

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

U.S. Patent Application Publication No. 2007/0124211 (“Smith”) was filed on May 25, 2006, published on May 31, 2007, and therefore qualifies as prior art under at least 35 U.S.C. §§ 102(a), (b), and (e) as to the asserted claims of U.S. Pat. No. 12,028,793 (“the ’793 Patent”). Smith, including any material incorporated by reference into Smith, anticipates claims 1-11 (“the Asserted Claims”) of the ’793 Patent under 35 U.S.C. § 102. Smith also renders obvious the Asserted Claims under 35 U.S.C. § 103, alone based on the state of the art and/or in combination with one or more references identified in Samsung’s accompanying disclosure for the ’793 Patent.¹

To the extent Plaintiff alleges that the Smith does not disclose any particular limitation of the Asserted Claims of the ’793 Patent, either expressly or inherently, it would have been obvious to a person of ordinary skill in the art as of the priority date of the ’793 Patent to modify the Smith reference and/or to combine the teachings of the Smith reference with other prior art references, including but not limited to the present prior art references found in Exhibit 793-B and the corresponding section(s) of charts for other prior art references for the ’793 Patent in a manner that would have rendered the Asserted Claims invalid as obvious.

With respect to the obviousness of the Asserted Claims under 35 U.S.C. § 103, one or more of the principles enumerated by the United States Supreme Court in *KSR v. Teleflex*, 550 U.S. 398 (2007) apply, including: (a) combining various claimed elements known in the prior art according to known methods to yield a predictable result; and/or (b) making a simple substitution of one or more known elements for another to obtain a predictable result; and/or (c) using a known technique to improve a similar device or method in the same way; and/or (d) applying a known technique to a known device or method ready for improvement to yield a predictable result; and/or (e) choosing from a finite number of identified, predictable solutions with a reasonable expectation of success or, in other words, the solution was one which was “obvious to try”; and/or (f) a known work in one field of endeavor prompting variations of it for use either in the same field or a different field based on given design incentives or other market forces in which the variations were predictable to one of ordinary skill in the art; and/or (g) a teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill in the art to modify the prior art reference or to combine the teachings of various prior art references to arrive at the claimed invention. It therefore would have been obvious to one of ordinary skill in the art to combine the disclosures of these references in accordance with the principles and rationales set forth above.

¹ Samsung notes that Plaintiff appears in many instances to be pursuing overly broad constructions of various limitations of the asserted claims of the ’793 Patent in an effort to piece together an infringement claim where none exists and to accuse a product that does not practice the claims. This claim chart may take into account Plaintiff’s overly broad constructions of the claim limitations. Any assertion that a particular limitation is disclosed by a prior art reference may be based on Plaintiff’s apparent constructions and is not intended to be, and is not, an admission that such constructions are supportable or proper.

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

The citations to portions of any reference in this chart are exemplary only. For example, a citation that refers to or discusses a figure or figure item should be understood to also incorporate by reference that figure and any additional descriptions of that figure as if set forth fully therein. Samsung reserves the right to rely on the entirety of the references cited in this chart to show that the Asserted Claims are invalid. Citations presented for one claim limitation are expressly incorporated by reference into all other limitations for that claim as well as all limitations of all claims on which that claim depends. Samsung also reserves the right to rely on additional citations or sources of evidence that also may be applicable, or that may become applicable in light of claim construction, changes in Plaintiff's infringement contentions, and/or information obtained during discovery as the case progresses.

Claim	U.S. Patent No. 12,028,793	Exemplary Disclosure in Smith
[1.1]	A method comprising:	To the extent the preamble is limiting, Smith discloses "a method comprising:" See e.g.: 1.2-1.11. infra. The present invention relates to systems, methods and apparatus for making purchase transactions at a point-of-sale. A wireless purchase device (WPD) comprising a short range communications device for communication with vendor point-of-sale equipment such as a wireless vendor device (WVD) and a long range communications device for communications with credit or debit authorization processors. In preferred embodiments, a WVD will communicate vendor identification data and a transaction purchase price to a WPD and a WPD user will determine whether to complete the transaction. The transaction may be completed by transmitting the vendor identification and purchase data to an authorization processor for credit or debit approval. Authorization approval or denial is transmitted to the WPD where the user is discretely notified of the outcome. If approved, the user may transmit the approval to the WVD to complete the transaction. Using the systems and methods of the present invention, vendors need not maintain long range communications between points-of-sale and authorization processors or other parties. Purchasers also benefit from the discrete notification of credit or debit approval or rejection. Smith at Abstract

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		The present invention relates to methods and apparatus for point-of-sale transactions using wireless communication devices. Embodiments of the present invention utilize wireless purchasing devices (WPDs) to communicate with point-of-sale wireless vendor devices (WVDs) and arrange the electronic transfer of assets to complete a sale. WPDs of embodiments of the present invention may negotiate a purchase code with a WVD and obtain authorization to complete a purchase identified in the purchase code directly from a creditor or account holder. When authorization is approved, an authorization code is transmitted from the creditor/account holder directly to the WPD and a purchase authorization code is transmitted to the WVD to complete the transaction. Embodiments of the present invention may be used with human-operated vendor devices such as electronic cash registers or with automated vendor devices such as electronic vending machines. Smith at Para 0001
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

