007) (quoting *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005) (en banc)); *see also TriVascular, Inc. v. Samuels*, 812 F.3d 1056, 1062 (Fed. Cir. 2016). Any special definition for a claim term must be set forth in the specification with reasonable clarity, deliberateness, and precision. *In re Paulsen*, 30 F.3d 1475, 1480 (Fed. Cir. 1994). Finally, only terms that are in controversy need to be construed, and then only to the extent necessary to resolve the controversy. *See Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.*, 868 F.3d 1013, 1017 (Fed. Cir. 2017); *Vivid Techs., Inc. v. Am. Sci. & Eng'g. Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999).

Petitioner requests that we construe three claim terms—"GPS integral thereto," "token," and "loosely networked"—and partially construe three additional claim terms—"originating computer," "recipient computer," and "central computer." Pet. 12–17. Further, Petitioner proposes a construction for the term "questionnaire" in the event the Board finds that that term needs to be construed. *Id.* at 15–16. Patent Owner does not request that any term be construed. Prelim. Resp. 12–17.

1. '043 Institution Decision

In our Institution Decision in the '043 IPR ("'043 Institution Decision," '043 Paper 6), we construed several of the above-identified terms. In particular, we construed or partially construed: "GPS integral

thereto," "token," "originating computer," "recipient computer," and "central computer." '043 Inst. Dec. 12–18. In the '043 Final Written Decision, we adopted the constructions for these terms set forth in the '043 Institution Decision. '043 Final Written Decision, 21–24.

As set forth below, for the terms "token," "originating computer," "recipient computer," and "central computer," Petitioner proposes that we provide the same constructions as in the '043 IPR. For "GPS integral thereto," Petitioner proposes a narrower construction. Neither party, however, directly addresses the claim construction analysis we set forth in the '043 IPR.

In the '043 IPR, we gave claim terms their broadest reasonable interpretation in light of the specification of the patent in which they appear. '043 Inst. Dec. 11; '043 Final Written Dec. 20. As mentioned, in this proceeding, due to an intervening change to 37 C.F.R. § 42.100(b), we must construe those terms "in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent," as the claims would be construed "in a civil action under 35 U.S.C. 282(b). Changes to the Claim Construction Standard for Interpreting Claims in Trial Proceedings Before the Patent Trial and Appeal Board, 83 Fed. Reg. 51,340 (Oct. 11, 2018) (codified at 37 C.F.R. § 42.100(b) (2019)). As discussed below, we do not find that this rule change affects the constructions to be given for specific claim terms identified above, and no party has specifically argued otherwise.

2. "GPS integral thereto"

In the '043 IPR, we construed "GPS integral thereto" to be "Global Positioning System equipment integral thereto." '043 FWD 21–22.

Petitioner proposes a narrower construction here: "GPS receiver integral thereto." Pet. 13. Patent Owner does not address the construction of this term. *See generally* Prelim. Resp.

Petitioner argues that the term "GPS integral thereto" is recited in independent claims 7, 19 and 21 in the context of a handheld computing device that "has a GPS integral thereto." Pet. 13. Petitioner further argues that the specification of the challenged patent ("Specification") does not use the phrase "GPS integral thereto" or define the acronym "GPS." *Id.* Petitioner asserts, however, that an ordinarily skilled artisan would have understood the term "GPS" to be the acronym for "Global Positioning System." *Id.* (citing Ex. 1005 ¶ 106). Further, Petitioner argues that an ordinarily skilled artisan would have understood that the entire Global Positioning System, including multiple satellites, would not be integral to a handheld computing device. *Id.* (citing Ex. 1005 ¶ 107). Petitioner continues by arguing that the Specification does not refer to any hardware other than a GPS receiver for using GPS to determine GPS coordinates, and an ordinarily skilled artisan would have understood a "GPS receiver" to be any device or module that is capable of receiving GPS signals and determining GPS coordinates therefrom. *Id.* (citing Ex. 1005 ¶ 107). Petitioner concludes that, therefore, an ordinarily skilled artisan would have understood that the term "GPS integral thereto" would mean "GPS receiver integral thereto." *Id.*

We are not persuaded by Petitioner's arguments. For the reasons expressed in our '043 Institution Decision, we agree with Petitioner that the term "GPS integral thereto" would not require that the entire Global Positioning System be in a handheld device. '043 Inst. Dec. 12–13. We do

not agree, however, that the term "GPS integral thereto" should thus be limited to be a "GPS receiver integral thereto." Even if we were to accept Petitioner's argument that a GPS receiver is the only type of GPS equipment disclosed in the Specification, "limitations from the specification are not to be read into the claims." *Comark Commc'ns, Inc. v. Harris Corp.*, 156 F.3d 1182, 1186 (Fed. Cir. 1998). Therefore, for purposes of this Decision, we construe "GPS integral thereto" to be "Global Positioning System equipment integral thereto." '043 Inst. Dec. 12–13.

3. "token"

In our '043 Institution Decision, we construed "token" as "a distinguishable unit of a program, such as an index, an instruction, or a command that can represent something else such as a question, answer, or operation." '043 Inst. Dec. 16–17. Petitioner argues that we should provide the same construction here. Pet. 15.

Patent Owner does not expressly address the construction of this term, and we do not read the Preliminary Response as implicitly proposing a construction of the term even though Patent Owner discusses the Specification's use of the term "token." *See, e.g.*, Prelim. Resp. 5. To avoid any possible confusion in any further briefing, if a party wants to propose a construction for any term, the party should do so expressly (e.g., by identifying the term to be construed and providing an express construction).

For the reasons provided in our '043 Institution Decision, we construe "token" as "a distinguishable unit of a program, such as an index, an instruction, or a command that can represent something else such as a question, answer, or operation." '043 Inst. Dec. 16–17. In that Institution Decision, we cite two exhibits providing dictionary definitions: '043

Exhibits 1016 and 1017. We designate those exhibits, respectively, as Exhibits 3001 and 3002 in this proceeding.[6]

4. "originating computer"/"recipient computer"/"central computer"

In our '043 Institution Decision, we construed "central computer," "originating computer," and "recipient computer" as encompassing a computer having the ability to perform functions associated with an originating computer, a recipient computer, and/or a central computer. '043 Inst. Dec. 18. Petitioner argues that we should provide the same construction here. Pet. 15. Patent Owner does not address the construction of this term. *See generally* Prelim. Resp. Accordingly for the reasons provided in the '043 Institution Decision, we construe "central computer," "originating computer," and "recipient computer" as encompassing a computer having the ability to perform functions associated with an originating computer, a recipient computer, and/or a central computer. '043 Inst. Dec. 18.

5. "loosely networked"

Petitioner argues that "loosely networked" should be construed to as "tolerant of intermittent network connections and tolerant of the type of network connection available." Pet. 16. Patent Owner does not address this proposed construction or provide its own proposed construction for the term. *See generally* Prelim. Resp.

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[6] Given its claim construction position, Petitioner might have submitted these dictionary excerpts as exhibits in this proceeding. Neither party, however, submitted any dictionary excerpts to support a proposed construction. Pet. xi; Prelim. Resp., iv. Accordingly, we designate these dictionary excerpts as exhibits.

Petitioner's proposed construction has intrinsic support. As Petitioner notes, the Specification uses the term "loosely networked" "to describe a networked computer system wherein devices on the network are tolerant of intermittent network connections and, in fact, tolerant of the type of network connection available." Ex. 1001, 5:3–7. The Specification also provides some more specificity regarding the meaning of the term, specifying, "In particular, if any communication connection is available between devices wishing to communicate, network transmissions occur normally, in real time. If a network connection is unavailable at that moment, the information is temporarily stored in the device and later transmitted when the connection is restored." Ex. 1001, 5:7–12.

For purposes of this Decision, we adopt Petitioner's unopposed construction.

6. "questionnaire"

Petitioner set forth a proposed construction for the term "questionnaire" in the event we need to construe the term. Pet. 15–16. Patent Owner does not propose a construction for questionnaire, and neither party has demonstrated a need for us to construe the term. *See generally* Prelim. Resp.; Pet. 15–16. Accordingly, for purposes of this Decision, we do not need to construe "questionnaire."

E. Analysis of the Asserted Grounds of Unpatentability

1. Principles of Law

A patent claim is unpatentable under 35 U.S.C. § 103(a) if the differences between the claimed subject matter and the prior art are "such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said

subject matter pertains." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations, including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in the art; and (4) objective evidence of nonobviousness, i.e., secondary considerations.[7] *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966). Further, "[t]o satisfy its burden of proving obviousness, a petitioner cannot employ mere conclusory statements. The petitioner must instead articulate specific reasoning, based on evidence of record, to support the legal conclusion of obviousness." *In re Magnum Oil Tools Int'l, Ltd.*, 829 F.3d 1364, 1380 (Fed. Cir. 2016). We analyze the asserted grounds with these principles in mind.

2. Asserted Obviousness over Barbosa

Petitioner argues that claims 1 and 19–22 would have been obvious over Barbosa. Pet. 18–38. We determine that Petitioner has demonstrated a reasonable likelihood of prevailing on this assertion.

a. Barbosa

Barbosa relates to systems for conducting field assessments utilizing handheld data management devices, such as personal digital assistants, handled computers, two-way pagers, and Web/WAP enabled telephony. Ex. 1002, 1:10–16.

[7] Patent Owner does not contend that such secondary considerations are present. *See generally* Prelim. Response.

Figure 6 of Barbosa is reproduced below:

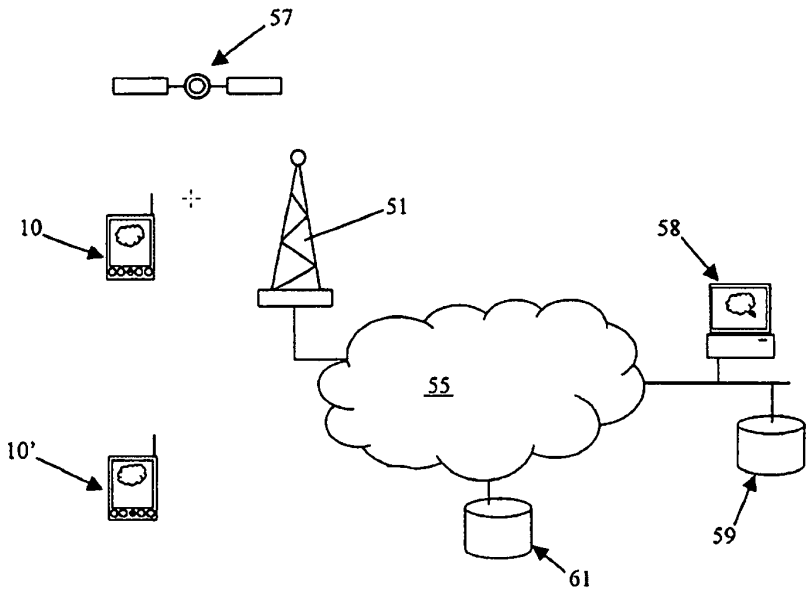


Figure 6 illustrates "an environment for extended operation/communication between a handheld device 10 (client) and remote management system 58 (e.g., server, desktop PC)." Ex. 1002, 7:23–26.

Barbosa discloses that a user in the field may utilize handheld device 10 for assessment of a field problem by executing an industry-specific program on the handheld device related to the problem being addressed. Ex. 1002, 7:42–47. During program execution, the user may access remote resources (e.g., information, data, and assistance) via wireless communication systems 51 and networks 55. *Id.* at 7:48–51. Information may be obtained from server 58 located at the user's enterprise or from other network 55 resources available to the user (e.g., Web pages provided/obtained over the Internet). *Id.* at 7:51–54.

Barbosa further discloses that "the handheld device may also be equipped within a position module 46 to enable the handheld device to

utilize positioning systems or methods known in the art such as satellite position (e.g., Global Positioning System (GPS)) or signal triangulation techniques." Ex. 1002, 6:40–44.

b. Claim 19

(i) A method for managing data

Petitioner argues that Barbosa teaches the preamble recitation of claim 19 because Barbosa describes "methods of conducting field assessments utilizing handheld data management devices." Pet. 18 (quoting Ex. 1002, at [57]). Petitioner's argument is supported by the testimony of Mr. Roman. Ex. 1005 ¶ 121. Patent Owner presents no counterargument. Prelim. Resp. 39–40.[8] After reviewing the parties' arguments and evidence, we find Petitioner provides a sufficient showing for the preamble of claim 19.[9]

(ii) (a) establishing communications between a handheld computing device and an originating computer wherein said handheld computing device has a GPS integral thereto

Petitioner argues that Barbosa establishes communications between a handheld computing device and an originating computer by establishing communications between device 10 and server 58. Pet. 18. In particular, Petitioner asserts that device 10 is a handheld device. *Id.* (citing Ex. 1002,

[8] Patent Owner addresses Petitioner's arguments concerning Barbosa's teachings or suggestions of the limitations of claim 19 in Patent Owner's discussion of Petitioner's showing regarding claim 20. Prelim. Resp. 39–40. Claim 20 depends from claim 19. In Patent Owner's discussion of Petitioner's showing for claim 20, Patent Owner does not address this preamble recitation.

[9] We make no determination in this Decision whether the preamble of claim 19 is limiting.

5:43–45). Further, Petitioner asserts that device 10 is a computing device because it has a set of instructions in a code module in RAM 26 and because device 10 downloads programs. *Id.* at 18–19 (citing Ex. 1002, 6:1–23, Fig. 6). Petitioner further argues that device 10 communicates with server 58 via communications module 42 and obtains programs and templates from that server. *Id.* (citing Ex. 1002, 6:1–22, 7:23–37). Further, Petitioner asserts that server 58 is an originating computer. *Id.* Petitioner also asserts that GPS receiver 46 is integral to device 10. *Id.* at 19–20 (citing Ex. 1002, 6:40–44, Fig. 5). Petitioner's arguments are supported by the testimony of Mr. Roman. Ex. 1005 ¶ 124. Patent Owner presents no counterargument. Prelim. Resp. 39–40. After reviewing the parties' arguments and evidence, we determine Petitioner provides a sufficient showing for this limitation.

(iii) (b) receiving within said handheld computing device a transmission of a tokenized questionnaire from said originating computer

Petitioner argues that device 10 in Barbosa contains code modules, templates, and programs that are a questionnaire. Pet. 20. Petitioner asserts that "Barbosa discloses that the handheld computing device 10 receives, from the originating computer, 'a set of instructions in a code module' that 'implement[]' the 'invention' (Ex. 1002, 6:1–2) and/or 'templates (e.g., task/punch lists) and/or programs' (*id.*, 7:27–28)." *Id.* Petitioner further argues that "[t]he downloaded code modules, templates, and/or programs represent a questionnaire." *Id.* (citing Ex. 1005 ¶ 125.) Petitioner quotes Barbosa's disclosures that the "programs operated by the microprocessor ask questions or provide guidance related to a particular field problem" and

"[t]he program would prompt the user for input of data related to the problem." *Id.* (quoting Ex. 1002, 6:60–61, 7:47–48).

Petitioner further argues that the code modules, templates, and programs (the asserted questionnaire) in device 10 are tokenized. Pet. 20. Petitioner quotes Barbosa's disclosure that "[c]omputer program code for carrying out operations of the present invention can be written in an object oriented programming language such as Java . . . ." *Id.* (quoting Ex. 1002, 12:45-51). Petitioner then argues that "[a] questionnaire (e.g., downloaded code modules, templates, and/or programs) written in an object oriented programming language[,] such as Java[,] would have included an index, an instruction, or a command that can represent something else such as a question, answer, or operation." *Id.* at 20–21 (citing Ex. 1005 ¶ 126).[10] Petitioner concludes that "[t]herefore, Barbosa discloses a tokenized questionnaire." *Id.* at 21.

In addition, Petitioner argues that "Barbosa's program provides '[a]n interactive question and answer session.'" Pet. 21 (citing Ex. 1002, 6:62). Petitioner asserts that "[t]o do so, the program would have included distinguishable units, such as indexes, instructions, or commands that represent the questions, answers, or operations connecting the interactive questions and answers." *Id.* (citing Ex. 1005 ¶ 127). Petitioner cites

[10] We note that Petitioner does not cite to support other than expert testimony for this contention or identify specific Java code or features that it contends constitutes the index, instruction, or command. Patent Owner has not challenged Petitioner's showing on this basis, and, at this juncture, we find that Petitioner demonstrates a reasonable likelihood of success on this challenge based on expert testimony. We make no determination as to Petitioner prevailing on this showing under the preponderance of the evidence standard at trial.

Barbosa's disclosure that "[t]he program may start by asking for the identification of [] the client or matter 703 (e.g., customer, or job site)," and "[t]he program may next ask the representative to identify the problem or type of assessment 704 (e.g., HVAC, plumbing, electrical, landscaping, etc.)." *Id.* (quoting Ex. 1002, 8:54-59). Petitioner argues that, as a result, an ordinarily skilled artisan "would have understood that Barbosa's program would have included instructions that ask these questions (e.g., identification of type of assessment), as well as indexes corresponding to the available answers (e.g., HVAC, plumbing, electrical, or landscaping), and additionally would have included instructions and operations connecting the first question to the next." *Id.* (citing Ex. 1005 ¶ 127).[11] Petitioner's arguments are supported by the testimony of Mr. Roman. Ex. 1005 ¶¶ 125–129.

Patent Owner argues that Barbosa's template would not have tokens that are device independent and executable. Prelim. Resp. 24. We address that argument below in considering the subsequent limitations of claim 19 that recite "device independent tokens" and "executing at least some portion of said plurality of tokens." Patent Owner also argues that Petitioner's argument that Barbosa's template is written in Java is unsupported by Barbosa's disclosure. *Id.* at 25. Patent Owner asserts that Barbosa does not disclose using Java to write code for device 10, but rather only identifies writing code in Java for the user's computer and a remote computer. *Id.* at 26. In addition, Patent Owner argues that Barbosa's template is not a questionnaire. *Id.* at 26–27. Patent Owner further asserts that every example template in Barbosa is simply a listing of questions so Barbosa's

[11] *See supra* n. 10.

template would not be written in Java. *Id.* Patent Owner further asserts that Barbosa's template is designed to be presented to the user through an associated program on device 10. *Id.* at 27. As a result, Patent Owner argues that Barbosa at best teaches a template that might be operated in combination with a program that might be written as a Java applet. *Id.* at 28.

We note that Petitioner argues that a program in device 10 would be written in Java, so the mere fact that the template would not be written in Java would not be fatal to Petitioner's showing. Pet. 20–21. Nevertheless, Patent Owner's arguments that Barbosa does not disclose using Java to write code on device 10 is an issue best further addressed at trial.

After reviewing the parties' arguments and evidence, we determine, for purposes of this Decision, that Petitioner provides a sufficient showing of the prior art teachings for this limitation.

(iv) said tokenized questionnaire including at least one question requesting location identifying information

Petitioner argues that Barbosa's questionnaire includes at least one question requesting location identifying information. Pet. 22–23. Petitioner cites Barbosa's disclosure that "[o]nce a program is opened on the handheld device, the assessor may be asked (e.g., prompted) to identify the job 801 (e.g., location, customer name, date, type of job)." *Id.* at 22–23 (quoting Ex. 1002, 9:54–56) (emphasis omitted). Petitioner further argues that Barbosa discloses that location identifying information can be provided using GPS coordinates, quoting Barbosa that "GPS coordinate[s] associated with the collection of data [is an] important attribute[]."). *Id.* at 23 (quoting Ex. 1002, 12:30–32). Petitioner's arguments are supported by the testimony of Mr. Roman. Ex. 1005 ¶ 130. Patent Owner presents no counterargument. Prelim. Resp. 39–40. After reviewing the parties' arguments and evidence,

we find that Petitioner provides a sufficient showing of the prior art teachings for this limitation.

(v) said tokenized questionnaire comprising a plurality of device independent tokens

Petitioner argues that the program in device 10 comprises a plurality of device independent tokens. Pet. 23. Petitioner cites Barbosa's disclosures that the "computer program transmitted from the [server]" can be "in the form of a JAVA applet" and the "[c]omputer program code for carrying out operations of the present invention can be written in an object oriented programming language such as Java . . . ." *Id.* (citing Ex. 1002, 12:14–18, 12:45-47). Petitioner argues that an ordinarily skilled artisan would understand that Java is a programming language that provides device independence—it runs irrespective of the particular hardware or operating system of any given device. *Id.* According to Petitioner, the knowledge of an ordinarily skilled artisan regarding Java is reflected in Bandera, which states that "JAVA® is a portable and architecturally neutral language," and "JAVA® source code is compiled into a machine-independent format that can be run on any machine with a JAVA® runtime system known as the JAVA® Virtual Machine (JVM)." *Id.* at 23–24 (quoting Ex. 1004, 5:40–44) (emphasis omitted). Further, Petitioner asserts that an ordinarily skilled artisan would have further understood that Java code is not only machine independent, but also operating-system independent. *Id.* at 24. Petitioner cites Bandera's disclosure that "[M]achines running under diverse operating systems, including UNIX, Windows NT, and MacIntosh having a JVM can execute the same JAVA® program." *Id.* (quoting Ex. 1004, 5:47–49). According to Petitioner, such platform independence—allowing a program to be written once but run on diverse platforms—has been a defining feature

of Java. *Id.* (citing Exs. 1014, 1015). Petitioner's arguments are supported by the declaration testimony of Mr. Roman. Ex. 1005 ¶¶ 131–133.