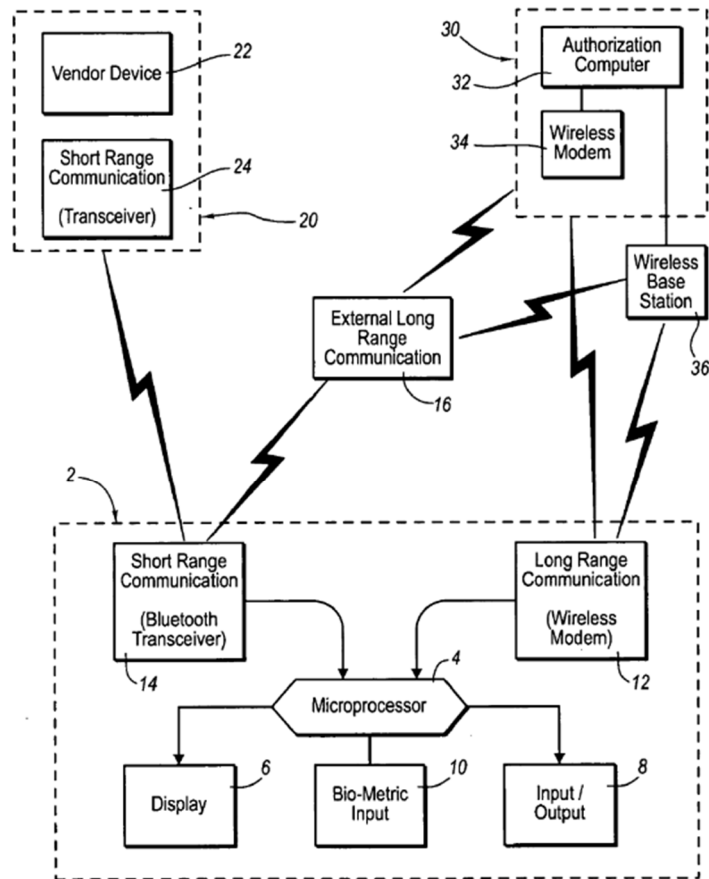


Figure 1

Smith at Figure 1

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

[1.2]	sensing a physiological parameter; then	Smith discloses “sensing a physiological parameter; then” See e.g.: The apparatus of claim 25, further comprising a bio-metric input device electrically coupled to the microprocessor. Smith at Claim 27 Some embodiments of the WPD of the present invention may also comprise a biometric input device 10 to verify user identity. Biometric input device 10 may use thumb print analysis, retinal scan analysis or another identification method to identify the WPS user. Once the user is identified, user identity can be matched to account data to ensure that unauthorized users do not gain access to sensitive information or other user's accounts. Smith at Para 0032 In reference to FIG. 3, embodiments of the present invention which accommodate multiple, simultaneous vendors are illustrated. In these embodiments WvDs and WPDs will generally utilize wireless networking technology such as Bluetooth® transceivers or others to communicate. WVD1 61, WVD2 62 and WVD3 63 are present within communication range of a single WPD 2 and communication between WVDs 61, 62 and 63 and WPD 2 is initiated upon communication contact. In a preferred embodiment WVDs 61, 62 and 63 will transmit menu options to WPD 2 to inform the consumer of available products and to identify the vendors associated with the WVDs. WVDs 61, 62 and 63 may be electronic vending machines or other vendor devices. A consumer may view the menu 60 on the WPD display 6 to see the available products and make selections with WPD input device 8. When a final selection is made by the consumer, the WPD 2 will request authorization for the purchase by contacting authorization provider 30. Authorization provider 30 may request user identification before approval. Identification may be provided through the use of a confidential PIN number or for increased security may be provided by biometric identification device 10. When identification is verified, authorization provider 30 will check account status and
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		approve or deny the transaction according to internal rules. If approval is granted, an authorization approval is transmitted to WPD 2 and a transfer of funds request is transmitted to the consumer's financial institution 40 who will transfer appropriate amounts of funds to the accounts 71, 72 and 73 of vendors who were selected in the consumer's menu selection on the WPD 2. Smith at Para 0038 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[1.3]	determining whether or not the physiological parameter sensed satisfies a criterion; then	Smith discloses “determining whether or not the physiological parameter sensed satisfies a criterion; then” See e.g.: The apparatus of claim 25, further comprising a bio-metric input device electrically coupled to the microprocessor. Smith at Claim 27 Some embodiments of the WPD of the present invention may also comprise a biometric input device 10 to verify user identity. Biometric input device 10 may use thumb print analysis, retinal scan analysis or another identification method to identify the WPS user. Once the user is identified, user identity can be matched to account data to ensure that unauthorized users do not gain access to sensitive information or other user's accounts. Smith at Para 0032 In reference to FIG. 3, embodiments of the present invention which accommodate multiple, simultaneous vendors are illustrated. In these embodiments WvDs and

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		WPDs will generally utilize wireless networking technology such as Bluetooth® transceivers or others to communicate. WVD1 61, WVD2 62 and WVD3 63 are present within communication range of a single WPD 2 and communication between WVDs 61, 62 and 63 and WPD 2 is initiated upon communication contact. In a preferred embodiment WVDs 61, 62 and 63 will transmit menu options to WPD 2 to inform the consumer of available products and to identify the vendors associated with the WVDs. WVDs 61, 62 and 63 may be electronic vending machines or other vendor devices. A consumer may view the menu 60 on the WPD display 6 to see the available products and make selections with WPD input device 8. When a final selection is made by the consumer, the WPD 2 will request authorization for the purchase by contacting authorization provider 30. Authorization provider 30 may request user identification before approval. Identification may be provided through the use of a confidential PIN number or for increased security may be provided by biometric identification device 10. When identification is verified, authorization provider 30 will check account status and approve or deny the transaction according to internal rules. If approval is granted, an authorization approval is transmitted to WPD 2 and a transfer of funds request is transmitted to the consumer's financial institution 40 who will transfer appropriate amounts of funds to the accounts 71, 72 and 73 of vendors who were selected in the consumer's menu selection on the WPD 2. Smith at Para 0038 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[1.4]	responsive to the physiological parameter sensed satisfying the	Smith discloses “responsive to the physiological parameter sensed satisfying the criterion, enabling at least one first function; then” See e.g.:

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	criterion, enabling at least one first function; then	[1.1]-[1.3], supra. [1.4], infra. Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[1.5]	while said at least one first function is enabled, responsive to having sensed the physiological parameter and responsive to having determined that the physiological parameter sensed satisfies the criterion, requesting an authorization to establish a function to conduct a financial transaction; then	Smith disclose “while said at least one first function is enabled, responsive to having sensed the physiological parameter and responsive to having determined that the physiological parameter sensed satisfies the criterion, requesting an authorization to establish a function to conduct a financial transaction; then” See e.g.: The present invention relates to systems, methods and apparatus for making purchase transactions at a point-of-sale. A wireless purchase device (WPD) comprising a short range communications device for communication with vendor point-of-sale equipment such as a wireless vendor device (WVD) and a long range communications device for communications with credit or debit authorization processors. In preferred embodiments, a WVD will communicate vendor identification data and a transaction purchase price to a WPD and a WPD user will determine whether to complete the transaction. The transaction may be completed by transmitting the vendor identification and purchase data to an authorization processor for credit or debit approval. Authorization approval or denial is transmitted to the WPD where the user is discretely notified of the outcome. If approved, the user may transmit the approval to the WVD to complete the transaction. Using the systems and methods of the present invention, vendors need not maintain long range communications between points-of-sale and authorization processors or other parties. Purchasers also benefit from the discrete notification of credit or debit approval or rejection.

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Smith at Abstract The apparatus of claim 25, further comprising a bio-metric input device electrically coupled to the microprocessor. Smith at Claim 27 The present invention relates to methods and apparatus for point-of-sale transactions using wireless communication devices. Embodiments of the present invention utilize wireless purchasing devices (WPDs) to communicate with point-of-sale wireless vendor devices (WVDs) and arrange the electronic transfer of assets to complete a sale. WPDs of embodiments of the present invention may negotiate a purchase code with a WVD and obtain authorization to complete a purchase identified in the purchase code directly from a creditor or account holder. When authorization is approved, an authorization code is transmitted from the creditor/account holder directly to the WPD and a purchase authorization code is transmitted to the WVD to complete the transaction. Embodiments of the present invention may be used with human-operated vendor devices such as electronic cash registers or with automated vendor devices such as electronic vending machines. Smith at Para 0001 Preferred embodiments of the present invention provide systems, methods and apparatus which provide for short range communication with a point-of-sale device combined with long-range communication with a credit or debit authorization processor. As a non-limiting example, an embodiment of the present invention in the form of a PDA may communicate with a point-of-sale device to determine vendor identification and a sale amount. The vendor/sale data is combined with credit or debit account data and forwarded to an authorization processor as a request for authorization of the sale amount. The authorization processor processes the request and transmits an authorization approval or denial to the PDA through a long range communication system. The authorization is then transmitted to the vendor's point-of-sale device to complete the transaction. Smith at Para 0019
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Embodiments of the present invention allow for transactions with multiple vendors. A consumer with a wireless purchasing device (WPD) may enter an area in which several vendors have point-of-sale devices which can communicate with the WPD. As the consumer enters communication range with the point-of-sale devices, a menu on the WPD is updated to reflect the products available from vendors in communication range along with associated prices and related data. A consumer may select from the available products and initiate the purchase. Vendor information, product identification and pricing data received from the point-of-sale devices is processed into purchase requests for each vendor selected and the purchase requests are transmitted to one or more authorization processors. If the purchases are authorized, the authorization approval is transmitted back to the WPD and the consumer completes the transaction by transmitting a charge or debit authorization to the point-of-sale devices thereby enabling product access or delivery of the purchased products. Smith at Para 0020 It is another object of some embodiments of the present invention to provide systems methods and apparatus for obtaining a point-of-sale purchase authorization for a purchase from a vendor who does not have a communications link with an authorization processor. Smith at Para 0022 Preferred embodiments of the present invention comprise a portable electronic communications device which is capable of communicating with a vendor's point-of-sale device and capable of communicating with an independent financial institution such as a bank or credit lender. In many embodiments, these two communication functions will be achieved using two communications protocols or methods. One method will employ a short range communication or networking device to communicate with a vendor's point-of-sale device. The other method will use a long range wireless communication system to contact financial institutions for payment authorization and execution. Smith at Para 0028
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	When a consumer already has possession of a cell phone or other long range communications device 16 which also has short range communications ability, such as a Bluetooth® enable cell phone, the consumer may prefer to use a less-expensive embodiment of the WPD which uses short range communications device 14 to interact with the external long range communications device 16 for contact with authorization provider 30. Smith at Para 0031 Some embodiments of the WPD of the present invention may also comprise a biometric input device 10 to verify user identity. Biometric input device 10 may use thumb print analysis, retinal scan analysis or another identification method to identify the WPS user. Once the user is identified, user identity can be matched to account data to ensure that unauthorized users do not gain access to sensitive information or other user's accounts. Smith at Para 0032 As embodiments of the present invention are to be used with credit and debit card accounts which generally require authorization before funds may be transferred, WPDs may communicate with authorization providers 30 using long range communication device 12 or 16. WPD communication device 12 or 16 may communicate with authorization long range communications device 34 using known wireless communications methods such as through the use of wireless modems. This communication may be direct between communication device 12 or 16 and 34 or may involve a wireless communications base 36 which receives and transmits wireless signals and converts them to a wired connections such as with a standard telephone line. Authorization communications device 34 provides access to authorization computer 32 which may authorize credit and debit transactions and execute transfers of funds to the appropriate accounts. Smith at Para 0034
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	A variety of communication protocols and methods are known and commonly used in the industry, therefore, the information transfer used in some embodiments of the present invention is shown in a generic format in FIG. 2. Typically a purchase transaction will commence by establishing communication between a WPD 2 and a WVD 20. WPD may receive product or service information from WVD which may be presented on the display 6 of WPD 2. In some embodiments, a consumer may then make a selection between menu items presented on display 6 or otherwise indicate a desire to make a purchase. In some situations, a WVD may simply transmit a transaction amount and vendor identification to the WPD, such as when a cashier has tallied a total and seeks payment or when an automated vending machine offers a single selection. In most situations, the WVD 20 and WPD 2 will communicate 44 with or without vendor and consumer input until a total purchase amount is reached. When a transaction amount is established, the WPD 2 will use its long range communications ability to contact an authorization provider 30 to request authorization 46 of the credit or debit transaction. Authorization processor 30 will check the consumer's account to verify that sufficient funds or credit are available and make any other necessary verification as required. If authorization is denied, a denial 48 will be transmitted to the WPD 2 and the consumer will be notified on the WPD display 6 that the transaction cannot be completed. If the authorization is approved, an authorization approval 50 will be transmitted to the WPD 2 which will use its short range communications link to pass the authorization to the WVD to inform the vendor of the transaction so that the goods or services may be released. Smith at Para 0035 In reference to FIG. 3, embodiments of the present invention which accommodate multiple, simultaneous vendors are illustrated. In these embodiments WvDs and WPDs will generally utilize wireless networking technology such as Bluetooth® transceivers or others to communicate. WVD1 61, WVD2 62 and WVD3 63 are present within communication range of a single WPD 2 and communication between WVDs 61, 62 and 63 and WPD 2 is initiated upon communication contact. In a preferred embodiment WVDs 61, 62 and 63 will transmit menu options to WPD
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		2 to inform the consumer of available products and to identify the vendors associated with the WVDs. WVDs 61, 62 and 63 may be electronic vending machines or other vendor devices. A consumer may view the menu 60 on the WPD display 6 to see the available products and make selections with WPD input device 8. When a final selection is made by the consumer, the WPD 2 will request authorization for the purchase by contacting authorization provider 30. Authorization provider 30 may request user identification before approval. Identification may be provided through the use of a confidential PIN number or for increased security may be provided by biometric identification device 10. When identification is verified, authorization provider 30 will check account status and approve or deny the transaction according to internal rules. If approval is granted, an authorization approval is transmitted to WPD 2 and a transfer of funds request is transmitted to the consumer's financial institution 40 who will transfer appropriate amounts of funds to the accounts 71, 72 and 73 of vendors who were selected in the consumer's menu selection on the WPD 2. Smith at Para 0038
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