Patent Owner notes that Barbosa claims priority to a provisional application filed in 2000. Prelim. Resp. 29 n.2. Patent Owner argues that Petitioner and Petitioner's expert never demonstrate that Java in 2000 could obtain information from a GPS receiver in a device independent manner. *Id.* at 29. According to Patent Owner, Exhibit 2001 demonstrates that Barbosa could not have accessed GPS with a Java program and maintained device independence. *Id.* Patent Owner further argues that Java applets were not part of the Java telecommunications standard and that handheld computer devices in 2000 did not use the Java virtual machine. *Id.* at 31. Patent Owner argues that Bandera's use of the Java virtual machine means that Bandera is referring to Java as it exists on laptop or desktop computers. *Id.*

After reviewing the parties' arguments and evidence, we find Petitioner provides a sufficient showing for the teaching of this limitation. The instant limitation does not require that a program obtain information from a GPS receiver in a device independent manner. Instead, it requires that the tokens in the questionnaire be device independent. In addition, Java's capabilities for handheld devices in 2000 do not appear relevant because the earliest claim for priority in the challenged patent is for a filing date in 2002. Ex. 1001, at [60]. Accordingly, during trial, the parties should address Java's limitations and capabilities for handheld devices as of the date they contend is the effective filing date for the challenged patent. Alternatively, the parties should explain why the limitations and capabilities of Java for handheld devices at a different time would be pertinent.

(vi) (c) ending said communications between said handheld computing device and said originating computer

Petitioner argues that Barbosa explains that the program that asks questions on device 10 can be "downloaded from a server via the Internet until required by the device 10." Pet. 25 (quoting Ex. 1002, 6:5–6) (emphasis omitted). Petitioner further argues that Barbosa discloses that after "communication between a handheld device 10 (client) and remote management system 58 (e.g., server, desktop PC)" is established to download the program, the program "may be stored locally on a user's [device]." *Id.* (quoting Ex. 1002, 7:23–31) (emphasis omitted). Petitioner contends that to the extent that Barbosa does not expressly disclose ending communications between a handheld computing device and an originating computer, it would have been obvious to an ordinarily skilled artisan that either handheld device 10 or remote management system 58 may end communications after downloading because Barbosa discloses that the questionnaire can be stored locally on the handheld device following completion of the download. *Id.* at 25–26. As a result, Petitioner argues that Barbosa teaches or suggests this limitation. *Id.* at 26. Petitioner's arguments are supported by the declaration testimony of Mr. Roman. Ex. 1005 ¶ 134.

Patent Owner presents no counterargument. Prelim. Resp. 39–40.

After reviewing the parties' arguments and evidence, we find that Petitioner provides a sufficient showing of the prior art teachings for this limitation.

(vii) (d) after said communications has been ended, (d1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a first user

Petitioner argues that Barbosa's communications with the server providing the questionnaire end when the download is complete. Pet. 26. Petitioner further argues that the downloaded code modules, templates, and programs that represent the questionnaire can be executed to provide "[a]n interactive question and answer session." *Id.* (quoting Ex. 1002, 6:58-64). As a result, Petitioner argues that an ordinarily skilled artisan would understand that Barbosa discloses "after said communications has been ended," "executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device" because this execution cannot occur until after the questionnaire has been downloaded. *Id.* Petitioner further argues that the program collects at least one response from a user. *Id.* Petitioner quotes Barbosa's disclosure that "[t]he program would prompt the user for input of data related to the problem." *Id.* (quoting Ex. 1002, 7:47–48). According to Petitioner, therefore, Barbosa discloses this limitation. *Id.* Petitioner's arguments are supported by the declaration testimony of Mr. Roman. Ex. 1005 ¶ 135.

Patent Owner argues that Barbosa's templates do not have executable tokens because those templates are little more than lists. Prelim. Resp. 24. As discussed above, however, because Petitioner argues that a program in device 10 would be written in Java, the mere fact that the template would not be written in Java would not be fatal to Petitioner's showing. Pet. 20–21.

After reviewing the parties' arguments and evidence, we find Petitioner provides a sufficient showing for the prior art teachings of this limitation.

(viii) (d2) storing within said computing device said at least one response from the first user

Petitioner quotes Barbosa's disclosures that the "handheld data management device for field assessments can include a memory for storing field assessment programs and related data" and "data collected with the device 10 . . . may be stored in local memory for subsequent use . . . ." Pet. 27 (quoting Ex. 1002, 3:44–46, 8:4–8). Petitioner argues that these disclosures teach this limitation. *Id.* Petitioner's argument is supported by the declaration testimony of Mr. Roman. Ex. 1005 ¶ 136.

Patent Owner provides no counterargument. Prelim. Resp. 39–40.

After reviewing the parties' arguments and evidence, we find Petitioner provides a sufficient showing of the prior art teachings for this limitation.

(ix) (d3) using said GPS to automatically obtain said location identifying information in response to said at least one question that requests location identifying information

Petitioner argues that Barbosa discloses obtaining a location automatically using device 10's GPS receiver. Pet. 27. Petitioner cites Barbosa's disclosure that "location information may be provided by the handheld device automatically via [the] resident GPS module." *Id.* (quoting Ex. 1002, 10:14–17). Petitioner's arguments are supported by the declaration testimony of Mr. Roman. Ex. 1005 ¶ 137.

Patent Owner provides no counterargument. Prelim. Resp. 39–40.

After reviewing the parties' arguments and evidence, we find Petitioner provides a sufficient showing of the prior art teachings for this limitation.

(x) (e) establishing communications between said handheld computing device and a recipient computer

Petitioner argues that Barbosa discloses establishing communications between the handheld computing device and a server to transmit collected responses for analysis. Pet. 27–28. Petitioner quotes Barbosa's disclosures that "[r]ealtime analysis of data obtained may also be undertaken by remote processor (e.g., server . . . .)." and "a transcript of the assessor's interaction with the handheld (e.g., questions and responses) may be transmitted to remote resources for further analysis." *Id.* at 28 (quoting Ex. 1002, 7:54–56; 9:38–40). Petitioner argues that the remote server is a recipient computer. *Id.* Petitioner's arguments are supported by the declaration testimony of Mr. Roman. Ex. 1005 ¶ 138.

Patent Owner provides no counterargument. Prelim. Resp. 39–40.

After reviewing the parties' arguments and evidence, we find Petitioner provides a sufficient showing of the prior art teachings for this limitation.

(xi) (f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer

Petitioner argues that Barbosa discloses that the collected responses that are stored by device 10 are transmitted to the server for analysis. Pet. 28 (citing Ex. 1002, 7:54–56; 9:38–40). Further, Petitioner asserts that the actual responses are values that represent the responses. *Id.* Petitioner's

arguments are supported by the declaration testimony of Mr. Roman. Ex. 1005 ¶ 139.

Patent Owner provides no counterargument. Prelim. Resp. 39–40.

After reviewing the parties' arguments and evidence, we find Petitioner provides a sufficient showing of the prior art teachings for this limitation.

(xii) (g) after receipt of said transmission of step (f), transmitting a notice of said received value representative of each of said at least one response to a second user

Petitioner argues that Barbosa discloses that the server transmits a notice of the received values representative of each response back to the user of the device. Pet. 28–29. Petitioner asserts that Barbosa discloses that the remote server that analyzes the responses can provide "a final output, such as a report, bid, recommendation, or the like . . . to the user." *Id.* (quoting Ex. 1002, 7:56–58) (emphasis omitted). Further, Petitioner argues that because the report, bid, or recommendation is generated based on the received responses, the report, bid, or recommendation corresponds to a notice of the received value representative of each of said at least one response. *Id.* Therefore, according to Petitioner, the transmission of the report, bid, or recommendation back to the user is a transmission of a notice of the received value representative of each received response. *Id.* Petitioner further argues that claim 19 does not require that the second user be different from the first user, noting that dependent claim 20 recites that the second user and first user are the same user. *Id.* at 30. Petitioner's arguments are supported by the declaration testimony of Mr. Roman. Ex. 1005 ¶¶ 140–142.

Patent Owner provides no counterargument. Prelim. Resp. 39–40.

After reviewing the parties' arguments and evidence, we find Petitioner provides a sufficient showing of the prior art teachings for this limitation.

(xiii) Summary

We determine that Petitioner has shown a reasonable likelihood that it would prevail in establishing that claim 19 would have been obvious over Barbosa.

c. Claim 20

Claim 20, which depends from claim 19, recites "wherein the first user and the second user are a same user." Petitioner maps the first and second user recited by claim 19 to the same user in Barbosa. Pet. 28–30. Patent Owner does not dispute that Petitioner's showing satisfies this limitation of claim 20. Prelim. Resp. 39–40. After reviewing the parties' arguments and evidence, we determine that Petitioner has shown a reasonable likelihood that it would prevail in establishing that claim 20 would have been obvious over Barbosa.

d. Claim 21

For most limitations of claim 21, Petitioner relies on its showing for the corresponding limitations of claim 19. Pet. 30–35. Petitioner, however, provides additional exposition for the limitations of claim 21 that we address below. *Id.* Patent Owner does not address Petitioner's showing regarding claim 21. *See generally* Prelim. Resp.

(i) (a) within a central computer, accessing at least one user data item stored in a recipient computer

Petitioner argues that the recited central computer and recipient computer may be the same computer. Pet. 30 (citing Ex. 1001, claim 22). Further, Petitioner argues that Barbosa's remote server receives responses

from the user device and, therefore, corresponds to a recipient computer. *Id.* (citing Ex. 1002, 7:54–56; 9:3–7; 9:38–40). Petitioner further argues that Barbosa explains that user responses may be stored by the server. *Id.* at 30–31(citing Ex. 1002, 8:46–48. Petitioner argues that, therefore, Barbosa discloses that the server may access at least one user data item stored within it. *Id.* at 31. Petitioner's arguments are supported by the declaration testimony of Mr. Roman. Ex. 1005 ¶ 146.

Patent Owner provides no counterargument. Prelim. Resp. 37–40. After reviewing the parties' arguments and evidence, we find Petitioner provides a sufficient showing of the prior art teachings for this limitation.

> *(ii) (2) receiving within said handheld computing device a transmission of a tokenized questionnaire, including at least one question requesting GPS coordinates and at least one additional question, said tokenized questionnaire comprising a plurality of device independent tokens*

Petitioner refers to its arguments and evidence for claim 19 that Barbosa discloses receiving within said handheld computing device a transmission of a tokenized questionnaire, where the tokenized questionnaire comprises a plurality of device independent tokens. Pet. 31. Further, Petitioner argues that Barbosa discloses that the tokenized questionnaire includes one question requesting GPS coordinates and at least one additional question. *Id.* Petitioner quotes Barbosa's disclosure that "[o]nce a program is opened on the handheld device, the assessor may be asked (e.g., prompted) to identify the job 801 (e.g., location, customer name, date, type of job)." *Id.* at 31–32 (quoting Ex. 1002, 9:54–56) (emphasis omitted). Further, Petitioner argues that Barbosa discloses identifying the location using GPS coordinates. *Id.* (citing Ex. 1002, 12:30–32). According to Petitioner, it would have been obvious to an ordinarily skilled artisan that

such GPS coordinates may have been entered in response to a question requesting them. *Id.* Petitioner further argues that Barbosa discloses asking and receiving responses to additional questions, such as "customer name, date, type of job," and others, such as "ask[ing] the representative to identify the problem or type of assessment." Ex. 1002, 6:59–67, 8:54–63, 9:54–56. Petitioner's arguments are supported by the declaration testimony of Mr. Roman. Ex. 1005 ¶ 148.

Patent Owner provides no counterargument. Prelim. Resp. 37–40. After reviewing the parties' arguments and evidence, we find Petitioner provides a sufficient showing of the prior art teachings for this limitation.

(iii) (6) transmitting said stored at least one value representative of said GPS coordinates and said at least one response stored within said handheld computing device to said recipient computer

Petitioner refers to its arguments and evidence for claim 19 that Barbosa discloses transmitting responses stored by the handheld device to the remote server. Pet. 33. Petitioner further argues that the responses stored by the handheld device, which are transmitted to the remote server, include values representative of GPS coordinates as well as responses to questions. *Id.* at 33–34. In addition, Petitioner cites Barbosa's disclosure that "GPS coordinates associated with the collected data may also be transmitted to the server with the collected data." *Id.* at 34 (quoting Ex. 1002, 12:28–30). Petitioner's arguments are supported by the declaration testimony of Mr. Roman. Ex. 1005 ¶ 155.

Patent Owner provides no counterargument. Prelim. Resp. 37–40. After reviewing the parties' arguments and evidence, we find Petitioner provides a sufficient showing of the prior art teachings for this limitation.

(ix) (7) storing within said recipient computer any of said transmitted GPS coordinates and said at least one value representative of said at least one response, thereby creating said at least one user data item stored in said recipient computer

Petitioner argues that Barbosa discloses that the remote server stores user responses, including transmitted GPS coordinates and responses to questions, thereby creating a user data item stored in the server. Pet. 34 (citing Ex. 1002, 8:46–48). Petitioner further argues the remote server is the recipient computer. *Id.* Petitioner's arguments are supported by the declaration testimony of Mr. Roman. Ex. 1005 ¶ 156. Patent Owner provides no counterargument. Prelim. Resp. 37–40. After reviewing the parties' arguments and evidence, we find Petitioner provides a sufficient showing of the prior art teachings for this limitation.

(v) (b) forming a visually perceptible report from any of said at least one stored user data item.

Petitioner argues that Barbosa discloses that the remote server may form a visually perceptible report based on the stored user data item. Pet. 34 (citing Ex.1002, 8:46-48). Petitioner asserts that Barbosa discloses that the remote server that analyzes the responses can provide "a final output, such as a report, bid, recommendation, or the like . . . to the user." *Id.* at 34–35 (quoting Ex. 1002, 7:56–58). Petitioner cites Barbosa's disclosure that "the handheld device may provide output to the [user] (which may have been received from the remote processor) that can be in the form of an estimate or analysis and may be provided to the client." *Id.* (quoting Ex. 1002, 9:10–14) (emphasis omitted). Petitioner argues that an ordinarily skilled artisan would have understood Barbosa's output to be visually perceptible so that a user could see the information. *Id.* at 35. Petitioner's arguments are supported by the declaration testimony of Mr. Roman. Ex. 1005 ¶ 157.

Patent Owner provides no counterargument. Prelim. Resp. 37–40. After reviewing the parties' arguments and evidence, we find Petitioner provides a sufficient showing of the prior art teachings for this limitation.

(vi) Additional limitations.

For the additional limitations of claim 21 not addressed above, we have reviewed the parties' arguments and evidence for those limitations (Pet. 30–34, Prelim. Resp. 37–40), and we find Petitioner provides a sufficient showing the prior art teachings for those limitations.

(vii) Summary.

We determine that Petitioner has shown a reasonable likelihood that it would prevail in establishing that claim 21 would have been obvious over Barbosa.

e. Claim 22

Claim 22, which depends from claim 21, recites "wherein said central computer and said recipient computer are a same computer." Petitioner maps both the recited central computer and the recipient computer to Barbosa's remote server. Pet 30–31, 35. Petitioner's arguments are supported by the declaration testimony of Mr. Roman. Ex. 1005 ¶ 146. Patent Owner provides no counterargument. Prelim. Resp. 37–40. After reviewing the parties' arguments and evidence, we determine that Petitioner has shown a reasonable likelihood that it would prevail in establishing that claim 22 would have been obvious over Barbosa.

f. Claim 1

For most limitations of claim 1, Petitioner relies on its showing for corresponding limitations of claim 19. For the limitations of claim 1 addressed below, Petitioner provides additional exposition.

(i) (a) creating a questionnaire comprising a series of questions customized for a location

Petitioner argues that Barbosa discloses creating a questionnaire comprising a series of questions. Pet. 36. Further, Petitioner argues that Barbosa discloses that its questionnaire may be customized for a location. *Id.* Petitioner asserts that for an "environmental catastrophe," Barbosa discloses, "[a]ssessors equipped with handheld devices are assigned/ deployed to specific positions of the affected environment." *Id.* (quoting Ex. 1002, 12:1–3) (emphasis omitted). Further, Petitioner quotes Barbosa's disclosure that "[a]t their respective positions, assessor[s] are provide[d] a template from the remote server 1302 comprising unique/updated instructions for their respective assessment of the position (e.g., data collection instructions)." *Id.* (quoting Ex. 1002, 12:11–14) (emphasis omitted). Petitioner argues that because the assessors are at different positions, and each is provided with a unique template/questionnaire, Barbosa discloses this limitation. *Id.*

Petitioner's arguments are supported by the declaration testimony of Mr. Roman. Ex. 1005 ¶ 161. Patent Owner provides no counterargument. Prelim. Resp. 37–40. After reviewing the parties' arguments and evidence, we find Petitioner provides a sufficient showing of the prior art teachings for this limitation.

(ii) (g) transmitting at least a portion of said response from the user to a server in real time via a network

Petitioner argues that Barbosa discloses transmitting user responses in real time via a network to the remote server. Pet. 37. Petitioner quotes Barbosa's disclosure that: "[r]ealtime analysis of data obtained may also be undertaken by remote processor (e.g., server . . .)." *Id.* (quoting Ex. 1002,

7:54-56) (emphasis omitted). Petitioner also quotes Barbosa's disclosure that "two-way communication between remote computing means (e.g., servers, desktop computers) and handheld data management devices to facilitate real-time access to remote programs, assistance and/or information related to the field assessment being undertaken by using a handheld data management device user." *Id.* (quoting Ex. 1002, at [57]). Petitioner's arguments are supported by the declaration testimony of Mr. Roman. Ex. 1005 ¶ 167. Patent Owner provides no counterargument. Prelim. Resp. 37–40. After reviewing the parties' arguments and evidence, we find Petitioner provides a sufficient showing of the prior art teachings for this limitation.

(iii) Additional limitations.

For the limitations of claim 1 not addressed above, we have reviewed the parties' arguments and evidence for those limitations (Pet. 35–37; Prelim. Resp. 37–39), and we find Petitioner provides a sufficient showing for those limitations.

(iv) Summary.

We determine that Petitioner has shown a reasonable likelihood that it would prevail in establishing that claim 1 would have been obvious over Barbosa.

3. Asserted Obviousness of Claims 1 and 19–22 over Barbosa and Bandera

a. Bandera

Bandera discloses a system for providing time and location specific advertising via the Internet. Ex. 1004 [54]. Bandera's system selects an advertising object to be displayed within a web page based on the geographic location of the user or the time of day. *Id.* at 2:35–41. Bandera

discloses that "[c]omputer program code for carrying out operations of the present invention is preferably written in an object oriented programming language such as JAVA®, Smalltalk, or C++." *Id.* at 5:26–28.

b. Discussion

Petitioner argues that if we do not determine that claims 1 and 19–22 would have been obvious over Barbosa alone, we should hold that those claims would have been obvious over Barbosa and Bandera. Pet. 38. Petitioner suggests that the combination of Bandera with Barbosa would remedy any deficiency that we might find with Barbosa's disclosure of device independent tokens. *Id.* at 37–40. Petitioner further provides reasons why it contends an ordinarily skilled artisan would combine Barbosa and Bandera. *Id.* at 38–39.

Petitioner's arguments are supported by the declaration testimony of Mr. Roman. Ex. 1005 ¶¶ 169–171.

Patent Owner argues that neither Barbosa nor Bandera teaches the use of device independent tokens on a handheld device. Prelim. Resp. 42. Further, Patent Owner argues Barbosa's Java implementation could not have read a GPS receiver and maintained device independence of its questionnaire as required by claim 1. *Id.* Patent Owner further argues an ordinarily skilled artisan acting at the time of the invention would have had no incentive to create an operating system that would need to be separately compiled for each different handheld computer model and then further develop a mechanism for creating a tokenized questionnaire with device independent tokens that could, only then, be executed on different devices without recompiling. *Id.* at 41. Patent Owner relies solely on attorney argument to support its assertions. *Id.* at 41–42.

This asserted ground, based on Barbosa and Bandera, relies on the same teachings from those references as Petitioner's first ground, which is based solely on Barbosa. Pet. 38–40. The only difference is that instead of relying on Bandera as evidence of what an ordinarily skilled artisan would have known when considering Barbosa's teachings regarding Java, as Petitioner does with its first ground, for this ground, Petitioner expressly combines Barbosa's and Bandera's teachings. *Id.* After reviewing the parties' arguments and evidence, we determine that Petitioner has set forth a sufficient showing for combining the two references. Pet. 38–39. Patent Owner's argument that an ordinarily skilled artisan would not have created an operating system that needs to be separately compiled for each different type of handheld computer is conclusory and based solely on attorney argument, which we do not find persuasive at this juncture. Prelim. Resp. 41. Regarding the sufficiency of Petitioner's showing that Bandera and Barbosa teach or suggest each of the limitations of claims 1 and 19–22, *see supra* Part II.E.3. (discussion regarding Barbosa and Bandera's teachings).[12]

4. Asserted Obviousness of Claim 7 over Barbosa and Falls

a. Falls

Falls provides a system and method for facilitating disconnected mobile computing. Ex. 1017, 3:15–17. Falls discloses that, with its system, prior to disconnection of a mobile computer, network administrators or users select data that should be copied from a network to a mobile computer by

[12] As mentioned above, in the first ground, Petitioner relies on Bandera as evidence of the knowledge of an ordinarily skilled artisan. Pet. 23–25. For the second ground, Petitioner relies on the same disclosures in Bandera, but as teachings that Petitioner combines with Barbosa. *Id.* at 38–40.

identifying one or more target database subtrees. *Id.* at 3:17–21. Further, Falls discloses that, during disconnected operation of the mobile computer, its system presents the user with a "virtual network" environment that is consistent in use and appearance with the selected portion of the actual network. *Id.* at 3:21–25.

b. Claim 7

After reviewing the parties' arguments and evidence, we do not discern at this stage of the proceedings that Petitioner has sufficiently demonstrated that the prior art teaches the two limitations of claim 7 that we address below.