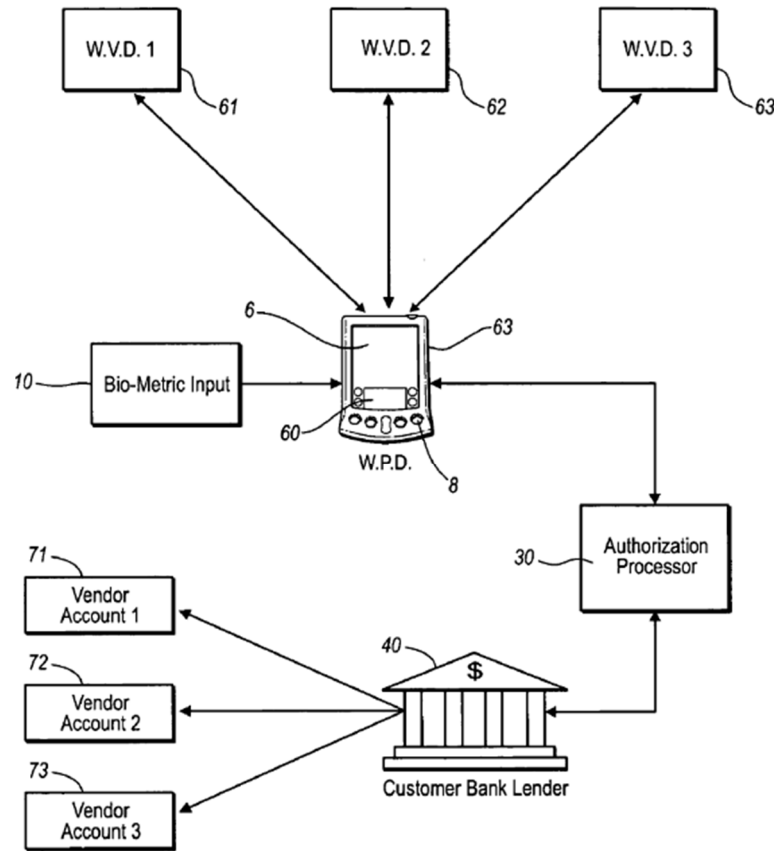


Figure 3

Smith at Figure 3

Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[1.6]	responsive to the requesting, receiving the authorization to establish the function to conduct the financial transaction; then	Smith discloses “responsive to the requesting, receiving the authorization to establish the function to conduct the financial transaction; then” See e.g.: The present invention relates to systems, methods and apparatus for making purchase transactions at a point-of-sale. A wireless purchase device (WPD) comprising a short range communications device for communication with vendor point-of-sale equipment such as a wireless vendor device (WVD) and a long range communications device for communications with credit or debit authorization processors. In preferred embodiments, a WVD will communicate vendor identification data and a transaction purchase price to a WPD and a WPD user will determine whether to complete the transaction. The transaction may be completed by transmitting the vendor identification and purchase data to an authorization processor for credit or debit approval. Authorization approval or denial is transmitted to the WPD where the user is discretely notified of the outcome. If approved, the user may transmit the approval to the WVD to complete the transaction. Using the systems and methods of the present invention, vendors need not maintain long range communications between points-of-sale and authorization processors or other parties. Purchasers also benefit from the discrete notification of credit or debit approval or rejection. Smith at Abstract The apparatus of claim 25, further comprising a bio-metric input device electrically coupled to the microprocessor. Smith at Claim 27 The present invention relates to methods and apparatus for point-of-sale transactions using wireless communication devices. Embodiments of the present invention utilize wireless purchasing devices (WPDs) to communicate with point-of-sale wireless vendor devices (WVDs) and arrange the electronic transfer

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	of assets to complete a sale. WPDs of embodiments of the present invention may negotiate a purchase code with a WVD and obtain authorization to complete a purchase identified in the purchase code directly from a creditor or account holder. When authorization is approved, an authorization code is transmitted from the creditor/account holder directly to the WPD and a purchase authorization code is transmitted to the WVD to complete the transaction. Embodiments of the present invention may be used with human-operated vendor devices such as electronic cash registers or with automated vendor devices such as electronic vending machines. Smith at Para 0001 Preferred embodiments of the present invention provide systems, methods and apparatus which provide for short range communication with a point-of-sale device combined with long-range communication with a credit or debit authorization processor. As a non-limiting example, an embodiment of the present invention in the form of a PDA may communicate with a point-of-sale device to determine vendor identification and a sale amount. The vendor/sale data is combined with credit or debit account data and forwarded to an authorization processor as a request for authorization of the sale amount. The authorization processor processes the request and transmits an authorization approval or denial to the PDA through a long range communication system. The authorization is then transmitted to the vendor's point-of-sale device to complete the transaction. Smith at Para 0019 Embodiments of the present invention allow for transactions with multiple vendors. A consumer with a wireless purchasing device (WPD) may enter an area in which several vendors have point-of-sale devices which can communicate with the WPD. As the consumer enters communication range with the point-of-sale devices, a menu on the WPD is updated to reflect the products available from vendors in communication range along with associated prices and related data. A consumer may select from the available products and initiate the purchase. Vendor information, product identification and pricing data received from the point-of-sale devices is processed into purchase requests for each vendor selected
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	and the purchase requests are transmitted to one or more authorization processors. If the purchases are authorized, the authorization approval is transmitted back to the WPD and the consumer completes the transaction by transmitting a charge or debit authorization to the point-of-sale devices thereby enabling product access or delivery of the purchased products. Smith at Para 0020 It is another object of some embodiments of the present invention to provide systems methods and apparatus for obtaining a point-of-sale purchase authorization for a purchase from a vendor who does not have a communications link with an authorization processor. Smith at Para 0022 Preferred embodiments of the present invention comprise a portable electronic communications device which is capable of communicating with a vendor's point-of-sale device and capable of communicating with an independent financial institution such as a bank or credit lender. In many embodiments, these two communication functions will be achieved using two communications protocols or methods. One method will employ a short range communication or networking device to communicate with a vendor's point-of-sale device. The other method will use a long range wireless communication system to contact financial institutions for payment authorization and execution. Smith at Para 0028 When a consumer already has possession of a cell phone or other long range communications device 16 which also has short range communications ability, such as a Bluetooth® enable cell phone, the consumer may prefer to use a less-expensive embodiment of the WPD which uses short range communications device 14 to interact with the external long range communications device 16 for contact with authorization provider 30. Smith at Para 0031
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Some embodiments of the WPD of the present invention may also comprise a biometric input device 10 to verify user identity. Biometric input device 10 may use thumb print analysis, retinal scan analysis or another identification method to identify the WPS user. Once the user is identified, user identity can be matched to account data to ensure that unauthorized users do not gain access to sensitive information or other user's accounts. Smith at Para 0032 As embodiments of the present invention are to be used with credit and debit card accounts which generally require authorization before funds may be transferred, WPDs may communicate with authorization providers 30 using long range communication device 12 or 16. WPD communication device 12 or 16 may communicate with authorization long range communications device 34 using known wireless communications methods such as through the use of wireless modems. This communication may be direct between communication device 12 or 16 and 34 or may involve a wireless communications base 36 which receives and transmits wireless signals and converts them to a wired connections such as with a standard telephone line. Authorization communications device 34 provides access to authorization computer 32 which may authorize credit and debit transactions and execute transfers of funds to the appropriate accounts. Smith at Para 0034 A variety of communication protocols and methods are known and commonly used in the industry, therefore, the information transfer used in some embodiments of the present invention is shown in a generic format in FIG. 2. Typically a purchase transaction will commence by establishing communication between a WPD 2 and a WVD 20. WPD may receive product or service information from WVD which may be presented on the display 6 of WPD 2. In some embodiments, a consumer may then make a selection between menu items presented on display 6 or otherwise
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	indicate a desire to make a purchase. In some situations, a WVD may simply transmit a transaction amount and vendor identification to the WPD, such as when a cashier has tallied a total and seeks payment or when an automated vending machine offers a single selection. In most situations, the WVD 20 and WPD 2 will communicate 44 with or without vendor and consumer input until a total purchase amount is reached. When a transaction amount is established, the WPD 2 will use its long range communications ability to contact an authorization provider 30 to request authorization 46 of the credit or debit transaction. Authorization processor 30 will check the consumer's account to verify that sufficient funds or credit are available and make any other necessary verification as required. If authorization is denied, a denial 48 will be transmitted to the WPD 2 and the consumer will be notified on the WPD display 6 that the transaction cannot be completed. If the authorization is approved, an authorization approval 50 will be transmitted to the WPD 2 which will use its short range communications link to pass the authorization to the WVD to inform the vendor of the transaction so that the goods or services may be released. Smith at Para 0035 In reference to FIG. 3, embodiments of the present invention which accommodate multiple, simultaneous vendors are illustrated. In these embodiments WvDs and WPDs will generally utilize wireless networking technology such as Bluetooth® transceivers or others to communicate. WVD1 61, WVD2 62 and WVD3 63 are present within communication range of a single WPD 2 and communication between WVDs 61, 62 and 63 and WPD 2 is initiated upon communication contact. In a preferred embodiment WVDs 61, 62 and 63 will transmit menu options to WPD 2 to inform the consumer of available products and to identify the vendors associated with the WVDs. WVDs 61, 62 and 63 may be electronic vending machines or other vendor devices. A consumer may view the menu 60 on the WPD display 6 to see the available products and make selections with WPD input device 8. When a final selection is made by the consumer, the WPD 2 will request authorization for the purchase by contacting authorization provider 30. Authorization provider 30 may request user identification before approval. Identification may be provided through the use of a confidential PIN number or for
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		increased security may be provided by biometric identification device 10. When identification is verified, authorization provider 30 will check account status and approve or deny the transaction according to internal rules. If approval is granted, an authorization approval is transmitted to WPD 2 and a transfer of funds request is transmitted to the consumer's financial institution 40 who will transfer appropriate amounts of funds to the accounts 71, 72 and 73 of vendors who were selected in the consumer's menu selection on the WPD 2. Smith at Para 0038
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