(i) (b) automatically transferring said designed questionnaire to at least one loosely networked computer

Petitioner argues that Barbosa transfers designed questions to device 10. *Id. Further,* Petitioner argues that the transfer of these designed questions to device 10 occurs automatically. *Id.* at 43. But with respect to the purportedly automatic nature of this transfer, Petitioner provides no analysis. *Id.* Instead, Petitioner merely states: "[t]he transfer occurs automatically as disclosed, for example, at 3:28–43; 6:24–39; 6:64–67." *Id.* The purportedly automatic transfer of a questionnaire to device 10, however, is not evident from those cited passages, which read as follows:

> It is another aspect of the present invention to provide methods for field assessment data synchronization and/or delivery using wireless capabilities resident in handheld personal computing devices. Data may be synchronized with a server over a network using wireless radio transmission, or directly to a computer workstation using wireless infrared or radio transmission or connected means (e.g., modems, cradles, docking stations). (Ex. 1002, 3:28–36.)

> It is another aspect of the present invention to provide for two-way communication between remote computing means (e.g., servers, desktop computers) and handheld data management devices to facilitate real-time access to remote programs, assistance and/or information related to the field assessment being undertaken by using a handheld data management device user. (Ex. 1002, 3:37–43)
>
> Communications module 42 provides wireless realtime access to servers and personnel in support of assessments, and may also provide more traditional information available over networks, (e.g., e-mail, chat, Intranet and Internet information). Preferably, no plugging in or dialing up i[s] needed through integration of the communication module 42 into a handheld device. As shown in FIG. 4, the device 10 can preferably communicate with a PC 36 through an infrared communications link 38 to exchange and update information both ways. This feature makes it particularly easy to update and change personal schedules as needed. The device 10 may include an integrated modem 40 to provide data transfer functions and for remote connectivity. This feature allows a person (such as a supervisor, counselor or service representative) remote from the user to provide tasks, answers to queries, notes and other information for use and display on the users device 10 using standard telecommunications technology (e.g., wired and wireless GSM, CDMA, CDPD, and paging networks). (Ex. 1002, 6:24–39.)
>
> Interactivity may also be provided to remote resources when two-way communication is provided between the device and a remote server and/or support representative. (Ex. 1002, 6:64–67).

Pet. 43.

The cited testimony from Mr. Roman's declaration also fails to explain why the transfer is automatic. Instead, Mr. Roman merely testifies:

> The transfer occurs automatically as disclosed, for example, at 3:28–43; 6:24–39 ("Preferably, no plugging in or dialing i[s] needed through integration of the communication module 42 into

> a handheld device"); 6:64–67 ("Interactivity may also be provided to remote resources when two-way communication is provided between the device and a remote server and/or support representative.").

Ex. 1005 ¶ 176.

Accordingly, we do not discern that Petitioner's showing regarding the prior art teachings of this limitation is sufficient.[13]

(ii) (f) making available via the Internet any responses transferred to said central computer in step (e)

Petitioner argues that "Barbosa discloses this limitation. *See* VII.C.ii.A." Pet. 45. In Section VII.C.ii.A. of the Petition, Petitioner argues "Barbosa provides '[a]n interactive question and answer session.' Ex. 1002, 6:62, 9:38-40, 12:55-57; *see also* 7:12–22, 7:41–63, FIGs. 6 and 7 (steps 709, 710)." *Id.* at 42. For the "making available" limitation, Petitioner further argues "Barbosa discloses making the responses available via the Internet. Ex. 1002, 12:55–57, 7:12–22, 7:41–63, FIGs. 6 and 7 (steps 709, 710); Ex. 1005 ¶ 185." Pet. 45. Petitioner, however, does not explain how the portions of Barbosa that it cites as disclosing making available responses on the Internet actually disclose making responses transferred to the central computer in step (e) available via the Internet. *Id.* And it is not evident from those cited portions of Barbosa how the responses transferred to the

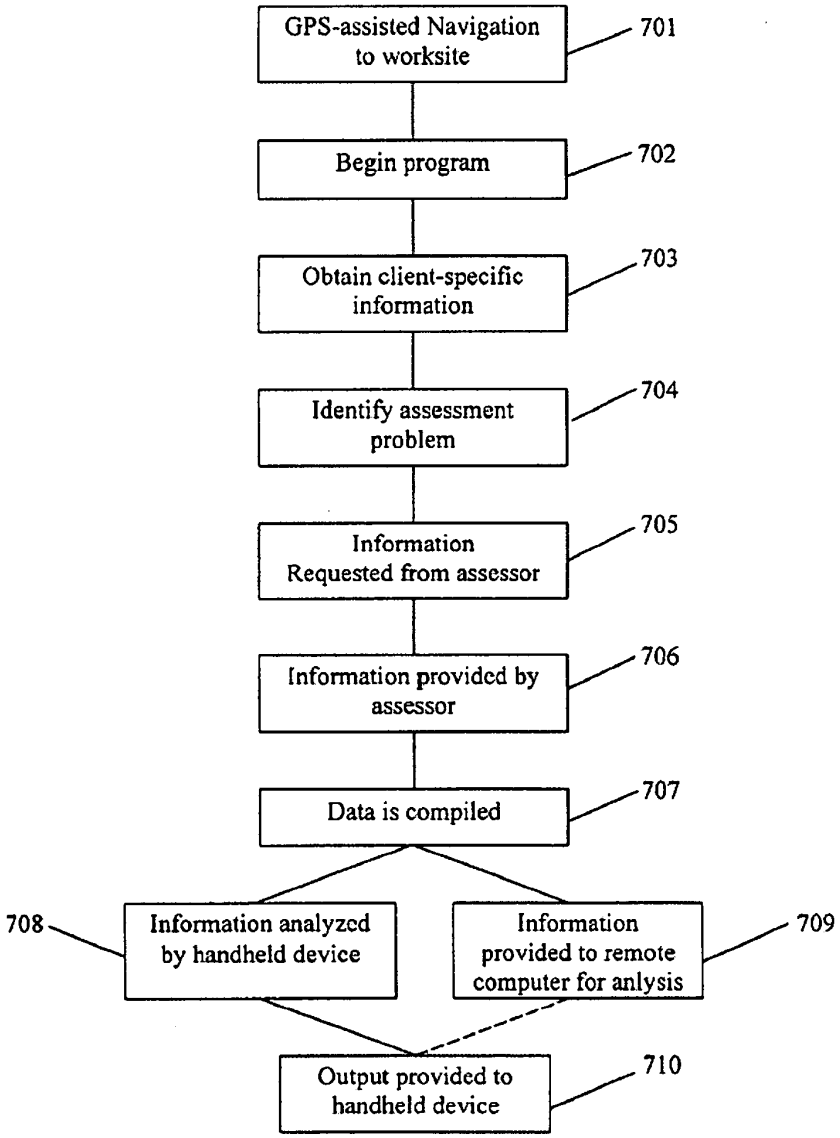
[13] For the recited "loosely networked computer," Petitioner argues that data is automatically transferred when a connection is available for the handheld device. Pet. 43–44. That argument does not appear to be directed to the automatic transfer of the designed questionnaire, but even if it were so intended, it also relies solely on the conclusory testimony of Mr. Roman for support. *Id.*

central computer are made available via the Internet. The cited portions of text from Barbosa read:

> the remote computer may be connected to the user's computer through a LAN or a WAN, or the connection may be made to an external computer (for example, through the Internet using an Internet Service Provider). (12:54–58)
>
> Client programs and Server programs are often part of a larger program or application. Relative to the Internet, a Web browser is a client program that requests services (the sending of Web pages or files) from a Web server (which technically is called a Hypertext Transport Protocol or HTTP server) in another computer somewhere on the Internet. Similarly, a computer with TCP /IP installed allows client requests for files from 20 File Transfer Protocol (FTP) servers in other computers on the Internet. (7:12–22.)
>
> A user in the field may utilize a handheld device 10 for assessment of a field problem. The user can execute a[n] industry-specific program on the handheld device 10 related to the problem being addressed. The user interacts with the handheld executed program to obtain an initial field assessment. The program would prompt the user for input of data related to the problem. During program execution, the user may access remote resources (e.g., information, data, assistance) via wireless communication systems 51 and networks 55. Information may be obtained from a server 58 located at the user's enterprise, or from other network 55 resources available to the user (e.g., Web pages provided/obtained over the Internet). Realtime analysis of data obtained may also be undertaken by remote processor (e.g., server, desktop PC). At completion of data processing by a handheld device remote processor 10 a final output, such as a report, bid, recommendation, or the like may be provided to the user. The user may use the information to counsel a third party, render a final output for the third party, or to troubleshoot equipment. The remote processor (e.g., 58) may also be used as a collection point for data provided from multiple users (e.g., 10, 10'). (7:41–63.)

It is not evident from any of these cited passages that Barbosa makes responses transferred to the central computer available over the Internet.

Barbosa Figure 6, shown above (*see* Section II.E.2.a), similarly does not indicate that Barbosa makes responses sent to a central computer available over the Internet. Nor does Barbosa Figure 7, reproduced below:



Barbosa Figure 7 is a flow chart related to a construction industry application. Ex. 1002, 8:49–50.

The paragraph in Mr. Roman's declaration that Petitioner cites to support its argument that Barbosa makes the pertinent responses available on the Internet (Ex. 1005 ¶ 185) also does not explain how Barbosa purportedly teaches or suggests "making available via the Internet any responses transferred to said central computer in step (e)." In pertinent part, Mr. Roman's testimony merely repeats Petitioner's assertion that "Barbosa discloses making the responses available via the Internet. Ex. 1002 at 12:55–57; *see also* 7:12–22; 7:41-63; FIGs. 6 and 7 (steps 709 and 710)." Ex. 1005 ¶ 185.

Accordingly, we do not discern that Petitioner's showing regarding the prior art teachings of this limitation is sufficient.

In view of the foregoing, Petitioner does not appear to have established a reasonable likelihood of prevailing on its assertion that claim 7 would have been obvious over Barbosa and Falls.

5. Asserted Obviousness of Claims 1, 2, 5, and 19–22 over Hancock

a. Hancock

Hancock discloses an internet based geographic location referencing system. Ex. 1003 [75]. The disclosed system provides informational services to users based on their geographic location. *Id.* at 1:15–20. In Hancock, Go2 Application program 1500 is used in portable-computing devices 1302. *Id.* at 26:30–34. Go2 Application 1500 includes web browser module 1302.

b. Discussion

We do not discern that the Petition sufficiently demonstrates the obviousness of claims 1, 2, 5, and 19–22 over Hancock at this stage of proceeding. In particular, Petitioner's showing regarding Hancock's disclosure of the use of device independent tokens appears insufficient. Petitioner argues that it would have been obvious to an ordinarily skilled artisan to implement the Hancock's Go2 Application using Java because an ordinarily skilled artisan would have understood that the Java programming language is a programming language that provides device independence. Pet. 51. Petitioner further argues that because it would have been an obvious design choice to implement the Go2 Application using Java, and because an ordinarily skilled artisan would have understood that Java provides device-independent code, the ordinarily skilled artisan would have found it obvious to implement the Go2 Application using Java such that it would provide a plurality of device independent tokens. *Id.* at 51–52. Both the Petition and the cited declaration testimony from Mr. Roman, however, provide limited analysis and evidence to support this contention. *Id.*; Ex. 1005 ¶¶ 132–133, 195. In view of the foregoing, Petitioner does not appear to have established a reasonable likelihood of prevailing on its assertion that claims 1, 2, 5, and 19–22 would have been obvious over Hancock.

6. Asserted Obviousness of Claims 1, 2, 5, and 19–22 over Hancock and Bandera

Petitioner argues that if we do not determine that claims 1 and 19–22 would have been obvious over Hancock alone, we should then hold that those claims would have been obvious over the combination of Hancock and Bandera. Pet. 68. Petitioner suggests that the combination with Bandera would remedy any deficiency that we might find regarding Hancock's

teaching or suggestion of device independent tokens and Java. *Id.* at 68–71. Petitioner further provides reasons it contends an ordinarily skilled artisan would have combined Barbosa's disclosure of Java with Hancock. *Id.* at 69–70.

Patent Owner argues that neither Hancock nor Bandera discloses device independent tokens, at least some of which are executable. Prelim. Resp. 47. Patent Owner also argues that Petitioner has not explained how a program written in Java on a handheld device could read a GPS device in a device independent manner. *Id.* at 48.

We determine that Petitioner has demonstrated a reasonable likelihood of prevailing with its assertion that claims 1 and 19–22 would have been obvious over Hancock and Bandera. Petitioner's arguments on the teachings of the prior art and rationale for the combination are supported by the declaration testimony of Mr. Roman, which we find sufficient for the teachings of the prior art for purposes of institution.[14] [15] Regarding Patent Owner's argument that Petitioner has not explained how a program written

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[14] We note that Petitioner does not cite to support other than expert testimony for this contention or identify specific Java code or features that it contends constitutes the index, instruction, or command. Patent Owner has not challenged Petitioner's showing on this basis, and, at this juncture, we find that Petitioner demonstrates a reasonable likelihood of success on this challenge based on expert testimony. We make no determination as to Petitioner prevailing on this showing under the preponderance of the evidence standard at trial.

[15] Petitioner maps the recited handheld device to Hancock's client computer 1404 and notes that Hancock discloses that portable computing device 1302 comprises client computer 1404. Pet. 46. Hancock further discloses that personal digital assistants could be used to implement portable computing device 1302. Ex. 1003, 25:29–33.

in Java could read GPS in a device independent manner, none of the challenged claims recite such a limitation.

7. Asserted Obviousness of Claim 7 over Hancock and Falls

After reviewing the parties' arguments and evidence, we do not discern that the Petition sufficiently demonstrates the prior art teachings for the same two limitations discussed in the ground for Barbosa and Falls, discussed above. *See below.*

(i) (b) automatically transferring said designed questionnaire to at least one loosely networked computer

The Petition does not appear to sufficiently demonstrate that Hancock and Falls teach or suggest *automatically* transferring a designed questionnaire to what Petitioner argues is a loosely networked computer. Pet. 73–74. Petitioner does not explain how Hancock and Falls teach or suggest *automatically* transferring a designed questionnaire to at least one loosely networked computer. In its discussion of Hancock's teachings regarding this limitation, Petitioner does not address how any transfer of a designed questionnaire in Hancock is automatic. Petitioner states the following:

> As explained in VII.D.i.B-C, Hancock discloses transferring the designed questions to at least one computer having a GPS integral thereto. *See, e.g.*, Ex. 1003, Abstract; Ex. 1005 ¶ 238.
>
> Hancock addresses services provided via the Internet to users in a mobile environment. See e.g., Ex. 1003, Abstract. As previously discussed, it was well known at the time that such an environment was "loosely networked" because unreliable wireless connections intermittently disconnected. While Hancock does not provide express teachings directed to handling intermittent network connections, as explained in VII.C.ii.C, Falls provides such additional details for dealing with intermittent connections in such environments, disclosing a more

> specific teaching of a loosely connected network. Ex. 1005 ¶[¶] 239–40.
>
> Accordingly, to the extent Hancock's disclosure does not disclose or render obvious the "loosely networked" limitation, it would have been obvious through Hancock in view of Falls. Ex. 1005 ¶ 241.

Pet. 73 (emphases omitted).

The cited paragraphs of Mr. Roman's declaration also do not address how Hancock teaches or suggests making any transfer of a designed questionnaire to device 10 automatic. Mr. Roman testifies that Hancock describes automatically transmitting an electronic data packet to the server. Ex. 1005 ¶ 238. Claim 7, however, requires that the transfer be to the loosely networked computer, which Petitioner maps to device 10. Further, Mr. Roman maps the recited questionnaire to the Go2 Application software. Ex. 1005 ¶ 191. Mr. Roman cites Hancock Figure 18 as disclosing the transfer of this software to the handheld device. *Id.* ¶ 190. Steps 1806, 1808, 1824, and 1811 of Hancock Figure 18 indicate that the transfer of the Go2 Application software to the handheld device is not automatic—the user is queried and must agree to the transfer before the transfer occurs. Ex. 1003, Fig. 18.

Accordingly, we do not discern that Petitioner's showing regarding the prior art teachings of this limitation is sufficient.

(ii) (f) making available via the Internet any responses transferred to said central computer in step (e)

Petitioner argues that "Hancock discloses this limitation. *See* VII.F.ii.A." Pet. 74. In Section VII.F.ii.A. of the Petition, Petitioner argues that "Hancock . . . explains that all communication between the portable-computing device 1302 and the primary server 1314 can occur via the

Internet." Pet. 72–73 (citing Ex. 1003, 24:39-41, Fig. 13). For this limitation, Petitioner also argues that "Hancock explains that communication between the device and server can occur via the Internet." Pet. 74 (citing Ex. 1003, 24:39–41, Fig. 13; Ex. 1005 ¶¶ 245–246). The cited testimony by Mr. Roman provides no further discussion, but instead states in a conclusory manner that "Hancock explains that communication between the portable computing device 1302 and the primary server 1314 can occur via the Internet." Ex. 1005 ¶ 246 (citing Ex. 1003, 24:39-41, Fig. 13), *see also* ¶ 236. Petitioner's arguments and Mr. Roman's testimony merely address how Hancock transfers responses to primary server 1314, which Petitioner argues is the central computer. Neither explains how Hancock makes available via the Internet any responses that were transferred to primary server 1314 (the identified central computer). Accordingly, we do not discern that Petitioner's showing regarding the prior art teachings of this limitation is sufficient.

In view of the foregoing, Petitioner does not appear to have established a reasonable likelihood of prevailing on its assertion that claim 7 would have been obvious over Hancock and Falls.

III. CONCLUSION

For the foregoing reasons, we determine Petitioner has established a reasonable likelihood of prevailing on assertions that at least one challenged claim is unpatentable.

IV. ORDER

Accordingly, it is:

ORDERED that, pursuant to 35 U.S.C. § 314, *inter partes* review of claims 1, 2, 5, 7, and 19–22 of the challenged patent is instituted with respect to all grounds raised in the Petition; and

FURTHER ORDERED that, pursuant to 35 U.S.C. § 314(a) and 37 C.F.R. § 42.4(b), *inter partes* review of the challenged patent shall commence on the entry date of this Decision, and notice is hereby given of the institution of a trial.

PETITIONER:

Tara D. Elliott
Lisa K. Nguyen
LATHAM & WATKINS LLP
tara.elliott@lw.com
lisa.nguyen@lw.com

Robert H. Reckers
SHOOK, HARDY & BACON L.L.P.
rreckers@shb.com

Ricardo Bonilla
FISH & RICHARDSON P.C.
rbonilla@fr.com

PATENT OWNER:

Terry Watt
CROWE & DUNLEVY
terry.watt@crowedunlevy.com

Matthew J. Antonelli
Michael E. Ellis
Larry D. Thompson, Jr.
ANTONELLI, HARRINGTON & THOMPSON
matt@ahtlawfirm.com
michael@ahtlawfirm.com
larry@ahtlawfirm.com

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court for the Eastern District of Texas on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:18-cv-411	8/15/2018	for the Eastern District of Texas

PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	STARBUCKS CORPORATION

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,454,748	9/27/2016	FALL LINE PATENTS, LLC
2			
3			
4			
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

It is therefore ORDERED that all claims made by Fall Line against Starbucks in this action are DISMISSED WITH PREJUDICE.

Each party shall bear its own attorneys' fees and costs.

CLERK	(BY) DEPUTY CLERK	DATE
David A. O'Toole	Rosa L. Ferguson	6/11/19

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

Trials@uspto.gov
Tel: 571-272-7822

Paper 32
Date: August 5, 2020

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERICAN MULTI-CINEMA, INC.; AMC ENTERTAINMENT HOLDINGS, INC.; BOSTON MARKET CORPORATION; MOBO SYSTEMS, INC.; MCDONALD'S CORPORATION; MCDONALD'S USA; PANDA RESTAURANT GROUP, INC.; PANDA EXPRESS INC.; PAPA JOHN'S INTERNATIONAL, INC.; STAR PAPA LP; and PAPA JOHN'S USA, INC.,
Petitioner,

v.

FALL LINE PATENTS, LLC,
Patent Owner.

IPR2019-00610
Patent 9,454,748 B2

Before MICHELLE N. WORMMEESTER, SHEILA F. McSHANE, and JOHN R. KENNY, *Administrative Patent Judges.*

KENNY, *Administrative Patent Judge.*

JUDGMENT
Final Written Decision
Determining Some Challenged Claims to be Unpatentable
35 U.S.C. § 318(a)

I. INTRODUCTION

American Multi-Cinema, Inc.; AMC Entertainment Holdings, Inc.; Boston Market Corp; Mobo Systems, Inc. d/b/a OLO Online Ordering; McDonald's Corp; McDonald's USA; Panda Restaurant Group, Inc.; Panda Express Inc.; Papa John's International, Inc.; Star Papa LP; and Papa John's USA, Inc. (collectively, "Petitioner") filed a Petition (Paper 7, "Pet.")[1] requesting an *inter partes* review of claims 1, 2, 5, 7, and 19–22 ("challenged claims") of U.S. Patent No. 9,454,748 B2 (Ex. 1001, "the '748 patent," "challenged patent"). An *inter partes* review of all challenged claims was instituted on August 7, 2019. Paper 14 ("Inst. Dec."). After institution, Fall Line Patents, LLC ("Patent Owner") filed a Patent Owner Response (Paper 17, "PO Resp."), Petitioner filed a Reply (Paper 19, "Pet. Reply"), and Patent Owner filed a Sur-reply (Paper 20, "PO Sur-reply"). An oral hearing was held on April 28, 2020. Paper 25 ("Tr.").