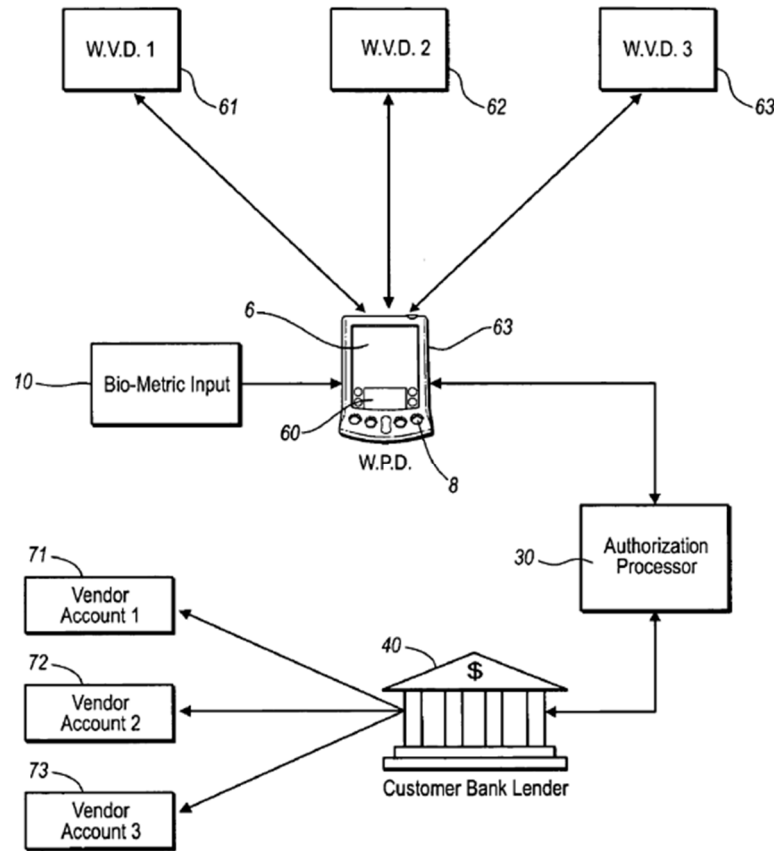


Figure 3

Smith at Figure 3

Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[1.7]	responsive to receiving the authorization, establishing the function to conduct the financial transaction; and then	Smith discloses “responsive to receiving the authorization, establishing the function to conduct the financial transaction; and then” See e.g.: The present invention relates to systems, methods and apparatus for making purchase transactions at a point-of-sale. A wireless purchase device (WPD) comprising a short range communications device for communication with vendor point-of-sale equipment such as a wireless vendor device (WVD) and a long range communications device for communications with credit or debit authorization processors. In preferred embodiments, a WVD will communicate vendor identification data and a transaction purchase price to a WPD and a WPD user will determine whether to complete the transaction. The transaction may be completed by transmitting the vendor identification and purchase data to an authorization processor for credit or debit approval. Authorization approval or denial is transmitted to the WPD where the user is discretely notified of the outcome. If approved, the user may transmit the approval to the WVD to complete the transaction. Using the systems and methods of the present invention, vendors need not maintain long range communications between points-of-sale and authorization processors or other parties. Purchasers also benefit from the discrete notification of credit or debit approval or rejection. Smith at Abstract The apparatus of claim 25, further comprising a bio-metric input device electrically coupled to the microprocessor. Smith at Claim 27 The present invention relates to methods and apparatus for point-of-sale

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	transactions using wireless communication devices. Embodiments of the present invention utilize wireless purchasing devices (WPDs) to communicate with point-of-sale wireless vendor devices (WVDs) and arrange the electronic transfer of assets to complete a sale. WPDs of embodiments of the present invention may negotiate a purchase code with a WVD and obtain authorization to complete a purchase identified in the purchase code directly from a creditor or account holder. When authorization is approved, an authorization code is transmitted from the creditor/account holder directly to the WPD and a purchase authorization code is transmitted to the WVD to complete the transaction. Embodiments of the present invention may be used with human-operated vendor devices such as electronic cash registers or with automated vendor devices such as electronic vending machines. Smith at Para 0001 Preferred embodiments of the present invention provide systems, methods and apparatus which provide for short range communication with a point-of-sale device combined with long-range communication with a credit or debit authorization processor. As a non-limiting example, an embodiment of the present invention in the form of a PDA may communicate with a point-of-sale device to determine vendor identification and a sale amount. The vendor/sale data is combined with credit or debit account data and forwarded to an authorization processor as a request for authorization of the sale amount. The authorization processor processes the request and transmits an authorization approval or denial to the PDA through a long range communication system. The authorization is then transmitted to the vendor's point-of-sale device to complete the transaction. Smith at Para 0019 Embodiments of the present invention allow for transactions with multiple vendors. A consumer with a wireless purchasing device (WPD) may enter an area in which several vendors have point-of-sale devices which can communicate with the WPD. As the consumer enters communication range with the point-of-sale
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	devices, a menu on the WPD is updated to reflect the products available from vendors in communication range along with associated prices and related data. A consumer may select from the available products and initiate the purchase. Vendor information, product identification and pricing data received from the point-of-sale devices is processed into purchase requests for each vendor selected and the purchase requests are transmitted to one or more authorization processors. If the purchases are authorized, the authorization approval is transmitted back to the WPD and the consumer completes the transaction by transmitting a charge or debit authorization to the point-of-sale devices thereby enabling product access or delivery of the purchased products. Smith at Para 0020 It is another object of some embodiments of the present invention to provide systems methods and apparatus for obtaining a point-of-sale purchase authorization for a purchase from a vendor who does not have a communications link with an authorization processor. Smith at Para 0022 Preferred embodiments of the present invention comprise a portable electronic communications device which is capable of communicating with a vendor's point-of-sale device and capable of communicating with an independent financial institution such as a bank or credit lender. In many embodiments, these two communication functions will be achieved using two communications protocols or methods. One method will employ a short range communication or networking device to communicate with a vendor's point-of-sale device. The other method will use a long range wireless communication system to contact financial institutions for payment authorization and execution. Smith at Para 0028 When a consumer already has possession of a cell phone or other long range communications device 16 which also has short range communications ability, such as a Bluetooth® enable cell phone, the consumer may prefer to use a less-expensive embodiment of the WPD which uses short range communications
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	device 14 to interact with the external long range communications device 16 for contact with authorization provider 30. Smith at Para 0031 Some embodiments of the WPD of the present invention may also comprise a biometric input device 10 to verify user identity. Biometric input device 10 may use thumb print analysis, retinal scan analysis or another identification method to identify the WPS user. Once the user is identified, user identity can be matched to account data to ensure that unauthorized users do not gain access to sensitive information or other user's accounts. Smith at Para 0032 As embodiments of the present invention are to be used with credit and debit card accounts which generally require authorization before funds may be transferred, WPDs may communicate with authorization providers 30 using long range communication device 12 or 16. WPD communication device 12 or 16 may communicate with authorization long range communications device 34 using known wireless communications methods such as through the use of wireless modems. This communication may be direct between communication device 12 or 16 and 34 or may involve a wireless communications base 36 which receives and transmits wireless signals and converts them to a wired connections such as with a standard telephone line. Authorization communications device 34 provides access to authorization computer 32 which may authorize credit and debit transactions and execute transfers of funds to the appropriate accounts. Smith at Para 0034 A variety of communication protocols and methods are known and commonly used in the industry, therefore, the information transfer used in some embodiments of the present invention is shown in a generic format in FIG. 2. Typically a purchase transaction will commence by establishing communication between a WPD 2 and a
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	WVD 20. WPD may receive product or service information from WVD which may be presented on the display 6 of WPD 2. In some embodiments, a consumer may then make a selection between menu items presented on display 6 or otherwise indicate a desire to make a purchase. In some situations, a WVD may simply transmit a transaction amount and vendor identification to the WPD, such as when a cashier has tallied a total and seeks payment or when an automated vending machine offers a single selection. In most situations, the WVD 20 and WPD 2 will communicate 44 with or without vendor and consumer input until a total purchase amount is reached. When a transaction amount is established, the WPD 2 will use its long range communications ability to contact an authorization provider 30 to request authorization 46 of the credit or debit transaction. Authorization processor 30 will check the consumer's account to verify that sufficient funds or credit are available and make any other necessary verification as required. If authorization is denied, a denial 48 will be transmitted to the WPD 2 and the consumer will be notified on the WPD display 6 that the transaction cannot be completed. If the authorization is approved, an authorization approval 50 will be transmitted to the WPD 2 which will use its short range communications link to pass the authorization to the WVD to inform the vendor of the transaction so that the goods or services may be released. Smith at Para 0035 In reference to FIG. 3, embodiments of the present invention which accommodate multiple, simultaneous vendors are illustrated. In these embodiments WvDs and WPDs will generally utilize wireless networking technology such as Bluetooth® transceivers or others to communicate. WVD1 61, WVD2 62 and WVD3 63 are present within communication range of a single WPD 2 and communication between WVDs 61, 62 and 63 and WPD 2 is initiated upon communication contact. In a preferred embodiment WVDs 61, 62 and 63 will transmit menu options to WPD 2 to inform the consumer of available products and to identify the vendors associated with the WVDs. WVDs 61, 62 and 63 may be electronic vending machines or other vendor devices. A consumer may view the menu 60 on the WPD display 6 to see the available products and make selections with WPD input device 8. When a final selection is made by the consumer, the WPD 2 will request
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		authorization for the purchase by contacting authorization provider 30. Authorization provider 30 may request user identification before approval. Identification may be provided through the use of a confidential PIN number or for increased security may be provided by biometric identification device 10. When identification is verified, authorization provider 30 will check account status and approve or deny the transaction according to internal rules. If approval is granted, an authorization approval is transmitted to WPD 2 and a transfer of funds request is transmitted to the consumer's financial institution 40 who will transfer appropriate amounts of funds to the accounts 71, 72 and 73 of vendors who were selected in the consumer's menu selection on the WPD 2. Smith at Para 0038
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