After the oral hearing, we authorized additional briefing on a claim construction issue concerning certain claim terms. Paper 24. Pursuant to that authorization, Petitioner filed a Supplemental Brief (Paper 27) ("Pet. Supp. Br.") as did Patent Owner (Paper 28, "PO Supp. Br."). Petitioner responded to Patent Owner's Supplemental Brief (Paper 29, "Pet. Supp. Resp."), and Patent Owner responded to Petitioner's Supplemental Brief (Paper 30, "PO Supp. Resp.").[2]

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[1] The Petition was also filed on behalf of Starbucks Corporation, but Starbucks entered into a settlement agreement and was terminated from this proceeding. Pet. 1; Paper 11, 13.

[2] Petitioner requested authorization to a file a motion to strike Section II.B. of Patent Owner's supplemental response (Paper 30) on the grounds that

We have jurisdiction under 35 U.S.C. § 6. This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a). As explained below, Petitioner has proven by a preponderance of the evidence that claims 1, 2, 5, and 19–22 of the '748 patent are unpatentable. Petitioner, however, has not proven by a preponderance of the evidence that claim 7 is unpatentable.

A. Related Proceedings

The parties identify a number of related litigations in the Eastern District of Texas involving the challenged patent. Pet. 1–2; Paper 9, 2–3. As the parties state, the challenged patent was also reviewed in IPR2018-00043, which has been remanded to the Board. Pet. 1–2; Paper 9, 2–3; *see Fall Line Patents, LLC v. Unified Patents, LLC*, 2019-1956, 2020 WL 4307768, at *4 (Fed. Cir. July 28, 2020). The parties further indicate that the challenged patent was the subject of the petition filed in IPR2018-00535, but that proceeding was terminated before an institution decision issued. Pet. 2; Prelim. Resp. 3. Petitioner further indicates that U.S. Patent No. 7,822,816, of which the challenged patent is a continuation, was the subject of Reexamination No. 90/012,829 and was the subject of IPR2014-00140, the latter of which was terminated after institution. Pet. 3.

Section II.B. exceeded the authorized scope of briefing. Paper 31. We denied that authorization because we could discern, without additional briefing, whether Section II.B. exceeded its authorized scope. *Id.* Further, the issue is moot because we considered that supplemental response only for the claim construction issue that the parties were authorized to address (Paper 24), and not for any other purpose.

B. The Challenged Patent

The challenged patent is directed to a method of collecting data from a remote computing device, such as a handheld computing device, by creating and delivering a questionnaire to the remote computing device, executing the questionnaire on the remote computing device, and transmitting responses to a server via a network. Ex. 1001, code (57).

Figure 1 reproduced below, is a diagram of a system for data management (Ex. 1001, 6:57, 7:13–23):

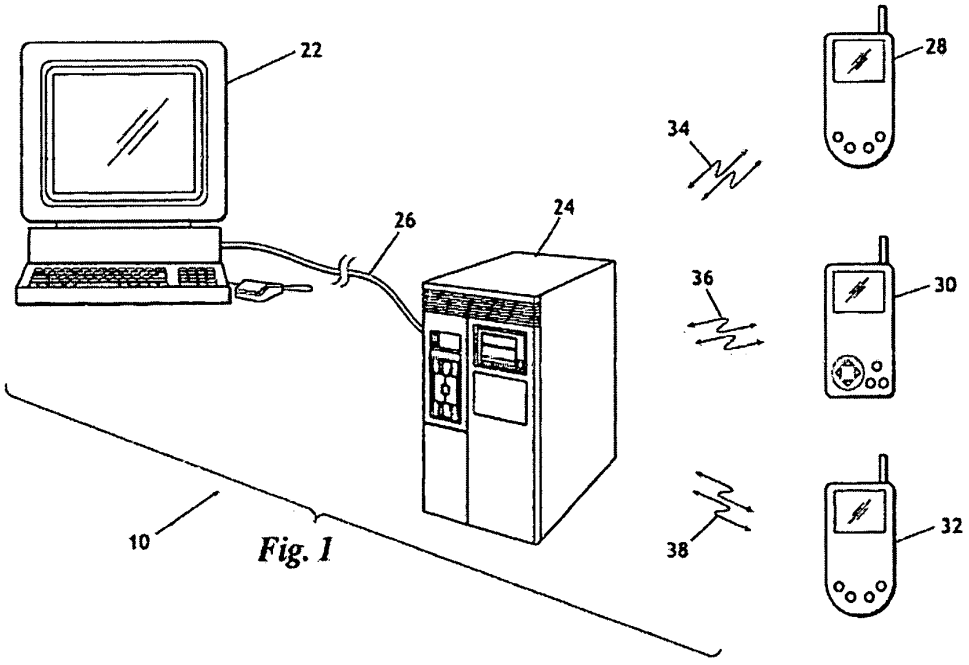


Fig. 1

In particular, Figure 1 shows system 10 including server 24; handheld computers 28, 30, and 32, which are operated remotely from server 24; and computer 22, which provides for administration of the system and reviewing data collected by the system. *Id.* at 7:13–23, Fig. 1. Server 24 is connected to computer 22 via Internet 26, a local area network, or a private wide area

network. *Id.* at 7:24–28, Fig. 1. Server 24 is connected to handheld computers 28, 30, and 32 via connections 34, 36, and 38, respectively, which are loose network connections, meaning that handheld computers 28, 30, and 32 and server 24 are tolerant of intermittent network connections. *Id.* at 7:24–26, 59–62.

Figure 2, reproduced below, illustrates a diagram of system 10 as it is used for form (e.g., questionnaire) creation (Ex. 1001, 6:58–59, 8:11–17, 8:35–37):

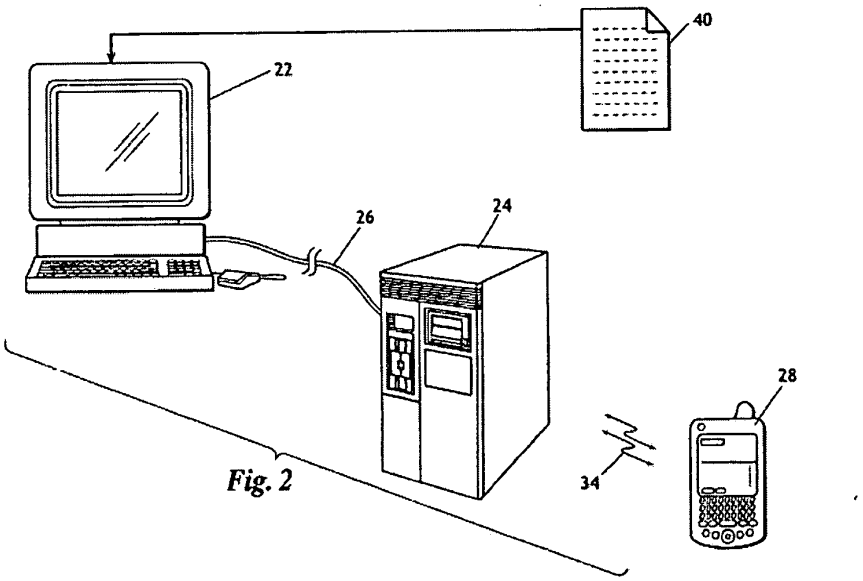


Fig. 2

Figure 2 shows system 10 is used to create questionnaire 40. Ex. 1001, 8:38–9:6. Computer 22 has an interface that allows a user to create this questionnaire and distribute it to handheld devices. *Id.* at 8:38–50. As the client enters questions and selects response types, server 24 builds a stack of questions and responses, and assigns indices, or tokens, which point to each question or response. *Id.* at 8:53–56, 9:3–6. Each token can correspond to a

logical, mathematical, or branching operation. *Id.* at 8:56–59, 9:3–6. When questionnaire 40 is complete, server 24 sends the stack of questions and defined responses to the handheld devices (e.g., handheld computer 28). *Id.* at 9:3–6. System 10 can incrementally update the questionnaire on the handheld devices. *Id.* at 9:14–18.

For example, system 10 can track mystery shoppers at restaurant chains. Ex. 1001, 10:37–43. System 10 can track the time it takes a mystery shopper to go through a drive through window. *Id.* at 10:41–43. When the mystery shopper enters a parking lot for a franchise, a handheld device with a GPS receiver can identify the franchise. *Id.* at 10:55–59. The device can also record the amount of time it takes for the shopper to go through a drive through line. *Id.* at 10:55–11:21.

C. *Illustrative Claims*

Petitioner challenges claims 1, 2, 5, 7, and 19–22 of the challenged patent, of which, claims 1, 7, 19, and 21 are independent. Claims 7 and 19 are reproduced below:

> 7. A method for collecting survey data from a user and making responses available via the Internet, comprising:
>
> (a) designing a questionnaire including at least one question said questionnaire customized for a particular location having branching logic on a first computer platform wherein at least one of said at least one questions requests location identifying information;
>
> (b) automatically transferring said designed questionnaire to at least one loosely networked computer having a GPS integral thereto;

(c) when said loosely networked computer is at said particular location, executing said transferred questionnaire on said loosely networked computer, thereby collecting responses from the user;

(d) while said transferred questionnaire is executing, using said GPS to automatically provide said location identifying information as a response to said executing questionnaire;

(e) automatically transferring via the loose network any responses so collected in real time to a central computer; and,

(f) making available via the Internet any responses transferred to said central computer in step (e).

Ex. 1001, 14:45–67.

19. A method for managing data comprising the steps of:

(a) establishing communications between a handheld computing device and an originating computer wherein said handheld computing device has a GPS integral thereto;

(b) receiving within said handheld computing device a transmission of a tokenized questionnaire from said originating computer,

said tokenized questionnaire including at least one question requesting location identifying information,

said tokenized questionnaire comprising a plurality of device independent tokens;

(c) ending said communications between said handheld computing device and said originating computer;

(d) after said communications has been ended,

(dl) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a first user, and,

> (d2) storing within said computing device said at least one response from the first user;
>
> (d3) using said GPS to automatically obtain said location identifying information in response to said at least one question that requests location identifying information;
>
> (e) establishing communications between said handheld computing device and a recipient computer;
>
> (f) transmitting a value representative of each of said at least one response stored within said handheld computing device to said recipient computer; and,
>
> (g) after receipt of said transmission of step (f), transmitting a notice of said received value representative of each of said at least one response to a second user.

Ex. 1001, 16:48–17:12.

D. Instituted Grounds of Unpatentability and Asserted Prior Art

Trial was instituted on the following grounds of unpatentability[3] asserted in the Petition:

[3] The Leahy-Smith America Invents Act ("AIA"), Pub. L. No. 112-29, 125 Stat. 284, 285–88 (2011), amended 35 U.S.C. §§ 102 and 103. Because the application from which the '748 patent issued was filed in October 2010, before March 16, 2013, the effective date of the relevant amendments, the pre-AIA versions of § 103 applies. Ex. 1001, code (22).

Claims Challenged	35 U.S.C. §	Reference(s)/Basis
1, 19–22	103(a)	Barbosa[4,5]
1, 19–22	103(a)	Barbosa, Bandera[6]
7	103(a)	Barbosa, Falls[7]
1, 2, 5, 19–22	103(a)	Hancock[8]
1, 2, 5, 19–22	103(a)	Hancock, Bandera
7	103(a)	Hancock, Falls

Inst. Dec. 7, 53.

Petitioner relies on declarations by its expert witness, Mr. Kendyl Roman (Exs. 1005, 1018). Likewise, Patent Owner relies on a declaration by its expert witness, Dr. Samuel Russ (Ex. 2006).

[4] U.S. Patent No. 6,961,586 B2, filed Sept. 17, 2001, claims the benefit of an application filed on Sept. 18, 2000, and issued on Nov. 1, 2005 (Ex. 1002, "Barbosa"). The earliest filing date that the '748 patent claims the benefit of is August 19, 2002. Ex. 1001, code (60).

[5] For the Barbosa ground and the Hancock ground, Petitioner also expressly relies on the knowledge of an ordinarily skilled artisan. Pet. 5. We refer to these grounds as Barbosa-alone and Hancock-alone grounds, but included within these grounds is the knowledge of an ordinarily skilled artisan.

[6] U.S. Patent No. 6,332,127 B1, issued Dec. 18, 2001 (Ex. 1004, "Bandera").

[7] U.S. Patent No. 5,991,771, issued Nov. 23, 1999 (Ex. 1017, "Falls").

[8] U.S. Patent No. 6,202,023 B1, issued Mar. 13, 2001 (Ex. 1003, "Hancock").

II. ANALYSIS

A. Level of Ordinary Skill

In our Institution Decision, we determined that an ordinarily skilled artisan at or before the priority date for the challenged patent "would have a bachelor's degree in computer science, computer engineering, electrical engineering, or a related subject, or equivalent industry or trade school experience in programming software applications." Inst. Dec. 12. During trial, neither party objected to that assessment of an ordinarily skilled artisan. *See generally* PO Resp.; Pet. Reply. Thus, we maintain this assessment.

B. Claim Construction

We construe claims "using the same claim construction standard that would be used to construe the claim in a civil action under 35 U.S.C. § 282(b), including construing the claim in accordance with the ordinary and customary meaning of such claim as understood by one of ordinary skill in the art and the prosecution history pertaining to the patent." *See* Changes to the Claim Construction Standard for Interpreting Claims in Trial Proceedings Before the Patent Trial and Appeal Board, 83 Fed. Reg. 51,340, 51,340, 51,358 (Oct. 11, 2018) (amending 37 C.F.R. § 42.100(b) effective November 13, 2018) (now codified at 37 C.F.R. § 42.100(b) (2019)).

1. Claim Constructions in Our Institution Decision

In our Institution Decision, we provided the following claim constructions:

Claim Term	Construction
GPS integral thereto	Global Positioning System equipment integral thereto.
token	a distinguishable unit of a program, such as an index, an instruction, or a command that can represent something else such as a question, answer, or operation.
central computer, originating computer, and recipient computer[9]	encompasses a computer having the ability to perform functions associated with an originating computer, a recipient computer, and/or a central computer.
loosely networked	tolerant of intermittent network connections and tolerant of the type of network connection available.

Inst. Dec. 12–18.

During the trial, neither party objected to these constructions/partial construction. *See* PO Resp., generally; Pet. Reply, generally. Under the circumstances, we maintain these constructions and partial construction.

2. GPS and Device Independence/Indifference

During trial, the parties implicitly raised a claim construction issue in their arguments on obviousness regarding the recitation in claims 1, 19, and 21 of GPS, "device indifferent tokens," and "device independent tokens," which the parties expressly addressed in their supplemental briefing. Pet. 7; PO Resp. 17–21; Pet. Supp. Br. 1–5; PO Supp. Br. 3–5. In particular, claim 1 of the challenged patent recites the following limitations:

> (c) tokenizing said questionnaire, thereby producing a plurality of *device indifferent tokens* representing said questionnaire;

[9] We partially construed these terms. Inst. Dec. 17.

> (e) when said remote computing device is at said location, executing at least a portion of said plurality of tokens representing said questionnaire at within said remote computing device to collect a response from a user; [and]
>
> (f) automatically entering the *GPS coordinates* into said questionnaire.

Ex. 1001, 1:47–65 (emphasis added).

Claim 19 recites these limitations:

> (b) receiving within said handheld computing device a transmission of a tokenized questionnaire from said originating computer, said tokenized questionnaire including at least one question requesting location identifying information, said tokenized questionnaire comprising a plurality of *device independent tokens*;
>
> (dl) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a first user, and,
>
> (d3) using said *GPS* to automatically obtain said location identifying information in response to said at least one question that requests location identifying information.

Id. at 16:48–17:12 (emphasis added).

And claim 21 recites these limitations:

> (a)(2) receiving within said handheld computing device a transmission of a tokenized questionnaire, including at least one question requesting *GPS coordinates* and at least one additional question, said tokenized questionnaire comprising a plurality of *device independent tokens*;
>
> (a)(4)(i) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device, [and]
>
> (a)(4)(ii) automatically entering the *GPS coordinates* into said questionnaire.

Id. at 17:15–18:27 (emphasis added).

Patent Owner proposes construing the above limitations as requiring that step 1(f) in claim 1, step (d3) in claim 19, and step (a)(4)(ii) of claim 21 be performed by executing device independent or device indifferent tokens. PO Supp. Br. 3–5. Petitioner opposes that construction, arguing that step 1(f) in claim 1, step (d3) in claim 19, and step (a)(4)(ii) of claim 21 do not need to be performed by executing device independent or device indifferent tokens. Pet. Supp. Br. 1–5.

We agree with Petitioner and do not construe step 1(f) of claim 1, step (d3) of claim 19, and step (a)(4)(ii) of claim 21 as requiring execution by device independent or device indifferent tokens. We begin with claim 1. Step 1(f) does not contain any express limitations on how the recited GPS coordinates are automatically entered into the recited questionnaire. In comparison, step 1(c) requires that the questionnaire be tokenized. Step 1(f) merely recites "automatically entering the GPS coordinates into said questionnaire." The Specification of the challenged patent does not define any terms recited in step (f) that would lead to a requirement that the GPS coordinates in that step would have to be automatically entered into the recited questionnaire via execution of device indifferent tokens. To the contrary, the Specification teaches that "position information" (e.g., GPS coordinates) can be obtained automatically using "subsystems that are already present in the handheld device . . . if the device includes a GPS receiver." Ex. 1001, 5:42–47. Neither party has identified any portion of the prosecution history requiring the recited GPS coordinates be entered into the questionnaire by executing device indifferent tokens. *See generally* Pet. Supp. Br., PO Supp. Br., Pet. Supp. Resp., PO Supp. Resp. And neither

party provided any dictionary definitions that indicate that the recited GPS coordinates must be entered into the questionnaire by executing device indifferent tokens. *See generally* Pet. Supp. Br., PO Supp. Br., Pet. Supp. Resp., PO Supp. Resp. Based on the record, and particularly claim language itself and the Specification, we determine that step (f) in claim 1 does not have to be performed by device indifferent tokens.

Patent Owner's contrary arguments are not persuasive. First, Patent Owner argues that the challenged claims require an operating instruction system that utilizes device indifferent or device independent tokens. PO Supp. Br. 1 ("Claims in the '748 patent that call for a tokenized questionnaire require an operating instruction system ('OIS') on the recipient device that can process the tokens of the questionnaire."), 3 ("The token is interpreted and executed by the OIS."). But claim 1 does not recite an operating instruction system, and Patent Owner does not identify any terms recited in claim 1 that purportedly require the use of the disclosed operating instruction system. PO Supp. Br. 1–5; PO Supp. Resp. 1–2. In fact, during prosecution, the applicant presented a claim (application claim 9) that expressly recited the operating instruction system, but the applicant subsequently canceled that claim. Ex. 1007, December 2012 Amendment and Response, 5; *Id.* at May 2016 Amendment and Response, 6, 16..

Second, Patent Owner argues that all of the tokens in the questionnaire in claim 1 must be device indifferent so the same questionnaire can be used without change on different devices. PO Supp. Br. 4. But Patent Owner does not identify any terms in claim 1 that require that the same questionnaire be capable of being used on different devices without being changed. *Id.* Moreover, claim 1 does not require that tokens

in the questionnaire be executed to enter the GPS coordinates into the questionnaire. As mentioned, the Specification discloses that subsystems present in the handheld device, rather than in the questionnaire, can automatically obtain position information from a device with a GPS receiver. Ex. 1001, 5:42–47. Thus, we do not construe step (f) of claim 1 as requiring performance by executing device indifferent tokens.

Claims 19 and 21 recite similar steps to those discussed above for claim 1, but the corresponding steps in claims 19 and 21 recite "device independent tokens," rather than "device indifferent tokens." The parties, however, draw no distinction between device independent tokens and device indifferent tokens, and the Specification does not distinguish between these tokens. *See generally* Pet. Supp. Br., PO Supp. Br., Pet. Supp. Resp., PO Supp. Resp. Thus, for purposes of this Decision, the terms "device independent tokens" and "device indifferent tokens" are synonyms.

The parties present the same arguments and evidence for step (d3) in claim 19 and step (a)(4)(ii) in claim 21 as they do for step (f) in claim 1. *See generally* Pet. Supp. Br., PO Supp. Br., Pet. Supp. Resp., PO Supp. Resp. Thus, we determine that step (d3) in claim 19 and step (a)(4)(ii) in claim 21 do not have to be performed by executing device independent tokens for the same reasons that step (f) in claim 1 does not have to be performed by executing device indifferent tokens.

In sum, we determine that step 1(f) in claim 1, step (d3) in claim 19, and step (a)(4)(ii) of claim 21 do not need to be performed by executing device independent or device indifferent tokens.

C. Analysis of the Asserted Grounds of Unpatentability

A patent claim is unpatentable under 35 U.S.C. § 103(a) if the differences between the claimed subject matter and the prior art are "such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007). The question of obviousness is resolved on the basis of underlying factual determinations, including: (1) the scope and content of the prior art; (2) any differences between the claimed subject matter and the prior art; (3) the level of skill in the art; and (4) objective evidence of nonobviousness, i.e., secondary considerations. *Graham v. John Deere Co.*, 383 U.S. 1, 17–18 (1966). Further, "[t]o satisfy its burden of proving obviousness, a petitioner cannot employ mere conclusory statements. The petitioner must instead articulate specific reasoning, based on evidence of record, to support the legal conclusion of obviousness." *In re Magnum Oil Tools Int'l, Ltd.*, 829 F.3d 1364, 1380 (Fed. Cir. 2016). We analyze the asserted grounds with these principles in mind.

1. Secondary Considerations of Non-Obviousness

Patent Owner does not present any evidence or argument regarding secondary considerations of non-obviousness relating to any challenged claim. And Petitioner does not expressly argue the existence of any secondary considerations. In response to an argument by Patent Owner, however, Petitioner asserts that Java Specification Request 179 (Exhibit 1019) was contemporaneously developed at the time of the alleged invention of the challenged patent. Pet. Reply 7–8. Further, Petitioner contends that development of Java Specification Request 179 demonstrates that there was

no fundamental impediment to Java applets receiving GPS data without invoking the Java native interface as of the effective filing date for the challenged patent. *Id.* We address the parties' arguments regarding that Java Specification Request in Section II.C.2.b.i.5. below.

2. Asserted Obviousness over Barbosa

Petitioner argues that claims 1 and 19–22 would have been obvious over Barbosa. Pet. 18–37.

a. Barbosa

Barbosa relates to systems for conducting field assessments utilizing handheld data management devices, such as personal digital assistants, handled computers, two-way pagers, and Web/WAP enabled telephony. Ex. 1002, 1:10–16.

Figure 6 of Barbosa is reproduced below:

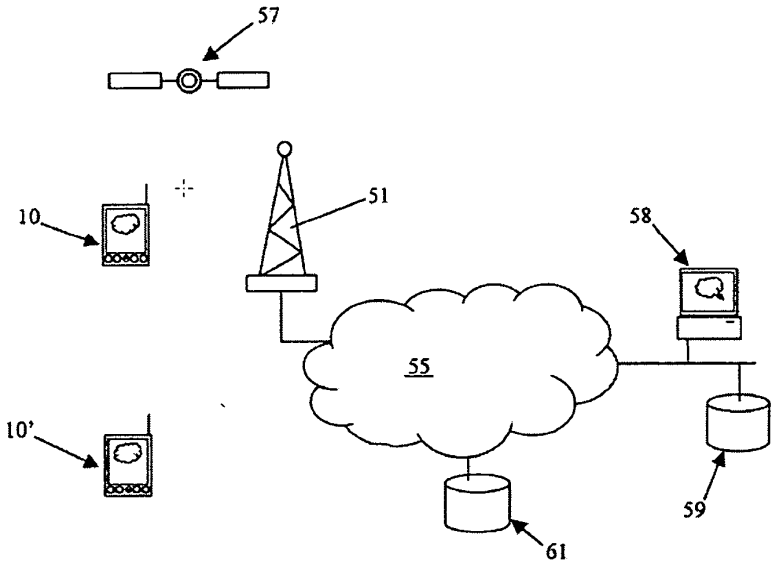


Figure 6 illustrates "an environment for extended operation/communication between a handheld device 10 (client) and remote management system 58 (e.g., server, desktop PC)." Ex. 1002, 7:23–26.

Barbosa discloses that a user in the field may utilize handheld device 10 for assessment of a field problem by executing an industry-specific program on the handheld device related to the problem being addressed. Ex. 1002, 7:42–47. During program execution, the user may access remote resources (e.g., information, data, and assistance) via wireless communication systems 51 and networks 55. *Id.* at 7:48–51. Information may be obtained from server 58 located at the user's enterprise or from other network 55 resources available to the user (e.g., Web pages provided/ obtained over the Internet). *Id.* at 7:51–54.

Barbosa further discloses that "the handheld device may also be equipped within a position module 46 to enable the handheld device to utilize positioning systems or methods known in the art such as satellite position (e.g., Global Positioning System (GPS)) or signal triangulation techniques." Ex. 1002, 6:40–44.

b. Independent Claim 19

i. Disputed Limitations

The parties dispute whether Barbosa teaches or suggests part of limitation (b), and limitations (d1), and (d2) of claim 19. We address these limitations below.

(1) (b) receiving within said handheld computing device a transmission of a tokenized questionnaire from said originating computer.

Petitioner argues that Barbosa teaches this receiving limitation by disclosing that its device 10 receives "a set of instructions in a code module"

or "templates (e.g., task/punch lists) and/or programs" from server 58. Pet. 20 (quoting Ex. 1002, 6:1–2, 7:27–28). According to Petitioner, Barbosa's device 10 and server 58 are a handheld computing device and an originating computer, respectively. *Id.* at 18–19. Petitioner asserts that device 10 receives from server 58 "a set of instructions in a code module" and/or "templates (e.g., task/punch lists) and/or programs." *Id.* at 20 (quoting Ex. 1002, 6:1–2, 7:27–28). Petitioner further asserts that "[t]he downloaded code modules, templates, and/or programs represent a questionnaire." *Id.* (citing Ex. 1005 ¶ 125). Petitioner quotes Barbosa's disclosures that the "programs operated by the microprocessor ask questions or provide guidance related to a particular field problem" and "[t]he program would prompt the user for input of data related to the problem." *Id.* (quoting Ex. 1002, 6:60–61, 7:47–48).

Petitioner argues that the instructions, templates, and programs that Barbosa's device 10 receives from server 58 are tokenized. Pet. 20. Petitioner quotes Barbosa's disclosure that "[c]omputer program code for carrying out operations of the present invention can be written in an object oriented programming language such as Java . . . ." *Id.* (quoting Ex. 1002, 12:45–51). Petitioner argues that "[a] questionnaire (e.g., downloaded code modules, templates, and/or programs) written in an object oriented programming language[,] such as Java[,] would have included an index, an instruction, or a command that can represent something else such as a question, answer, or operation." *Id.* at 20–21 (citing Ex. 1005 ¶ 126). Petitioner concludes that "[t]herefore, Barbosa discloses a tokenized questionnaire." *Id.* at 21.

In addition, Petitioner argues that "Barbosa's program provides '[a]n interactive question and answer session.'" Pet. 21 (citing Ex. 1002, 6:62). Petitioner asserts that "[t]o do so, the program would have included distinguishable units, such as indexes, instructions, or commands that represent the questions, answers, or operations connecting the interactive questions and answers." *Id.* (citing Ex. 1005 ¶ 127). Petitioner cites Barbosa's disclosure that "[t]he program may start by asking for the identification of [] the client or matter 703 (e.g., customer, or job site)," and "[t]he program may next ask the representative to identify the problem or type of assessment 704 (e.g., HVAC, plumbing, electrical, landscaping, etc.)." *Id.* (quoting Ex. 1002, 8:54–59). Petitioner argues that, as a result, an ordinarily skilled artisan would have understood "that Barbosa's program would have included instructions that ask these questions (e.g., identification of type of assessment), as well as indexes corresponding to the available answers (e.g., HVAC, plumbing, electrical, or landscaping), and additionally would have included instructions and operations connecting the first question to the next." *Id.* (citing Ex. 1005 ¶ 127).

Patent Owner asserts that Barbosa's template is not a tokenized questionnaire. PO Resp. 7. Patent Owner contends that Barbosa only discloses text for its templates, not executable tokens. *Id.* at 8. Patent Owner further argues that the assertion that Barbosa's template would have included an index, an instruction, or a command if written in Java is conjecture. *Id.* Further, Patent Owner asserts that Barbosa's discussion of program code that can execute on a user's computer does not refer to Barbosa's handheld computers. *Id.* at 9–10. Patent Owner further contends that two of the languages that Barbosa mentions for running on computers,

Smalltalk and C++, were desktop languages in 2000, when the priority application for Barbosa was filed. *Id.* at 9–10, n.2. In addition, Patent Owner asserts that Barbosa's discussion of Java applets can only be referring to Java on desktops. *Id.* at 14.

We find that Petitioner has proven that Barbosa teaches the recited receiving limitation. First, device 10 and server 58 are, respectively, a handheld computer and an originating computer. Ex. 1005 ¶ 123. Barbosa discloses "device 10 [is] easily portable such that it substantially fit within the palm of a user[']s hand." Ex. 1002, 5:43–45. And server 58 is an originating computer. *Id.* at 7:23–53, Fig. 6; Ex. 1005 ¶ 123.

Second, Barbosa teaches receiving at device 10 a program from server 58. Ex. 1005 ¶ 125. Barbosa discloses storing "a set of instructions" in RAM 26 of device 10 and further discloses downloading those instructions to RAM 26 from a server when needed. Ex. 1002, 5:67–6:6. Barbosa further discloses linking device 10 with server 58 to provide, among other things, programs. *Id.* at 7:23–29. The instructions transferred to device 10 are received by RAM 26 of that device (i.e., they are stored in RAM 26). *Id.* at 5:67–6:6. Barbosa expressly discloses sending a Java applet program to device 10. *Id.* at 12:14–18; *see also id.* at 11:63-12:32; Ex. 1005 ¶ 125.

Third, Barbosa teaches the use in device 10 of a program with a tokenized questionnaire. Ex. 1005 ¶¶ 125–127. Barbosa discloses that handheld device 10 can be used to assess a field problem. Ex. 1002, 7:42–43. Barbosa states a "user can execute a[n] industry-specific program on the handheld executed program . . . [where] [t]he user interacts with the handheld executed program to obtain an initial field assessment." *Id.* at

7:43–45. And Figure 7 of Barbosa discloses a flow chart for a construction application. Ex. 1002, 7:42–47; 8:49–50. In that flow chart, at a job site, the assessor starts an appraisal program 702 on device 10. *Id.* at 7:42–47, 8:49–54. "The program may start by asking for the identification of [] the client or matter 703 (e.g., customer, or job site)," and "[t]he program may next ask the representative to identify the problem or type of assessment 704 (e.g., HVAC, plumbing, electrical, landscaping, etc.)." *Id.* at 8:54–59. Mr. Roman testifies that, as result, an ordinarily skilled artisan would have understood that Barbosa's program would have included instructions that ask these questions as well as indexes corresponding to the available answers (e.g., HVAC, plumbing, electrical, or landscaping) and would have had instructions and operations connecting the first question to the next. Ex. 1005 ¶ 127. As discussed in Section II.B.1., we construe "token" as "a distinguishable unit of a program, such as an index, an instruction, or a command that can represent something else such as a question, answer, or operation." Therefore, a program with instructions that ask questions and has indexes corresponding to available answers is a tokenized questionnaire.

We are persuaded that these disclosures in Barbosa teach or suggest the recited receiving limitation.

We are not persuaded by Patent Owner's counterarguments. As mentioned, Patent Owner argues that Barbosa does not disclose tokenized *templates*. PO Resp. 7. This argument, however, is of no significance because, as discussed above, Barbosa discloses tokenized *programs*, and claim 19 does not recite that its tokenized questionnaire is a template. Ex. 1002, 7:42–47; 8:49–59; Ex. 1005 ¶ 127.

As discussed above, Patent Owner argues that Barbosa's disclosure of transmitting programs to a "user's computer" does not describe the transmission of programs to a user's "handheld computer." PO Resp. 9–10. Patent Owner contends that Barbosa would have used the term "handheld computer" if it meant to include transmission to the user's handheld computers. *Id.* We disagree: a handheld computer is a computer. Therefore, the term "user's computer" encompasses a "user's handheld computer." In addition, Barbosa expressly discloses sending a Java applet program to a user's handheld computer: "[t]he template may operate in combination with programs resident *in the handheld computer* or may be accompanied *by a computer program transmitted from the se[r]ver (e.g., in the form of a JAVA applet*)." Ex. 1002, 12:14–18 (emphasis added); *see also id.* at 11:63-12:32.

As further discussed above, Patent Owner asserts that two of the languages that Barbosa discloses for running on computers, Smalltalk and C++, were desktop languages in 2000, when the priority application for Barbosa was filed. PO Resp. 9–10, n.2. This argument is also of no significance because Barbosa expressly discloses transmitting a Java program to the user's handheld device, so, in Barbosa, Smalltalk and C++ need not necessarily be the languages used for programs that run on the user's handheld device. Ex. 1002, 12:14–18.

As indicated above, Patent Owner asserts that Barbosa's discussion of Java applets can only be referring to Java on desktops. PO Resp. 14. To support this argument, Patent Owner cites Dr. Russ's testimony that the version of Java that was available for wireless devices at the time of Barbosa was Java 2 Platform Micro Edition ("J2ME"). *Id.* at 12 (citing Ex. 2006

¶ 50). Dr. Russ testifies that J2ME did not support applets, quoting the following excerpt from Programming Wireless Devices with the Java 2 Platform, Micro Edition (copyright date 2001) (Ex. 2002), which indicates that the Mobile Information Device Profile (MIDP) does not support the familiar Java applet model:

> Due to strict memory constraints and the requirement to support application interaction and data sharing within related applications, the Mobile Information Device Profile does not support the familiar Applet model introduced by JavaTM 2 Platform, Standard Edition (J2SETM). Rather, MIDP introduces a new application model that was designed to augment the CLDC [Connected Limited Device Configuration] application model and to allow multiple Java applications to share data and run concurrently on the KVM [K Virtual Machine].

Ex. 2006 ¶ 50, quoting Ex. 2002, 43.

But neither Patent Owner nor Dr. Russ explains why Barbosa's handheld device would have to run MIDP. PO Resp. 11–14; Ex. 2006 ¶ 50. The Programming Wireless Devices reference teaches that two different versions of J2ME were available for computers that were not servers, desktops or personal computers: the connected device configuration (CDC) and the connected limited device configuration (CLDC), upon which MIDP rests. Ex. 2002, 8–9. The reference further teaches that the CLDC is for low-end consumer devices, whereas the CDC is for high-end consumer devices. *Id.* at 15. We do not find that the handheld device 10 in Barbosa would have been a low-end consumer device. Barbosa describes using the device for assessors in the construction industry, for project management, and for criminal investigations, which would not appear to be low-end consumer applications. Ex. 1002, 8:49–50, 10:32–33, *see also* 1:59–65 ("Currently, handheld data management devices such as PDAs or Palm PCs

can have as much computing power as some desktop personal computers and have been used in a wide variety of applications including wireless communication (infrared and radio frequency), GPS (global positioning system) mapping, Internet access and database storage"). Moreover, because Barbosa expressly teaches sending applets to handheld device 10, an ordinarily skilled artisan implementing Barbosa's embodiment would not have chosen a configuration of Java that would not permit the sending of those applets (like CLDC). *Id.* at 12:14–18.

Patent Owner additionally asserts that it is conjecture that Barbosa's template would have included an index, an instruction, or a command if written in Java. PO Resp. 8–9. We addressed this issue in the Institution Decision, and agree that the fact that Barbosa discloses that its program can be written in an object oriented language such as Java does not necessarily mean that its questionnaire is tokenized. *See, e.g.,* Institution Decision 23 n. 10. As discussed above, however, we rely on other disclosures in Barbosa when finding that Barbosa teaches this claim limitation.

We have reviewed the complete record and find that Petitioner has proven that Barbosa teaches or suggests the recited receiving limitation.

(2) [b] said tokenized questionnaire including at least one question requesting location identifying information

Petitioner argues that the tokenized questionnaire that device 10 receives from server 58 includes at least one question requesting location identifying information. Pet. 22–23. Petitioner cites Barbosa's disclosure that "[o]nce a program is opened on the handheld device, the assessor may be asked (e.g., prompted) to identify the job 801 (e.g., location, customer name, date, type of job)." *Id.* at 22–23 (quoting Ex. 1002, 9:54–56) (emphasis omitted). Petitioner further argues that Barbosa discloses that

location identifying information can be provided using GPS coordinates, quoting Barbosa that "GPS coordinate[s] associated with the collection of data [is an] important attribute[]."). *Id.* at 23 (quoting Ex. 1002, 12:30–32). Patent Owner does not dispute that Barbosa teaches a questionnaire with at least one question requesting location identifying information. PO Resp. 16–17.

We find that Barbosa teaches or suggests the above limitation. Ex. 1002, 9:54–56.

(3) [b] said tokenized questionnaire comprising a plurality of device independent tokens

Petitioner argues that Barbosa's tokenized questionnaire comprises a plurality of device independent tokens. Pet. 23. Petitioner cites Barbosa's disclosures that the "computer program transmitted from the [server]" can be "in the form of a JAVA applet" and the "[c]omputer program code for carrying out operations of the present invention can be written in an object oriented programming language such as Java . . . ." *Id.* (citing Ex. 1002, 12:14–18, 12:45–47).

Patent Owner does not dispute that Java is a device independent platform, but Patent Owner disputes that Barbosa teaches or suggests running Java on a handheld device. PO Resp. 9–10.

Based on this record, we find that an ordinarily skilled artisan would have recognized that Java is a programming language that provides device independence—it runs irrespective of the particular hardware or operating system of any given device. Ex. 1005 ¶ 132. Bandera supports this finding, stating that "JAVA® is a portable and architecturally neutral language," and "JAVA® source code is compiled into a machine-independent format that can be run on any machine with a JAVA® runtime system known as the

JAVA® Virtual Machine (JVM)." Ex. 1004, 5:40–44. Bandera further discloses that "[M]achines running under diverse operating systems, including UNIX, Windows NT, and MacIntosh having a JVM can execute the same JAVA® program." *Id.* (quoting Ex. 1004, 5:47–49). As discussed in Section II.C.2.i.1., we disagree with Patent Owner's argument that Barbosa does not teach running Java on a handheld device.

We find that Petitioner has proven that Barbosa teaches or suggests the above portion of limitation (b).

> *(4) (d1) executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a first user*

Petitioner argues that Barbosa discloses executing the downloaded program that represents the questionnaire to provide "[a]n interactive question and answer session." Pet. 26 (quoting Ex. 1002, 6:58–64). Petitioner further argues that the downloaded program collects at least one response from a user. *Id.* Petitioner quotes Barbosa's disclosure that "[t]he program would prompt the user for input of data related to the problem." *Id.* (quoting Ex. 1002, 7:47–48).

Patent Owner argues that Barbosa's templates do not have executable tokens because Barbosa's templates are little more than lists. PO Resp. 8.

We find that Petitioner has proven that Barbosa teaches executing the tokens in the programs that are downloaded to its handheld devices to provide an interactive question and answer session. We further find that this execution collects at least one response from the user. Ex. 1002, 7:47–48. As discussed in Section II.C.2.i.1., Patent Owner's arguments that Barbosa's

templates do not have tokens is of no significance because Barbosa discloses downloadable programs with executable tokens.

Based on the evidence of record, we find that Petitioner has proven that Barbosa teaches the above limitation.

> *(5) (d3) using said GPS to automatically obtain said location identifying information in response to said at least one question that requests location identifying information*

Petitioner argues that Barbosa teaches obtaining location identifying information automatically using the GPS receiver of device 10 in response to a question. Pet. 27. Petitioner cites Barbosa's disclosure that "[l]ocation information may be provided by the handheld device automatically via [the] resident GPS module." *Id.* (quoting Ex. 1002, 10:14–17).

Patent Owner argues that Barbosa does not teach using device independent tokens to acquire location identifying information from a GPS device. PO Resp. 11–14. Patent Owner argues that the version of Java that could run on wireless devices at the time did not include a GPS receiver as a standard feature. *Id.* at 12. Patent Owner argues that, even with the full version of Java available at the time, to access a hardware feature such as a GPS receiver, a native routine would need to be executed via the Java Native Interface. *Id.* Patent Owner argues that invoking that interface would preclude device independence. *Id.* at 13. Further, Patent Owner argues that J2ME was the version of Java available for wireless devices at the relevant time and J2ME did not support the Java Native Interface or user-defined class loaders. *Id.*

In the Reply, Petitioner argues that Barbosa was not limited to implementation with Java 2 Platform, Micro Edition. Pet. Reply 7.

Petitioner asserts that an ordinarily skilled artisan would have known how to apply known techniques used by Java 2 Standard Edition and Java 2 Enterprise Edition to wireless devices and would have done so once the wireless devices' then limited computing power improved. *Id.* Petitioner also argues the near contemporaneous development of Java Specification Request 179 (Exhibit 1019) demonstrates that there was no fundamental impediment to applets receiving GPS data without invoking the Java native interface and all that would be required is an update to the API. *Id.* at 8. Petitioner argues that this update occurred shortly after the earliest priority date for the '748 patent. *Id.* Petitioner further argues that it also relied on Smalltalk or C++ for this limitation and the device independent token limitations. *Id.* at 6.

In its Sur-Reply, Patent Owner repeats its argument concerning Java and handheld devices. PO Sur-Reply 11. Patent Owner also argues that Petitioner did not make a sufficient showing for this limitation or the device independent limitations with respect to Smalltalk or C++. *Id.* at 11–12. Further, Patent Owner argues that Petitioner should not have relied on Exhibit 1019 because the exhibit was published after the '748 patent's priority date, asserting that 35 U.S.C. § 311(b) limits consideration of patentability in an *inter partes* review of prior art consisting of patents or printed publications.[10] *Id.* at 3–8. Patent Owner also argues that Petitioner failed to provide a source code example supporting its showing for this limitation. *Id.* at 15–16.

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[10] Patent Owner also argues that Petitioner should not have relied on Exhibit 1021. PO Sur-Reply 4. This argument is moot because we do not rely upon Exhibit 1021 in this Decision.

We find the record shows that Barbosa teaches the above recited limitation. As described above, Barbosa's questionnaire asks a question requesting location identifying information. When discussing the flow chart of Figure 8 for an HVAC assessment, Barbosa describes: "Once a program is opened on the handheld device, the assessor *may be asked* (e.g., prompted) to identify the job 801 (e.g., *location*, customer name, date, type of job)." Ex. 1002, 9:54–56 (emphasis added). Barbosa also discloses that the response to this question regarding location information "may be provided by the handheld device automatically via a resident GPS module." *Id.* at 10:14–17. These disclosures in Barbosa teach the above limitation.[11]

Patent Owner's argument that at the time of Barbosa's filing execution of a device independent token could not acquire GPS information is misplaced. As discussed in Section II.B.2., claim 19 does not require that a device independent token do so.