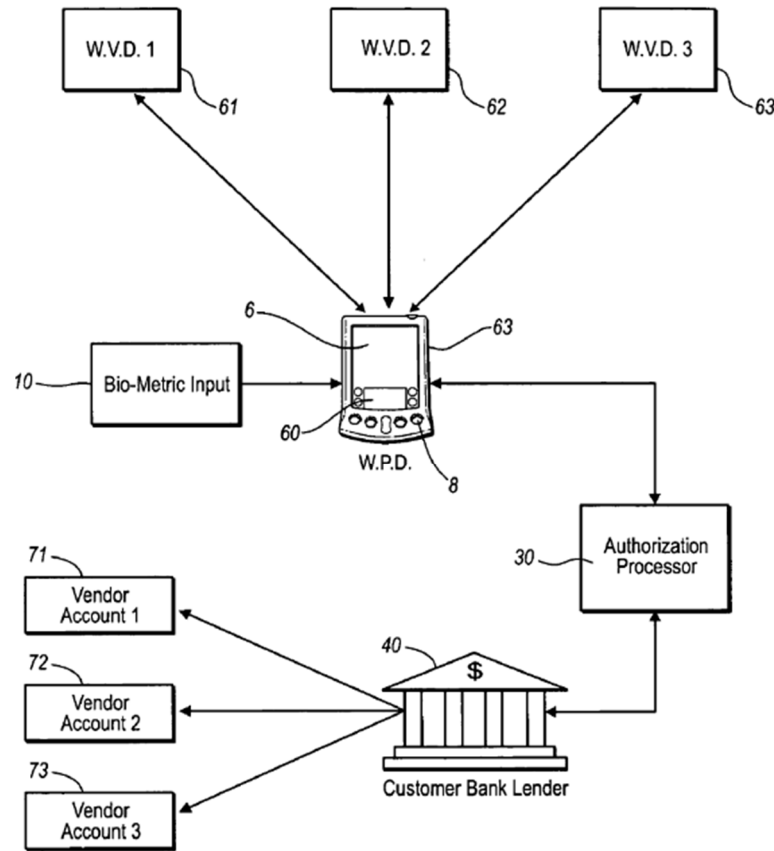


Figure 3

Smith at Figure 3

Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[1.8]	responsive to satisfying a proximity condition relative to an entity and responsive to sensing the physiological parameter and determining that the physiological parameter sensed satisfies the criterion, using the function that has been established to conduct the financial transaction and conducting the financial transaction by paying for a product;	Smith discloses “responsive to satisfying a proximity condition relative to an entity and responsive to sensing the physiological parameter and determining that the physiological parameter sensed satisfies the criterion, using the function that has been established to conduct the financial transaction and conducting the financial transaction by paying for a product;” See e.g.: Another innovation in the wireless communications arena is the advent of short-range wireless networking between portable communications devices. One standard for this technology is known as Bluetooth®, and is being established by a collaborative group of communications and computing companies. Devices incorporating Bluetooth® technology will utilize a micro-chip transceiver for communications between devices. Bluetooth® devices will transmit in the previously unused 2.4 GHz range and will have a range of about meters which may be extended to about 100 meters by increasing transmitter power. Bluetooth® technology promises to be a viable and economical networking solution for interconnection of cell phones, computers, printers, modems, computer peripherals, fax machines and other communications and computing devices. The size of the Bluetooth® transceiver makes it usable in devices as small as palm computers and cell phones. Smith at Para 0016 Another established wireless connectivity standard is known as IrDA and employs infrared radiation to communicate between devices. IrDA is a point-to-point narrow angle, ad-hoc data transmission standard designed to operate over a distance of 0 to 1 meter at speeds of 9600 bps to 16 Mbps. It is typically used in a point-and-shoot fashion by pointing one device at another for direct data transmission. Smith at Para 0017