Even if we had construed claim 19 to require that GPS information be acquired by the execution of device independent tokens, however, we would find that Barbosa at least suggests the above recited limitation. We credit Mr. Roman's testimony that the desirability of Java's device independence was well known to an ordinarily skilled artisan. Ex. 1005 ¶ 132. Bandera supports that testimony. Ex. 1004, 5:40–44; *see also id.* at 5:47–49. We also credit Mr. Roman's testimony that it would not have been difficult for an ordinarily skilled artisan to have preserved that device independence when acquiring GPS information by adding an API (Application Programmer's Interface) to the involved Java code. Ex. 1018 ¶ 17. The

[11] We do not rely upon Petitioner's cited disclosures of Smalltalk or C++ in making this finding.

near contemporaneous development of a standardized API for that purpose, JSR 179, supports that testimony. *Id.* ¶¶ 14–18 (citing Ex. 1019, 1). Therefore, we credit Mr. Roman's testimony that an ordinarily skilled artisan would have been motivated to add such an API to the involved Java code to provide device independence. Ex. 1018 ¶¶ 14–18.

As discussed above, Patent Owner argues that we should not consider Mr. Roman's testimony concerning Exhibit 1019 because that document published after the filing date of the parent non-provisional application for the '748 patent. PO Sur-Reply 3–4. Patent Owner, however, did not timely object to Exhibit 1019 or to Mr. Roman's testimony concerning that exhibit and did not move to exclude that exhibit or that testimony. Thus, any evidentiary objection by Patent Owner is waived. 37 C.F.R. § 42.64 (b)(1) and (c). Further, although challenges in IPRs must be based on prior art (e.g., cannot be based on unpatentability for lack of enablement under § 112), not every exhibit submitted has to be prior art. Petitioner here relies on Mr. Roman's testimony regarding the JSR 179 API, which cites Exhibit 1019 as evidence of the level or ordinary skill in the art (i.e., that developing an API to preserve complete device independence was within that level of skill). The near simultaneous development of the JSR 179 API is proper evidence for that purpose. In *Regents of University of California v. Broad Institute, Inc.,* the Federal Circuit explained:

> We have recognized that simultaneous invention may bear upon the obviousness analysis in two ways. *Monarch Knitting Mach. Corp. v. Sulzer Morat GmbH*, 139 F.3d 877, 883 (Fed. Cir. 1998). First, it is evidence of the level of skill in the art. *Id.* Second, it constitutes objective evidence that persons of ordinary skill in the art understood the problem and a solution to that problem. *Id.*

903 F.3d 1286, 1295 (Fed. Cir. 2018).

Here, Mr. Roman testifies that work on the JSV 179 API began in at least as early as March 2002. Ex. 1018 ¶ 15 (citing Ex. 1020, 1.) Relying on Exhibit 1019, Mr. Roman further testifies that API was for J2ME and GPS, and that API was made available shortly after the earliest priority date of the '748 patent.[12] Ex. 1018 ¶¶ 13–18. This testimony with its reliance on Exhibit 1019 is proper evidence for an obviousness analysis. *Geo. M. Martin Co. v. Alliance Mach. Sys. Int'l LLC*, 618 F.3d 1294, 1305 (Fed. Cir. 2010).

With respect to Patent Owner's arguments that Petitioner should have provided source code as part of its showing, source code is generally not needed to prove the description of an invention or its enablement in the prior art. For example, the challenged patent discloses no source code to describe or enable claim 19. *See* Ex. 1001; *In re Epstein*, 32 F.3d 1559, 1568 (Fed. Cir. 1994) (holding "the Board's observation that appellant did not provide the type of detail in his specification that he now argues is necessary in prior art references supports the Board's finding that one skilled in the art would have known how to implement the features of the references."). But we find that one argument by Petitioner would have required evidence, such as source code or Java reference manuals, to prove: that because Barbosa discloses that its program can be written in an object oriented language, such as Java, by itself means that Barbosa's questionnaire is tokenized, would have required supporting evidence, such as source code or Java reference

[12] The '748 patent claims the benefit of a provisional application filed on August 19, 2002. Ex. 1001 code (60). Exhibit 1019 has a copyright year of 2003. Ex. 1019, 3.

manuals, as proof. Pet. 20. In the absence of evidence from Java manuals or Java code, we were not persuaded by that argument by Petitioner. *See* Section II.C.2.b.i.1. Otherwise, we do not find that Petitioner needed to submit any source code or any additional reference manuals to support its arguments for claim 19. This challenge by Petitioner could be proven without such code. *See, e.g.,* Ex. 1001.

We find that Barbosa teaches the above recited limitation.

ii. Other Limitations

Patent Owner has not disputed that Barbosa teaches or suggests the preamble recitation of claim 19 nor the remaining limitations of claim 19. PO Resp. 16–18. We have reviewed that complete record and find that Petitioner has proven that Barbosa teaches or suggests the preamble recitation of claim 19[13] and all remaining limitations of claim 19. Pet. 18–30.

iii. Conclusion

We determine that Petitioner has proven by a preponderance of the evidence that claim 19 would have been obvious over Barbosa.

c. Claim 20

Claim 20, which depends from claim 19, recites "wherein the first user and the second user are a same user." Petitioner maps the first and second user recited by claim 19 to the same user in Barbosa. Pet. 28–30. Patent Owner does not dispute that Barbosa satisfies the above limitation. PO Resp. 18. After reviewing the parties' arguments and evidence, we find that Barbosa teaches the above limitation and determine that Petitioner has

[13] In light of this finding, we do not need to determine whether this preamble recitation constitutes a claim limitation.

proven by a preponderance of the evidence that claim 20 would have been obvious over Barbosa.

d. Claim 21

The recitations of claims 19 and 21 significantly overlap. Both claims recite "[a] method for managing data," and many limitations in the claim bodies are similar, including disputed limitations.

i. Disputed Limitations

The parties dispute whether Barbosa teaches or suggests three limitations of claim 21 ((a2), (a4i), (a4ii)), which are listed, with their corresponding limitations of claim 19 ((b), (d1), and (d2)), in the table below:

Disputed Limitations	
Claim 21	**Claim 19**
receiving within said handheld computing device a transmission of a tokenized questionnaire, including at least one question requesting GPS coordinates and at least one additional question, said tokenized questionnaire comprising a plurality of device independent tokens	receiving within said handheld computing device a transmission of a tokenized questionnaire from said originating computer, said tokenized questionnaire including at least one question requesting location identifying information, said tokenized questionnaire comprising a plurality of device independent tokens;
executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device,	executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a first user, and,
automatically entering the GPS coordinates into said questionnaire:	using said GPS to automatically obtain said location identifying information in response to said at least one question that requests location identifying information;

PO Resp. 18–19.

The parties present the same arguments regarding the above limitations of claim 21 as for the corresponding limitations in claim 19. PO Resp. 18–19. For the reasons discussed in Section II.C.2.b., we resolved those disputes in favor of Petitioner.

As can be seen from the above table, the disputed limitations of claim 21 include a few recitations that their corresponding limitations of claim 19 do not. Even though those additional recitations are not disputed, for completeness, we address them below.

(1) GPS Coordinates and an Additional Question

As can be seen from the above table, claim 21 recites "at least one question requesting GPS coordinates and at least one additional question," whereas claim 19 recites "at least one question requesting location identifying information." Petitioner argues that Barbosa's questionnaire includes "one question requesting GPS coordinates" and "at least one additional question." Pet. 31. Petitioner relies on Barbosa's disclosure that "[o]nce a program is opened on the handheld device, the assessor may be asked (e.g., prompted) to identify the job 801 (e.g., location, customer name, date, type of job)." *Id.* at 31–32 (quoting Ex. 1002, 9:54–56) (emphasis omitted). Petitioner argues that Barbosa discloses identifying locations using GPS coordinates, quoting Barbosa's disclosure that "GPS coordinate[s] associated with the collection of data [is an] important attribute[]." *Id.* at 32 (quoting Ex. 1002, 12:30–32).

Petitioner further asserts that it would have been obvious to an ordinarily skilled artisan that GPS coordinates may have been entered in response to a question requesting them. *Id.* (citing Ex. 1005 ¶ 148). Further,

Petitioner argues that Barbosa discloses asking and receiving responses to additional questions, such as "customer name, date, type of job," and others, such as "ask[ing] the representative to identify the problem or type of assessment." *Id.* (quoting Ex. 1002, 6:59–67, 8:54–63, 9:54–56). Patent Owner does not dispute that Barbosa teaches or suggests a questionnaire that includes one question requesting GPS coordinates and at least one additional question. PO Resp. 18–19. After reviewing the evidence, we find that Petitioner has proven that Barbosa teaches or suggests that its questionnaire include one question requesting GPS coordinates and at least one additional question.

(2) Automatically Entering GPS Coordinates

As shown in the table above, claim 21 recites "automatically entering the GPS coordinates into said questionnaire," whereas claim 19 recites "using said GPS to automatically obtain location identifying information . . . ." Petitioner cites Barbosa's disclosure that "location information may be provided by the handheld device automatically via [the] resident GPS module." Pet. 27 (quoting Ex. 1002, 10:14–17), 32. In addition, Petitioner relies on its arguments above regarding Barbosa's disclosures of GPS coordinates. *Id.* at 32. After reviewing the evidence, we find that Petitioner has proven that Barbosa teaches or suggests "automatically entering the GPS coordinates into said questionnaire."

In sum, we find that Petitioner has proven that Barbosa teaches or suggests the disputed limitations of claim 21.

ii. Other Limitations

Patent Owner has not disputed that Barbosa teaches or suggests the preamble recitation of claim 21 or the remaining limitations of claim 21. PO

Resp. 18–19. After reviewing the record, we find that Petitioner has proven that Barbosa teaches or suggests the preamble recitation of claim 21[14] and the remaining limitations of claim 21.

iii. Conclusion

We determine that Petitioner has shown by a preponderance of the evidence that claim 21 would have been obvious over Barbosa.

e. Claim 22

Claim 22 depends from claim 21 and recites "wherein said central computer and said recipient computer are a same computer." Petitioner argues that Barbosa's remote server receives responses from the user's handheld devices and is, thus, a recipient computer. Pet. 30 (citing Ex. 1002, 7:54–56; 9:3–7; 9:38–40). Petitioner further argues that Barbosa's server "may be used as a centralized data collection and analysis facility for input received from more than one handheld device/user" and, thus, is also a central computer. *Id.* at 31 (quoting Ex. 1002, 8:46–48). Patent Owner does not dispute that Barbosa teaches the above limitation. PO Resp. 19. We find that Petitioner has proven that Barbosa teaches the above limitation and determine that Petitioner has shown by a preponderance of the evidence that claim 22 would have been obvious over Barbosa.

f. Claim 1

The recitations in claims 1 and 19 significantly overlap. Thus, for claim 1, both parties rely predominately on their analysis of claim 19.

[14] In light of this finding, we do not need to determine whether this preamble recitation constitutes a claim limitation.

i. Disputed Limitations

The disputed limitations of claim 1 ((b), (e), and (f)) with their corresponding limitations of claim 19 ((b), (d1), and (d2)) are set forth in the table below:

Disputed Limitations	
Claim 1	**Claim 19**
tokenizing said questionnaire, thereby producing a plurality of device indifferent tokens representing said questionnaire	receiving within said handheld computing device a transmission of a tokenized questionnaire from said originating computer, said tokenized questionnaire including at least one question requesting location identifying information, said tokenized questionnaire comprising a plurality of device independent tokens;
when said remote computing device is at said location, executing at least a portion of said plurality of tokens representing said questionnaire at within said remote computing device to collect a response from a user	executing at least a portion of said plurality of tokens comprising said questionnaire on said handheld computing device to collect at least one response from a first user, and,
automatically entering the GPS coordinates into said questionnaire	using said GPS to automatically obtain said location identifying information in response to said at least one question that requests location identifying information;

PO Resp. 20.

For the disputed limitations of claim 1, the parties rely on the arguments and evidence they presented for their corresponding limitations in claim 19. Pet. 36–37; PO Resp. 20–21. For the reasons described in Section II.C.2.b., we resolved those disputes in favor of Petitioner.

As can be seen from the above table, the disputed limitations of claim 1 include a few recitations that the corresponding limitations of claim 19 do not. Although the parties do not dispute that Barbosa teaches or suggests those additional recitations, we briefly address them.

1. Device Indifferent Tokens

As shown above, claim 1 recites "device indifferent tokens," whereas claim 19 recites "device independent tokens." For purposes of the obviousness challenges in this proceeding, however, both parties treat these terms as synonymous. Neither party has argued that there is any difference between the terms. Pet. 36; PO Resp. 20–21. And, for the "device indifferent tokens" of claim 1, both parties rely on their arguments concerning the "device independent tokens" of claim 19. Pet. 36; PO Resp. 20–21. Upon reviewing the Specification, we see no disclosed distinction between device independent tokens and device indifferent tokens. *See also* Section II.B.2. Thus, we find that Petitioner has proven that Barbosa teaches or suggests the "device indifference tokens" of claim 1 for the same reasons Barbosa teaches or suggests the "device independent tokens" of claim 19. *See* Section II.C.2.b.i.3.

2. Said Location

As can be seen from the above table, claim 1 also recites that the execution of at least a plurality of said tokens occurs when the remote computing device is at said location. The antecedent basis for "said location" is in the limitation of "creating a questionnaire comprising a series of questions customized for *a location*." Petitioner sets forth disclosures that teach or suggest executing the plurality of tokens in such a location when Petitioner addresses of the "creating a questionnaire" limitation of claim 1.

Pet. 36. Thus, we find that that Petitioner has proven that Barbosa teaches or suggests the above limitation.

3. GPS Coordinates

As can also be seen from the above table, claim 1 recites "automatically entering the GPS coordinates into said questionnaire." We addressed that limitation in our discussion of claim 21. *See* Section II.C.d.i.2.

In sum, we find that that Petitioner has proven that Barbosa teaches or suggests the disputed limitations of claim 1.

ii. Other Limitations

We have reviewed the record and find that Petitioner has proven that Barbosa teaches or suggests the preamble recitation of claim 1[15] and the remaining limitations of claim 1. *See* Pet. 36–37.

iii. Conclusion

We determine that Petitioner has proven by a preponderance of the evidence that claim 1 would have been obvious over Barbosa.

3. Asserted Obviousness of Claims 1 and 19–22 over Barbosa and Bandera

Petitioner argues that claims 1 and 19–22 would have been obvious Barbosa and Bandera. Pet. 38.

a. Bandera

Bandera discloses a system for providing time and location specific advertising via the Internet. Ex. 1004, code (54). Bandera's system selects an advertising object to be displayed within a web page based on the

[15] In light of this finding, we do not need to determine whether this preamble recitation is a claim limitation.

geographic location of the user or the time of day. *Id.* at 2:35–41. Bandera further discloses that "[c]omputer program code for carrying out operations of the present invention is preferably written in an object oriented programming language such as JAVA®, Smalltalk, or C++." *Id.* at 5:26–28.

b. Analysis

Petitioner presents essentially the same analysis for this ground as for the ground based on Barbosa alone with the exception that Petitioner relies on Bandera as an asserted prior art reference for this ground, whereas for the Barbosa-alone ground, Petitioner relies on Bandera solely as evidence of the knowledge of an ordinarily skilled artisan. Pet. 38–40. In particular, for the Barbosa-alone ground, Petitioner relies on Bandera as evidence that an ordinarily skilled artisan would have recognized that Java is a machine-independent and operating-system-independent language. *Id.* at 23–24. For the Barbosa-Bandera ground, Petitioner combines Barbosa's teachings of its assessment system, which utilizes Java, with Bandera's teaching of the machine independent nature of Java. *Id.* at 39–40. Petitioner addresses an ordinary artisan's motivation to combine Barbosa's assessment system with Bandera's Java teachings. *Id.* at 38–39. Petitioner also addresses Barbosa's and Bandera's teachings of device independent tokens. *Id.* at 39–40.

1. Motivation to Combine

Petitioner argues that an ordinarily skilled artisan would have combined Barbosa's teachings of its assessment system with Bandera's teachings regarding Java. Petitioner asserts that Barbosa and Bandera are in the same field of endeavor, as both relate to providing location based services to mobile devices. Pet. 38 (citing Ex. 1004, 2:13–15 (disclosing "hand-held devices" in the background of the invention)). Petitioner further

asserts that Barbosa discloses that a user's handheld device may collect a user's GPS location, transmit it to a server along with other data, and receive a report. *Id.* Further, Petitioner argues that "[l]ikewise, Bandera discloses that a mobile web client may collect a user's GPS location, transmit it to a server, and receive targeted advertisements based on the user's GPS location." *Id.* (citing Ex. 1004, code (57), 2:63–64, 4:46–47). According to Petitioner, Bandera expressly discloses the use of GPS for location-based advertising. *Id.* at 39 (citing Ex. 1004, 6:40–42). Petitioner continues, arguing that, thus, combining Barbosa and Bandera to use a GPS with location-based advertising and a computer language that was device-independent (e.g., Java) would have been within the ordinary knowledge, creativity, or common sense of an ordinarily skilled artisan at the time of the alleged invention. *Id.* Petitioner also argues that there is also a design incentive to make use of GPS for location-based advertising, as well as a design incentive to use a computer language that is device independent, because each of these disclosed solutions would make a device more effective and efficient and make use of known technology which solved similar problems. *Id.* Further, Petitioner asserts that Bandera was developed at IBM, which was an industry leader that an ordinarily skilled artisan would have looked at for its teachings. *Id.* Petitioner's arguments are supported by the declaration testimony of Mr. Roman. Ex. 1005 ¶¶ 169–171 (cited by Pet. 38–39).

Patent Owner argues that an ordinarily skilled artisan would not have combined Barbosa and Bandera because Bandera's device uses JVM whereas the handheld device of Barbosa was limited to Java standard KVM. PO Resp. 22. Patent Owner further argues that KVM was strictly limited in

its capabilities. *Id.* citing Ex. 2002, 22; Ex. 2006, ¶ 44. Patent Owner asserts that, as a result, the combination of Barbosa and Bandera would be inoperable because of Bandera's reliance on JVM when handheld devices would have to run on KVM. *Id.* Other than alleged incompatibility of the form of Java each reference would utilize, Patent Owner does not dispute Petitioner's arguments regarding a motivation to combine. *Id.*

After reviewing the record, we find that Petitioner has proven that an ordinarily skilled artisan would have combined the Barbosa's teachings regarding its assessment system with Bandera's Java teachings. First, Barbosa discloses the use of Java for a handheld device that utilizes GPS. Ex. 1002, 12:14–18, 12:45–48; Ex. 1004, 3:13–18, 3:59–63; Ex. 1005 ¶ 170. Bandera discloses the use of Java for a mobile device that utilizes GPS. Thus, an ordinarily skilled artisan would consult Bandera's teachings regarding Java to understand how to utilize Java in Barbosa's system. Ex. 1005 ¶ 170. And an ordinarily skilled artisan would understand the value of the disclosed device independence of Java. *Id.* Further, Bandera discloses how Java and GPS can be used to provide location-based advertising, which provides another reason to combine Barbosa and Bandera's teachings. Ex. 1004, 6:40–42; Ex. 1005 ¶ 170. Further, as mentioned, the only dispute that Patent Owner raises regarding combining Barbosa and Bandera is that Barbosa is purportedly limited to KVM. PO Resp. 22. As discussed in Section II.C.2.i.1., we disagree with Patent Owner's argument that Barbosa is limited to low-end consumer devices that could only run KVM. We find Petitioner has proven that an ordinarily skilled artisan would have combined Barbosa's and Bandera's teachings.

2. Device Independent Tokens

For its Barbosa-Bandera ground, Petitioner relies on its showing of obviousness over Barbosa alone for all but one limitation of claims 1 and 19–22. Pet. 39–40. For the Barbosa-Bandera ground, Petitioner separately addresses only the limitation of "device independent tokens." *Id.*

Petitioner argues that an ordinarily skilled artisan would have found device independent tokens to have been obvious in view of Bandera's disclosure of Java. Pet. 39–40. Petitioner quotes Bandera's description that "JAVA® is a portable and architecturally neutral language," and "JAVA® source code is compiled into a machine-independent format that can be run on any machine with a JAVA® runtime system known as the JAVA® Virtual Machine (JVM)." *Id.* at 40 (quoting Ex. 1004, 5:40–44) (emphasis omitted). Petitioner further asserts that "[n]ot only is Java code machine independent, it also is independent of the operating system." *Id.* Petitioner quotes Bandera's disclosure that "[m]achines running under diverse operating systems, including UNIX, Windows NT, and MacIntosh having a JVM can execute the same JAVA® program." *Id.* (quoting 5:47–49). Petitioner concludes that "to the extent Barbosa's disclosure that its program was implemented using Java does not expressly disclose or render obvious the 'device independent tokens' limitation, it would have been obvious over Barbosa in view of Bandera." *Id.* (citing Ex. 1005 ¶ 171).

Patent Owner disagrees, arguing that Bandera discloses JVM, whereas, at the time of Barbosa's filing, wireless devices used the KVM. PO Resp. 21–22 (citing Ex. 2002, 14–15, 22, 37, 39; Ex. 2006 ¶¶ 44–45). As discussed in Section II.C.2.b.1., we disagree with Patent Owner's argument that wireless devices were limited to the KVM.

After reviewing the arguments and evidence, we agree with Petitioner's analysis regarding "device independent tokens" and find that the Petitioner has proven that the proposed combination of Barbosa and Bandera teaches or suggests such tokens. We also find, based on Petitioner's showing for its ground based on Barbosa alone, that Petitioner has proven that the proposed combination of Barbosa and Bandera teaches or suggests all other limitations of claims 1 and 19–22.

As discussed in Section II.B.2., we determined that claims 1 and 19–22 do not require that GPS be acquired or utilized by the execution of device indifferent or device independent tokens. We also found that if the claims were construed so as to require that GPS be acquired or utilized by the execution of device indifferent or device independent tokens, Barbosa suggested such a limitation. *See* Section II.C.2.b.5. We note, however, for this asserted ground (based on Barbosa and Bandera), the suggestion for device independent tokens that provide GPS capabilities is even stronger due to Bandera's express disclosure of the desirability of device and platform independence of Java. Ex. 1004, 5:40–49; Ex. 1005 ¶ 132. This disclosure would further suggest modifying Java code (by e.g., adding an API) to preserve the code's device and platform independence when accessing GPS functions. *See* Section II.C.2.b.5.

3. Conclusion

Petitioner has shown by a preponderance of the evidence that claims 1 and 19–22 would have been obvious over Barbosa and Bandera.

4. Asserted Obviousness of Claim 7 over Barbosa and Falls

Petitioner asserts that claim 7 would have been obvious over the combination of Barbosa and Falls. Pet. 40–45.

a. Falls

Falls provides a system and method for facilitating disconnected mobile computing. Ex. 1017, 3:15–17. Falls discloses that, with its system, prior to disconnection of a mobile computer, network administrators or users select data that should be copied from a network to a mobile computer by identifying one or more target database subtrees. *Id.* at 3:17–21. Further, Falls discloses that, during disconnected operation of the mobile computer, its system presents the user with a "virtual network" environment that is consistent in use and appearance with the selected portion of the actual network. *Id.* at 3:21–25.

b. Claim 7

We find that Petitioner has not proven that the combination of Barbosa and Falls would teach or suggest the following limitation of claim 7:

> (b) automatically transferring said designed questionnaire to at least one loosely networked computer

i. Arguments in the Petition and Reply

In the Petition, Petitioner argues that Barbosa teaches the automatic transfer of its questionnaire. Pet. 43 ("The transfer occurs automatically.") Petitioner argues that Barbosa discloses transferring designed questions to device 10. *Id.* Further, Petitioner argues that the transfer of these designed questions to device 10 occurs automatically. *Id.* at 43. But for the purportedly automatic nature of this transfer, Petitioner provides no analysis in the Petition. *Id.* Instead, Petitioner merely states: "[t]he transfer occurs automatically as disclosed, for example, at 3:28–43; 6:24–39; 6:64–67." *Id.* The purportedly automatic transfer of a questionnaire to device 10, however, is not evident from those cited passages of Barbosa, which read as follows:

> It is another aspect of the present invention to provide methods for field assessment data synchronization and/or delivery using wireless capabilities resident in handheld personal computing devices. Data may be synchronized with a server over a network using wireless radio transmission, or directly to a computer workstation using wireless infrared or radio transmission or connected means (e.g., modems, cradles, docking stations).

(Ex. 1002, 3:28–36.)

> It is another aspect of the present invention to provide for two-way communication between remote computing means (e.g., servers, desktop computers) and handheld data management devices to facilitate real-time access to remote programs, assistance and/or information related to the field assessment being undertaken by using a handheld data management device user.

(Ex. 1002, 3:37–43)

> Communications module 42 provides wireless realtime access to servers and personnel in support of assessments, and may also provide more traditional information available over networks, (e.g., e-mail, chat, Intranet and Internet information). Preferably, no plugging in or dialing up i[s] needed through integration of the communication module 42 into a handheld device.
>
> As shown in FIG. 4, the device 10 can preferably communicate with a PC 36 through an infrared communications link 38 to exchange and update information both ways. This feature makes it particularly easy to update and change personal schedules as needed. The device 10 may include an integrated modem 40 to provide data transfer functions and for remote connectivity. This feature allows a person (such as a supervisor, counselor or service representative) remote from the user to provide tasks, answers to queries, notes and other information for use and display on the users device 10 using standard telecommunications technology (e.g., wired and wireless GSM, CDMA, CDPD, and paging networks).

(Ex. 1002, 6:21–39.)

> Interactivity may also be provided to remote resources when two-way communication is provided between the device and a remote server and/or support representative.

(Ex. 1002, 6:64–67).

The cited testimony from Mr. Roman's original declaration also fails to explain why the transfer is automatic. Instead, Mr. Roman merely testifies:

> The transfer occurs automatically as disclosed, for example, at 3:28–43; 6:24–39 ("Preferably, no plugging in or dialing i[s] needed through integration of the communication module 42 into a handheld device"); 6:64–67 ("Interactivity may also be provided to remote resources when two-way communication is provided between the device and a remote server and/or support representative.").

Ex. 1005 ¶ 176.

In our Institution Decision, we identified issues concerning the sufficiency of Petitioner's showing of the recited automatic transfer. Inst. Dec. 42–44. In the Patent Owner Response, Patent Owner disputes the sufficiency of that showing, citing our Institution Decision. PO Resp. 23. In its Reply, Petitioner does not persuasively explain why its Petition proves that Barbosa teaches that automatic transfer. Pet. Reply 12–14. Instead, Petitioner argues the following additional disclosures in Barbosa teach or suggest that transfer: (i) column 10, lines 32–42 and 59–67; (ii) column 11, lines 29–40 and 53–62; and (iii) column 12, lines 11–32. *Id.*

ii. Petitioner's Reply Arguments Are Untimely

Having failed to establish that the disclosures identified in its Petition demonstrate that Barbosa disclosed the automatic transfer of a questionnaire,

it was not within the proper scope of a reply to (i) introduce and rely on new disclosures to establish the automatic transfer and (ii) argue for the first time that the recited automatic transfer was rendered obvious by Barbosa.[16] *See Intelligent Bio-Systems, Inc. v. Illumina Cambridge Ltd.*, 821 F.3d 1359, 1369–70 (Fed. Cir. 2016) ("It is of the utmost importance that petitioners in the IPR proceedings adhere to the requirement that the initial petition identify 'with particularity' the 'evidence that supports the grounds for the challenge to each claim.' 35 U.S.C. § 312(a)(3)."); 37 C.F.R. § 42.23(b) ("All arguments for the relief requested in a motion must be made in the motion. A reply may only respond to arguments raised in the corresponding opposition or patent owner response."). Therefore, we will not consider the arguments Petitioner presents for the recited automatic transfer in its Reply, and, given the insufficient proof presented with the Petition, we find Petitioner has not proven that Barbosa and Falls teach, suggest, or render obvious the above limitation.

ii. Even if We Were to Consider Petitioner's Reply Arguments, Petitioner's Showing Would Still Be Insufficient

Even if we were to consider the arguments and evidence Petitioner presents in its Reply, we would still find that Petitioner has not proven that Barbosa teaches, suggests, or renders obvious the above limitation. In its

[16] The Petition presented an obviousness argument regarding the loosely networked computers in the above limitation. Pet. 44. The Petition, however, only argued that the automatic transfer of the recited questionnaire was disclosed by Barbosa. *Id.* at 43. The Petition did not present any analysis as to why such a transfer would have been obvious over Barbosa. *Id.*

Reply, Petitioner relies on the testimony of Mr. Roman interpreting the above-cited passages. Pet. Reply 13–15.

Citing column 11, lines 29–40 of Barbosa, Mr. Roman testifies that Barbosa discloses a method for distributing inventory tracking and ordering information. Ex. 1018 ¶ 25. Mr. Roman specifically cites Barbosa's disclosure that "[t]he technician may coordinate inventory needs with the company automatically using this method." *Id.* (quoting Ex. 1002, 11:39–40). Mr. Roman testifies, that "this disclosure teaches automatic transferring of an updated questionnaire (here, inventory status questions) to remotes." Ex. 1018 ¶ 25. Mr. Roman further indicates, that "by automatically providing updated inventory tracking questionnaire to the remotes, Barbosa's system ensures 'that no more inventory than is needed is taken to the field.'" Pet. 13–14; Ex. 1018 ¶ 25.

Mr. Roman, however, does not persuasively explain why the described updating of inventory tracking and ordering information constitutes a transfer of the recited questionnaire. Ex. 1018 ¶ 25. Mr. Roman conclusorily maps the recited questionnaire to inventory status questions; but conclusory testimony is entitled to little weight. Ex. 1018 ¶ 25. *Magnum Oil*, 829 F.3d at 1380; 37 C.F.R. § 42.65(a). Further, the recited questionnaire in claim 7 is executable, as claim 7 additionally recites "executing said questionnaire." Mr. Roman does not explain how the mere transfer of questions, which could be provided merely as text, discloses the transfer of an executable questionnaire. Ex. 1018 ¶ 25. Thus, we do not credit Mr. Roman's mapping.

Additionally, according to Mr. Roman, it would have been obvious to transfer the updated inventory questions to the handheld device

automatically to ensure efficiency in communications. Ex. 1018 ¶ 25. But even if we were to afford weight to that testimony, it would merely establish that questions were automatically transferred to the handheld, not that an executable questionnaire was. Thus, we do not credit Mr. Roman's testimony that column 11, lines 29–40 of Barbosa teach or render obvious the recited automatic transfer of a questionnaire.

Citing column 10, lines 32–42 of Barbosa, Mr. Roman testifies that "Barbosa teaches that a 'worker's handheld device (or device assigned to the worker for the shift) may be synchronized 901 with a server to receive an updated template containing tasks for the worker at the beginning of every work shift.'" Ex. 1018 ¶ 26 (quoting Ex. 1002, 10:32–42). According to Mr. Roman, an ordinarily skilled artisan would have appreciated that this disclosed process is automatic. *Id.* (citing Ex. 1002, 10:59–69). Mr. Roman further testifies that "it would have been obvious to transfer the updated or template questionnaire automatically to the workers." *Id.* (citing Ex. 1002, 10:59–67).

Mr. Roman, however, provides no persuasive evidence or analysis for his mapping of the updated template as a tokenized questionnaire. *Id.* As discussed above, the recited questionnaire is executable, yet Mr. Roman provides no evidence that this updated template is executable, rather than merely text. *Id.* Nor does Mr. Roman provide any other evidence to support a finding that this updated template is the recited questionnaire. *Id.* Thus, we do not credit Mr. Roman's testimony that column 10, lines 32–42 or lines 59–67 of Barbosa teach or render obvious the recited automatic transfer of a questionnaire. *See Magnum Oil*, 829 F.3d at 1380; 37 C.F.R. § 42.65(a).

Mr. Roman also testifies that additional disclosures of automatic transferring of questions to remote network devices is found in Barbosa at column 11, lines 53–62 and column 12, lines 11–32. Ex. 1018 ¶ 27. According to Mr. Roman, in both of these examples, checklists used for data collection are updated and synchronized across remote devices. *Id.* Mr. Roman testifies that an ordinarily skilled artisan would understand that this updating or synchronization of the template or questionnaire is done automatically, given Barbosa's express teaching regarding the importance of coordinating among remote users in the field. *Id.* (citing Ex. 1002, 11:55–62). Mr. Roman further testifies that transferring such information automatically would have been obvious to skilled artisans so as to ensure real-time coordination of efforts, a key concern addressed by Barbosa. *Id.* (citing Ex. 1002, 11:55–62). We do not afford weight to this testimony. Mr. Roman maps the recited questionnaire to the disclosed checklists without providing any evidence or analysis that such checklists are the recited questionnaire. *Magnum Oil*, 829 F.3d at 1380; 37 C.F.R. § 42.65(a).

Thus, even if we were to consider the arguments and evidence Petitioner presents in its Reply for the above limitation, we would still find that Petitioner has not proven that Barbosa teaches, suggests, or renders obvious the above limitation. Accordingly, Petitioner has not provided sufficient evidence that the combination of Barbosa and Fields teaches, suggests, or renders obvious the above limitation.

In sum, Petitioner has not shown by a preponderance of the evidence that claim 7 would have been obvious over Barbosa and Fields.

5. Asserted Obviousness of Claims 1, 2, 5, and 19–22 over Hancock

Petitioner argues that each of claims 1, 2, 5, and 19–22 would have been obvious over Hancock. Pet. 45–68.

a. Hancock

Hancock discloses an internet based geographic location referencing system. Ex. 1003, code (57). The disclosed system provides informational services to users based on their geographic location. *Id.* at 1:15–20. In Hancock, Go2 Application program 1500 is used in portable-computing devices 1302. *Id.* at 26:30–34 (referring to Fig. 15). Go2 Application 1500 includes web browser component 1502. *Id.*

b. Device Independent Tokens

The parties dispute whether Hancock teaches, suggests, or renders obvious the device independent tokens recited in independent claims 1, 19, and 21.[17] PO Resp. 23; Pet. Reply 17–18. Petitioner argues that it would have been obvious to modify Hancock to provide device independent tokens. Pet. 51–52. Petitioner maps the questionnaire recited in claims 1, 19, and 21 to Hancock's Go2 Application. Pet. 47. Petitioner argues that "Hancock is silent regarding a programming language used to create the Go2 Application." Pet. 51. Petitioner asserts, however, that an ordinarily skilled artisan would have understood that Java provides device independency. *Id.*

[17] As discussed in Section II.B.2., claim 1 recites device indifferent tokens, but the parties treat that term as being synonymous with the term device independent tokens.

(citing Ex. 1005 ¶¶ 132–133, 195). According to Petitioner, as a result, "it would have been an obvious design choice to [an ordinarily skilled artisan] that the Go2 Application could have been implemented using Java. *Id.* Petitioner further asserts that "because it would have been an obvious design choice to implement the Go2 Application using Java," and "because [an ordinarily skilled artisan] would have understood that Java provides device-independent code, an [ordinarily skilled artisan] would have found it obvious to implement the Go2 Application using Java such that it would include a plurality of device independent tokens." *Id.* at 51–52.

In our Institution Decision, we identified issues concerning the sufficiency of Petitioner's showing for device independent tokens. Inst. Dec. 47–48.

In its Response, Patent Owner argues that Petitioner has not shown that Hancock discloses the use of device independent tokens. PO Resp. 23. In its Reply, Petitioner argues that it did not assert that Hancock discloses device independent tokens, but rather Hancock renders them obvious. Pet. Reply 17. Petitioner argues that its expert explained in detail how device independent tokens would have been an obvious design choice. *Id.* at 17–18. Petitioner also argues that its expert testimony is unrebutted and, thus, we should find in its favor in this challenge. *Id.* at 18.

We find that Petitioner has not met its burden of proving that this recited use of device independent tokens would have been obvious over Hancock. Mr. Roman's testimony, that it would have been an obvious design choice to use Java in Hancock's Go2 Application, is conclusory. Ex. 1005 ¶ 195. Mr. Roman provides no support for his opinion that an ordinarily skilled artisan would have been aware of a design need and

market pressure to implement applications using a program that provides device independency. *Id.* Similarly, Mr. Roman provides no support for his testimony that Java is one of a limited number of programming languages that an ordinarily skilled artisan would have considered for implementing an application such as the Go2 Application. *Id.* Mr. Roman further does not explain what he means by a limited number of programming languages (e.g., 3, 10, 100) that would be considered. *Id.* In light of the conclusory nature of this testimony, we do not credit it, even though Patent Owner did not submit contrary expert testimony. *Magnum Oil*, 829 F.3d at 1380; 37 C.F.R. § 42.65(a).

We find that Petitioner has not proven that Hancock teaches, suggests, or renders obvious "device independent tokens." Thus, we determine that Petitioner has not proven that claims 1, 2, 5, and 19–22 would have been obvious over Hancock.

6. Asserted Obviousness of Claims 1, 2, 5, and 19–22 over Hancock and Bandera

Petitioner argues that claims 1, 2, 5, and 19–22 would have been obvious over the combination of Hancock and Bandera. Pet. 68. Petitioner sets forth its arguments and evidence as to why the teachings of these two references would combined and would teach or suggest all limitations of claims 1, 2, 5, and 19–22. *Id.* at 45–71. Patent Owner disputes the sufficiency of this showing. PO Resp. 23–25; PO Sur-Reply 19. After reviewing the parties' arguments and evidence, we agree with Petitioner's showing for this challenge. Pet. 45–71. We address the disputes between the parties below.

Patent Owner does not dispute that an ordinarily skilled artisan would have combined the teachings of these two references, and Patent Owner does

not specifically identify any limitations of the claims that it contends are not taught or suggested by Hancock and Bandera. PO Resp. 24. Patent Owner, however, argues that Bandera teaches only JVM, whereas handheld devices at the time used KVM. *Id.* (citing Ex. 2006 ¶¶ 87–90). As discussed in Section II.C.2.i.1, we resolved this disputed issue in favor of Petitioner.

Patent Owner also argues that Bandera does not teach developing a tokenized questionnaire comprised of device independent tokens at least some of which are executable. *Id.* Petitioner, however, did not rely on Bandera alone for that limitation. In particular, Petitioner relies on Hancock for teaching or suggesting a tokenized questionnaire, and Bandera for teaching the use of Java, which provides device independence. Pet. 47–49; 70. Thus, the argument that Bandera alone does not teach a tokenized questionnaire with device independent tokens is not responsive to the assertions made by Petitioner. *In re Mouttet*, 686 F.3d 1322, 1332 (Fed. Cir. 2012) (citing *In re Keller*, 642 F.2d 413, 425–26 (CCPA 1981)).

Patent Owner further argues that Hancock does not disclose a tokenized questionnaire because it discloses using C++, which would not provide device independence. PO Resp. 24. In this asserted ground, however, Petitioner relies on Bandera's teachings of Java as suggesting making the tokenized questionnaire device independent, not on Hancock's disclosure of C++. Pet. 70–71.

Thus, we resolve the disputed issues for this challenge in favor of Petitioner, and we determine that Petitioner has proven that claims 1, 2, 5, and 19–22 would have been obvious over Hancock and Bandera.

7. Asserted Obviousness of Claim 7 over Hancock and Falls

Petitioner argues that claim 7 would have been obvious over Hancock and Falls. Pet. 42. After reviewing the parties' arguments and evidence, we find that Petitioner has not proven the combination of Hancock and Falls teaches, suggests, or renders obvious the following limitation:

> (b) automatically transferring said designed questionnaire to at least one loosely networked computer

i. Arguments in the Petition and Reply

The Petition does not sufficiently demonstrate that Hancock and Falls teach or suggest *automatically* transferring a designed questionnaire to what Petitioner argues is a loosely networked computer. Pet. 73–74. In its discussion of Hancock's teachings regarding this automatic transfer, Petitioner in the Petition does not address how any transfer of a designed questionnaire in Hancock is automatic. Petitioner states the following:

> As explained in VII.D.i.B–C, Hancock discloses transferring the designed questions to at least one computer having a GPS integral thereto. See, e.g., Ex. 1003, Abstract; Ex. 1005 ¶ 238.
>
> Hancock addresses services provided via the Internet to users in a mobile environment. See e.g., Ex. 1003, Abstract. As previously discussed, it was well known at the time that such an environment was "loosely networked" because unreliable wireless connections intermittently disconnected. While Hancock does not provide express teachings directed to handling intermittent network connections, as explained in VII.C.ii.C, Falls provides such additional details for dealing with intermittent connections in such environments, disclosing a more specific teaching of a loosely connected network. Ex. 1005 ¶[¶] 239–40.
>
> Accordingly, to the extent Hancock's disclosure does not disclose or render obvious the "loosely networked" limitation, it

> would have been obvious through Hancock in view of Falls. Ex. 1005 ¶ 241.

Pet. 73 (emphases omitted).

The cited paragraphs of Mr. Roman's original declaration also do not address how Hancock teaches or suggests making any transfer of a designed questionnaire to device 10 automatically. Mr. Roman testifies that Hancock describes automatically transmitting an electronic data packet to the server. Ex. 1005 ¶ 238. Claim 7, however, requires that the transfer be to the loosely networked computer, which Petitioner maps to device 10. Further, Mr. Roman maps the recited questionnaire to the Go2 Application software. Ex. 1005 ¶ 191. Mr. Roman cites Hancock Figure 18 as disclosing the transfer of this software to the handheld device. *Id.* ¶ 190. However, steps 1806, 1808, 1824, and 1811 of Hancock Figure 18 indicate that the transfer of the Go2 Application software to the handheld device is not automatic—the user is queried and must agree to the transfer before the transfer occurs. Ex. 1003, Fig. 18.

In our Institution Decision, we noted the above issues with Petitioner's showing. Inst. Dec. 51. In the Patent Owner Response, Patent Owner identified similar issues. PO Resp. 25.

In its Reply, Petitioner does not persuasively explain why the teachings it cited in its Petition teach the above limitation. Pet. Reply 20–23. Instead, Petitioner argues that additional disclosures in Hancock teach or suggest the limitation. *Id.*

ii. Petitioner's Reply Arguments Were Untimely

Having failed to establish that the disclosures identified in its Petition demonstrate that Hancock disclosed the automatic transfer of a questionnaire, it was not within the proper scope of Petitioner's Reply to (i)

rely on different disclosures and (ii) contend for the first time that the recited automatic transfer was rendered obvious by Hancock. *Intelligent Bio-Systems*, 821 F.3d at 1369–70; 37 C.F.R. § 42.23(b). Thus, we will not consider the arguments Petitioner presents in its Reply regarding this recitation. And given the insufficient proof provided with the Petition, we find Petitioner has not proven that Barbosa and Falls teach, suggest, or render obvious the above limitation.

iii. Even if We Were to Consider Petitioner's Reply Arguments, Petitioner's Showing Would Still Be Insufficient

Even if we were to consider the arguments and evidence Petitioner presents in its Reply, we would still find that Petitioner has not proven that the combination of Hancock and Falls teaches, suggests, or renders obvious the above limitation.

In the Reply, Petitioner argues that Hancock has numerous disclosures of the recited automatic transfer, citing the reply testimony of Mr. Roman. Pet. Reply 21. Mr. Roman testifies that Hancock teaches transferring questions requesting a user's location as well as questions regarding other location-based selections. Ex. 1018 ¶ 35. Mr. Roman further testifies that these questions are transferred automatically and that Hancock describes each of its preferred embodiments as an automatic location system. *Id.* (citing Ex. 1003, 23:30–34). Mr. Roman further testifies that Hancock describes an automatic location data collection process with an endless loop in which a server continuously asks a client for updated location information. *Id.* (citing Ex. 1003, 31:65–32:27). Mr. Roman quotes Hancock's disclosure that its server:

> automatically determin[es] the location of the client. In one embodiment, the client automatically advises the server of its

> current location via a transmission of an electronic data packet or "handshake" upon connection. The server uses this information to perform a database query to retrieve information that is customized for the particular location.

Id. (quoting Ex. 1003, 3:9–15). Mr. Roman further testifies that an ordinarily skilled artisan would appreciate that this "handshake" is used to automatically transfer a query to the client device requesting its location, and Hancock makes clear that questions and answers regarding a user's locations are exchanged automatically. *Id.* (citing Ex. 1003, 3:9–15; 31:65–32:27, 3:56–58).

According to Mr. Roman, Hancock teaches further location-specific questions may be automatically transferred. Ex. 1018 ¶ 36. Mr. Roman testifies that Hancock teaches a user interface application with location-based questions provided via a web-browser. *Id.* (citing Ex. 1003, 26:30–60). Mr. Roman further testifies that in connection with that application, Hancock teaches automatically transferring location-based questions used to "formulate a subsequent on-line database query." *Id.* (citing Ex. 1003, 28:49–56). According to Mr. Roman, further location-based questions may be automatically transferred to allow the user to refine database queries. *Id.* (citing Ex. 1003, 28:66–29:10).

Mr. Roman also testifies that Hancock further teaches automatically transferring, via its application, questions related to user preferences that are "entered one time and are not changed for every database query to minimize input requirements." *Id.*, Ex. 1003, 30:1–9. Mr. Roman then opines that given Hancock's teachings of "automatic location data collection" and its automatic transmission of location-based questions (i.e., over a web-based

interface or application), a POSITA would appreciate that Hancock discloses claim 7's "automatically transferring" limitation. Ex. 1018, ¶ 36.

We do not afford weight to that opinion, however, because Mr. Roman does not explain how the automatic transfer of questions, which could be in text format, discloses the transfer of questionnaire that is executable.

Mr. Roman further testifies that such automatic transferring would have been obvious based on Hancock. Pet. Reply 22. Mr. Roman testifies that Hancock describes each of its preferred embodiments of Figures 13–22 as an automatic location system. *Id.* (citing Ex. 1003, 23:30–34). Further Mr. Roman testifies that Hancock teaches that reducing user interaction with its system is a key consideration of its invention, given the mobile nature of the client devices. *Id.* (citing Ex. 1003, 1:29–38, 3:41–45, 3:65–67; Ex. 1018 ¶ 37). According to Mr. Roman, as automatically transferring questionnaire information reduced a user's need to interface with Hancock's software, an ordinarily skilled artisan would appreciate the claimed automatic transfer is at least obvious in light of Hancock because an automated transfer would enable location-based information with minimal user interaction. *Id.* (citing Ex. 1018 ¶ 37).

We also do not credit this testimony by Mr. Roman. This testimony merely addresses why an automatic transfer of *questions* might be obvious, not why the automatic transfer of an *executable questionnaire* would be.

Mr. Roman further testifies that, in the embodiment of Figure 18 of Hancock, it would have been obvious to remove user prompts before questions are transferred to avoid "dangerous" user interactions, thereby making the transfer of Figure 18 automatic. Ex. 1018 ¶ 37 (citing Ex. 1003,

3:42–45). We do not credit that opinion. Mr. Roman indicates that Hancock's teachings of the need to avoid "dangerous" interactions would cause an ordinarily skilled artisan to remove the user prompt in Figure 18, but he not explain why Hancock, which is the source of the concern for "dangerous interactions," would teach an ordinarily skilled artisan to use such a prompt if it involved one of the dangerous interactions that Hancock believed should be avoided. *Id.* Thus, we find that testimony to be unpersuasive.

We find that, even if we consider Petitioner's Reply arguments and evidence, Petitioner would still have not provided sufficient evidence that Hancock teaches, suggests, or renders obvious the above limitation. Thus, we determine that Petitioner has not proven that Hancock and Falls teach, suggest, or render obvious the above limitation. And Petitioner has not shown by a preponderance of the evidence that claim 7 would have been obvious over Hancock and Falls.

D. Constitutional Challenge

Patent Owner argues the Board lacks jurisdiction to conduct *inter partes* review of the '748 patent because the "appointments of administrative patent judges [APJs] violate the Appointments Clause of Article II of the United States Constitution. PO Resp. 25–26. We decline to address Patent Owner's constitutional challenge because it has been addressed by the Federal Circuit in *Arthrex, Inc. v Smith & Nephew, Inc.*, 941 F.3d 1320, 1340 (Fed. Cir. 2019) ("we see the impact of this case as limited to those cases where final written decisions were issued and where litigants present an Appointments Clause challenge on appeal.").

III. CONCLUSION[18]

In summary, we make the following determinations:

Claims	35 U.S.C. §	Reference(s)	Claims Shown Unpatentable	Claims Not Shown Unpatentable
1, 19–22	103(a)	Barbosa	1, 19–22	
1, 19–22	103(a)	Barbosa, Bandera	1, 19–22	
7	103(a)	Barbosa, Falls		7
1, 2, 5, 19–22	103(a)	Hancock		1, 2, 5, 19–22
1, 2, 5, 19–22	103(a)	Hancock, Bandera	1, 2, 5, 19–22	
7	103(a)	Hancock, Falls		7
Overall Outcome			1, 2, 5, 19–22	7

IV. ORDER

Thus, it is:

ORDERED that claims 1, 2, 5, and 19–22 have been shown, by a preponderance of the evidence, to be unpatentable;

[18] Should Patent Owner wish to pursue amendment of the challenged claims in a reissue or reexamination proceeding subsequent to the issuance of this decision, we draw Patent Owner's attention to the April 2019 Notice Regarding Options for Amendments by Patent Owner Through Reissue or Reexamination During a Pending AIA Trial Proceeding. *See* 84 Fed. Reg. 16,654 (Apr. 22, 2019). If Patent Owner chooses to file a reissue application or a request for reexamination of the challenged patent, we remind Patent Owner of its continuing obligation to notify the Board of any such related matters in updated mandatory notices. *See* 37 C.F.R. § 42.8(a)(3), (b)(2).

FURTHER ORDERED that claim 7 has not been shown, by a preponderance of the evidence, to be unpatentable;

FURTHER ORDERED that because this is a Final Written Decision, the parties to the proceeding seeking judicial review of the decision must comply with the notice and service requirements of 37 C.F.R. § 90.2.

FOR PETITIONER:

Robert Reckers
rreckers@shb.com

Ricardo Bonilla
rbonilla@fr.com

FOR PATENT OWNER:

TERRY WATT
tlwatt@fellerssnider.com

Matthew Antonelli
matt@ahtlawfirm.com

Larry Thompson
larry@ahtlawfirm.com

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court for the Eastern District of Texas on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
6:18-cv-410	8/15/2018	for the Eastern District of Texas

PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	REGAL CINEMAS, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,454,748	9/27/2016	FALL LINE PATENTS, LLC
2			
3			
4			
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
ORDER granting Motion to Dismiss. All claims made by Fall Line against Regal in this action are DISMISSED WITH PREJUDICE.

CLERK	(BY) DEPUTY CLERK	DATE
DAVID A. O'TOOLE	Michael Lantz	04/28/2021

Copy 1---Upon initiation of action, mail this copy to Director Copy 3---Upon termination of action, mail this copy to Director
Copy 2---Upon filing document adding patent(s), mail this copy to Director Copy 4---Case file copy

Doc Code: TRIAL.CERT

Patent Number 9454748

Issued:

Date (for IFW TOC): 11/23/2022
(Date sent to IFW scanning)

Application No.: 12910706

REVIEW CHECKLIST FOR ISSUANCE OF AIA TRIAL CERTIFICATE

Case Number IPR2019-00610 Petition Filing Date: 1/22/2019

The results of

IPR2019-00610 filed 1/22/19

[Insert proceeding no(s), and filing date(s) and indicate if joined or consolidated]

are reflected in this:

- ◉ INTER PARTES REVIEW (IPR) CERTIFICATE UNDER 35 U.S.C. 318(b). *[Kind Code* K]
- ○ POST GRANT REVIEW (PGR) CERTIFICATE UNDER 35 U.S.C. 328(b). *[Kind Code* J]
- ○ DERIVATION (DER) CERTIFICATE UNDER 35 U.S.C. 135(d). *[Kind Code* O]

BIBLIOGRAPHIC DATA:

Abstract of Title of Patent Attached: ◉ Yes ○ No

* If no Abstract of Title available, then Front Page of Patent and and Certificate of Corrections and/or Reexamination Certificates ○ Yes ◉ No **

**NOTE: If "No" to both, then Trial Reviewer please complete the following;

Title:

Inventor(s):

Applicants (complete only if original patent aplication was filed on or after Sep 16, 2012):

Assignee(s):

Patent No: 9454748

Issued:

Application No: 12910706

Filed:

Doc Code: TRIAL.CERT

Patent Number 9454748

Issued:

Date (for IFW TOC): 11/23/2022
(Date sent to IFW scanning)

Application No.: 12910706

TRIAL CERTIFICATE WILL INDICATE THE FOLLOWING:

a. Change in Specification: ☐ Yes ☑ No If "Yes" ☐ Substitution(s) to Column No(s) are attached.(Please enter column and line nos.)

b. Change in Drawings: ☐ Yes ☑ No If "Yes" ☐ Substitution(s) to Figure No(s)

are attached.

c. Status of the claims (list each claim only once):

☑ Patent Claims Found Patentable 7

☑ Patent Claims Cancelled 1, 2, 5, and 19–22

☐ Substitute Claims

☐ Substitute Claims attached.

☐ Patent Claims Disclaimed:

d. Other Changes: Trial Reviewer please enter the Patent Owner Motion to Amend and [date filed] containing the approved change, and either enter the change below or attach a copy of the approved change to this checklist.

Only changes approved for entry by the Trial Judge are to be included.

☐ Title

☐ Inventors

Applicants (complete if original patent application was filed on or after Sep. 16, 2012):

☐ Applicant

☐ Assignee

☐ Abstract

☐ Substitute Abstract attached.

Patent Assignment Abstract of Title

Total Assignments: 3

Application #: 12910706 **Filing Dt:** 10/22/2010 **Patent #:** 9454748 **Issue Dt:** 09/27/2016
PCT #: NONE **Intl Reg #:** **Publication #:** US20110040831 **Pub Dt:** 02/17/2011
Inventor: J. David Payne
Title: SYSTEM AND METHOD FOR DATA MANAGEMENT

Assignment: 1

Reel/Frame: 039527 / 0129 **Received:** 08/24/2016 **Recorded:** 08/24/2016 **Mailed:** 08/25/2016 **Pages:** 3
Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).
Assignor: PAYNE, J. DAVID **Exec Dt:** 08/07/2003
Assignee: MACROSOLVE, INC.
9521-B RIVERSIDE PKWY
#134
TULSA, OKLAHOMA 74137
Correspondent: SCOTT R. ZINGERMAN/FELLERS SNIDER ET AL.
321 SOUTH BOSTON
SUITE 800
TULSA, OK 74103

Assignment: 2

Reel/Frame: 039527 / 0213 **Received:** 08/24/2016 **Recorded:** 08/24/2016 **Mailed:** 08/25/2016 **Pages:** 5
Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).
Assignor: MACROSOLVE, INC. **Exec Dt:** 06/04/2014
Assignee: EDICHE, LLC
2121 SOUTH YORKTOWN
SUITE 1103
TULSA, OKLAHOMA 74114
Correspondent: SCOTT R. ZINGERMAN/FELLERS SNIDER ET AL.
321 SOUTH BOSTON
SUITE 800
TULSA, OK 74103

Assignment: 3

Reel/Frame: 041556 / 0916 **Received:** 03/13/2017 **Recorded:** 03/13/2017 **Mailed:** 03/14/2017 **Pages:** 3
Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).
Assignor: EDICHE, LLC **Exec Dt:** 03/03/2017
Assignee: FALL LINE PATENTS, LLC
2121 SOUTH YORKTOWN #1103
TULSA, OKLAHOMA 74114
Correspondent: TERRY L. WATT
321 SOUTH BOSTON, SUITE 500
TULSA, OK 74103

Search Results as of: 11/23/2022 10:39 AM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.6
Web interface last modified: Jun 26, 2017 v.2.6

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

AMC MULTI-CINEMA, INC., AMC ENTERTAINMENT HOLDINGS, INC., BOSTON MARKET CORPORATION, MOBO SYSTEMS, INC., MCDONALD'S CORPORATION, MCDONALD'S USA, PAPA JOHN'S INTERNATIONAL, INC., STAR PAPA LP, PAPA JOHN'S USA, INC.,
Appellants

v.

FALL LINE PATENTS, LLC,
Appellee

2022-2057

Appeal from the United States Patent and Trademark Office, Patent Trial and Appeal Board in No. IPR2019-00610.

ON MOTION

O R D E R

Appellants move to voluntarily dismiss this appeal with prejudice pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure.

The court generally does not specify whether a dismissal of an appeal is with prejudice.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion is granted to the extent that the appeal is dismissed.

(2) Each side shall bear its own costs.

FOR THE COURT

November 7, 2022
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court

ISSUED AS A MANDATE: November 7, 2022

(12) **INTER PARTES REVIEW CERTIFICATE** (2934th)
United States Patent
Payne

(10) **Number: US 9,454,748 K1**
(45) **Certificate Issued: Dec. 19, 2022**

(54) **SYSTEM AND METHOD FOR DATA MANAGEMENT**

(75) Inventor: **J. David Payne**

(73) Assignee: **FALL LINE PATENTS, LLC**

Trial Number:

IPR2019-00610 filed Jan. 22, 2019

Inter Partes Review Certificate for:

Patent No.: **9,454,748**
Issued: **Sep. 27, 2016**
Appl. No.: **12/910,706**
Filed: **Oct. 22, 2010**

The results of IPR2019-00610 are reflected in this inter partes review certificate under 35 U.S.C. 318(b).

AS A RESULT OF THE INTER PARTES REVIEW PROCEEDING, IT HAS BEEN DETERMINED THAT:

Claim **7** is found patentable.

Claims **1**, **2**, **5** and **19-22** are cancelled.

* * * * *

Doc Code: TRIAL.CERT

Date (for IFW TOC): 6/6/2023
(Date sent to IFW scanning)

Patent Number 9454748

Issued: 9/27/2016

Application No.: 12910706

REVIEW CHECKLIST FOR ISSUANCE OF AIA TRIAL CERTIFICATE

Case Number IPR2018-00043

Petition Filing Date: 10/6/2017

The results of

IPR2018-00043 filed 10/6/17

[Insert proceeding no(s), and filing date(s) and indicate if joined or consolidated]

are reflected in this:

- ◉ INTER PARTES REVIEW (IPR) CERTIFICATE UNDER 35 U.S.C. 318(b). *[Kind Code* K]
- ○ POST GRANT REVIEW (PGR) CERTIFICATE UNDER 35 U.S.C. 328(b). *[Kind Code* J]
- ○ DERIVATION (DER) CERTIFICATE UNDER 35 U.S.C. 135(d). *[Kind Code* O]

BIBLIOGRAPHIC DATA:

Abstract of Title of Patent Attached: ◉ Yes ○ No

* If no Abstract of Title available, then Front Page of Patent and and Certificate of Corrections and/or Reexamination Certificates ○ Yes ◉ No **

**NOTE: If "No" to both, then Trial Reviewer please complete the following;

Title:

Inventor(s):

Applicants (complete only if original patent aplication was filed on or after Sep 16, 2012):

Assignee(s):

Patent No: 9454748

Issued:

Application No: 12910706

Filed:

Doc Code: TRIAL.CERT

Date (for IFW TOC): 6/6/2023
(Date sent to IFW scanning)

Patent Number 9454748

Issued: 9/27/2016

Application No.: 12910706

TRIAL CERTIFICATE WILL INDICATE THE FOLLOWING:

a. Change in Specification: ☐ Yes ☑ No

If "Yes" ☐ Substitution(s) to Column No(s) are attached.(Please enter column and line nos.)

b. Change in Drawings: ☐ Yes ☑ No

If "Yes" ☐ Substitution(s) to Figure No(s)

are attached.

c. Status of the claims (list each claim only once):

☐ Patent Claims Found Patentable

☑ Patent Claims Cancelled 16–18

☐ Substitute Claims

☐ Substitute Claims attached.

☐ Patent Claims Disclaimed:

d. Other Changes: Trial Reviewer please enter the Patent Owner Motion to Amend and [date filed] containing the approved change, and either enter the change below or attach a copy of the approved change to this checklist.

Only changes approved for entry by the Trial Judge are to be included.

☐ Title

☐ Inventors

Applicants (complete if original patent application was filed on or after Sep. 16, 2012):

☐ Applicant

☐ Assignee

☐ Abstract

☐ Substitute Abstract attached.

Patent Assignment Abstract of Title

Total Assignments: 3

Application #: 12910706 **Filing Dt:** 10/22/2010 **Patent #:** 9454748 **Issue Dt:** 09/27/2016
PCT #: NONE **Intl Reg #:** **Publication #:** US20110040831 **Pub Dt:** 02/17/2011
Inventor: J. David Payne
Title: SYSTEM AND METHOD FOR DATA MANAGEMENT

Assignment: 1

Reel/Frame: 039527 / 0129 **Received:** 08/24/2016 **Recorded:** 08/24/2016 **Mailed:** 08/25/2016 **Pages:** 3
Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).
Assignor: PAYNE, J. DAVID **Exec Dt:** 08/07/2003
Assignee: MACROSOLVE, INC.
9521-B RIVERSIDE PKWY
#134
TULSA, OKLAHOMA 74137
Correspondent: SCOTT R. ZINGERMAN/FELLERS SNIDER ET AL.
321 SOUTH BOSTON
SUITE 800
TULSA, OK 74103

Assignment: 2

Reel/Frame: 039527 / 0213 **Received:** 08/24/2016 **Recorded:** 08/24/2016 **Mailed:** 08/25/2016 **Pages:** 5
Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).
Assignor: MACROSOLVE, INC. **Exec Dt:** 06/04/2014
Assignee: EDICHE, LLC
2121 SOUTH YORKTOWN
SUITE 1103
TULSA, OKLAHOMA 74114
Correspondent: SCOTT R. ZINGERMAN/FELLERS SNIDER ET AL.
321 SOUTH BOSTON
SUITE 800
TULSA, OK 74103

Assignment: 3

Reel/Frame: 041556 / 0916 **Received:** 03/13/2017 **Recorded:** 03/13/2017 **Mailed:** 03/14/2017 **Pages:** 3
Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).
Assignor: EDICHE, LLC **Exec Dt:** 03/03/2017
Assignee: FALL LINE PATENTS, LLC
2121 SOUTH YORKTOWN #1103
TULSA, OKLAHOMA 74114
Correspondent: TERRY L. WATT
321 SOUTH BOSTON, SUITE 500
TULSA, OK 74103

Search Results as of: 06/06/2023 01:20 PM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.6
Web interface last modified: Jun 26, 2017 v.2.6

(12) **INTER PARTES REVIEW CERTIFICATE** (3223rd)
United States Patent
Payne

(10) **Number: US 9,454,748 K2**
(45) **Certificate Issued: Aug. 22, 2023**

(54) **SYSTEM AND METHOD FOR DATA MANAGEMENT**

(75) Inventor: **J. David Payne**

(73) Assignee: **FALL LINE PATENTS, LLC**

Trial Number:

IPR2018-00043 filed Oct. 6, 2017

Inter Partes Review Certificate for:

Patent No.: **9,454,748**
Issued: **Sep. 27, 2016**
Appl. No.: **12/910,706**
Filed: **Oct. 22, 2010**

The results of IPR2018-00043 are reflected in this inter partes review certificate under 35 U.S.C. 318(b).

AS A RESULT OF THE INTER PARTES REVIEW PROCEEDING, IT HAS BEEN DETERMINED THAT:

Claims **16-18** are cancelled.

* * * * *

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Texarkana Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
5:23-cv-110	10/13/2023	Eastern District of Texas, Texarkana Division

PLAINTIFF	DEFENDANT
FALL LINE PATENTS, LLC	ARBY'S RESTAURANT GROUP, INC.

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,454,748	9/27/2016	FALL LINE PATENTS, LLC
2			
3			
4			
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO:	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Eastern District of Texas, Texarkana Division on the following

☐ Trademarks or ☑ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT
5:24-cv-89	7/11/2024	Eastern District of Texas, Texarkana Division

PLAINTIFF	DEFENDANT
Fall Line Patents, LLC	Wingstop Inc., Wingstop Restaurants Inc., and Wingstop Franchising LLC

	PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1	9,454,748	9/27/2016	Fall Line Patents, LLC
2			
3			
4			
5			

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE

Copy 1—Upon initiation of action, mail this copy to Director **Copy 3—Upon termination of action, mail this copy to Director**
Copy 2—Upon filing document adding patent(s), mail this copy to Director **Copy 4—Case file copy**