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Embodiments of the present invention allow for transactions with multiple vendors. A consumer with a wireless purchasing device (WPD) may enter an area in which several vendors have point-of-sale devices which can communicate with the WPD. As the consumer enters communication range with the point-of-sale devices, a menu on the WPD is updated to reflect the products available from vendors in communication range along with associated prices and related data. A consumer may select from the available products and initiate the purchase. Vendor information, product identification and pricing data received from the point-of-sale devices is processed into purchase requests for each vendor selected and the purchase requests are transmitted to one or more authorization processors. If the purchases are authorized, the authorization approval is transmitted back to the WPD and the consumer completes the transaction by transmitting a charge or debit authorization to the point-of-sale devices thereby enabling product access or delivery of the purchased products. Smith at Para 0020 In reference to FIG. 3, embodiments of the present invention which accommodate multiple, simultaneous vendors are illustrated. In these embodiments WvDs and WPDs will generally utilize wireless networking technology such as Bluetooth® transceivers or others to communicate. WVD1 61, WVD2 62 and WVD3 63 are present within communication range of a single WPD 2 and communication between WVDs 61, 62 and 63 and WPD 2 is initiated upon communication contact. In a preferred embodiment WVDs 61, 62 and 63 will transmit menu options to WPD 2 to inform the consumer of available products and to identify the vendors associated with the WVDs. WVDs 61, 62 and 63 may be electronic vending machines or other vendor devices. A consumer may view the menu 60 on the WPD display 6 to see the available products and make selections with WPD input device 8. When a final selection is made by the consumer, the WPD 2 will request authorization for the purchase by contacting authorization provider 30. Authorization provider 30 may request user identification before approval. Identification may be provided through the use of a confidential PIN number or for increased security may be provided by biometric identification device 10. When
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		identification is verified, authorization provider 30 will check account status and approve or deny the transaction according to internal rules. If approval is granted, an authorization approval is transmitted to WPD 2 and a transfer of funds request is transmitted to the consumer's financial institution 40 who will transfer appropriate amounts of funds to the accounts 71, 72 and 73 of vendors who were selected in the consumers menu selection on the WPD 2. Smith at Para 0038 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[1.9]	wherein said paying for a product comprises sensing that the proximity condition is satisfied relative to an access point maintained by a vendor at a point of purchase counter, by detecting a short-range signal that is transmitted by the access point, determining that the physiological parameter sensed satisfies the criterion and then, responsive to having sensed that the proximity condition is satisfied relative to the access point and having determined that the physiological parameter sensed satisfies the criterion, paying for the	Smith discloses “wherein said paying for a product comprises sensing that the proximity condition is satisfied relative to an access point maintained by a vendor at a point of purchase counter, by detecting a short-range signal that is transmitted by the access point, determining that the physiological parameter sensed satisfies the criterion and then, responsive to having sensed that the proximity condition is satisfied relative to the access point and having determined that the physiological parameter sensed satisfies the criterion, paying for the product by selectively sending information to at least one device;” See e.g.: Another innovation in the wireless communications arena is the advent of short-range wireless networking between portable communications devices. One standard for this technology is known as Bluetooth®, and is being established by a collaborative group of communications and computing companies. Devices incorporating Bluetooth® technology will utilize a micro-chip transceiver for communications between devices. Bluetooth® devices will transmit in the previously unused 2.4 GHz range and will have a range of about meters which

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	product by selectively sending information to at least one device;	may be extended to about 100 meters by increasing transmitter power. Bluetooth® technology promises to be a viable and economical networking solution for interconnection of cell phones, computers, printers, modems, computer peripherals, fax machines and other communications and computing devices. The size of the Bluetooth® transceiver makes it usable in devices as small as palm computers and cell phones. Smith at Para 0016 Another established wireless connectivity standard is known as IrDA and employs infrared radiation to communicate between devices. IrDA is a point-to-point narrow angle, ad-hoc data transmission standard designed to operate over a distance of 0 to 1 meter at speeds of 9600 bps to 16 Mbps. It is typically used in a point-and-shoot fashion by pointing one device at another for direct data transmission. Smith at Para 0017 Embodiments of the present invention allow for transactions with multiple vendors. A consumer with a wireless purchasing device (WPD) may enter an area in which several vendors have point-of-sale devices which can communicate with the WPD. As the consumer enters communication range with the point-of-sale devices, a menu on the WPD is updated to reflect the products available from vendors in communication range along with associated prices and related data. A consumer may select from the available products and initiate the purchase. Vendor information, product identification and pricing data received from the point-of-sale devices is processed into purchase requests for each vendor selected and the purchase requests are transmitted to one or more authorization processors. If the purchases are authorized, the authorization approval is transmitted back to the WPD and the consumer completes the transaction by transmitting a charge or debit authorization to the point-of-sale devices thereby enabling product access or delivery of the purchased products.
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Smith at Para 0020 In reference to FIG. 3, embodiments of the present invention which accommodate multiple, simultaneous vendors are illustrated. In these embodiments WvDs and WPDs will generally utilize wireless networking technology such as Bluetooth® transceivers or others to communicate. WVD1 61, WVD2 62 and WVD3 63 are present within communication range of a single WPD 2 and communication between WVDs 61, 62 and 63 and WPD 2 is initiated upon communication contact. In a preferred embodiment WVDs 61, 62 and 63 will transmit menu options to WPD 2 to inform the consumer of available products and to identify the vendors associated with the WVDs. WVDs 61, 62 and 63 may be electronic vending machines or other vendor devices. A consumer may view the menu 60 on the WPD display 6 to see the available products and make selections with WPD input device 8. When a final selection is made by the consumer, the WPD 2 will request authorization for the purchase by contacting authorization provider 30. Authorization provider 30 may request user identification before approval. Identification may be provided through the use of a confidential PIN number or for increased security may be provided by biometric identification device 10. When identification is verified, authorization provider 30 will check account status and approve or deny the transaction according to internal rules. If approval is granted, an authorization approval is transmitted to WPD 2 and a transfer of funds request is transmitted to the consumer's financial institution 40 who will transfer appropriate amounts of funds to the accounts 71, 72 and 73 of vendors who were selected in the consumers menu selection on the WPD 2. Smith at Para 0038 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[1.10]	wherein said paying for the product by selectively sending information to at least one device comprises selectively and wirelessly transmitting information to the at least one device using unlicensed frequencies; and	Smith discloses “wherein said paying for the product by selectively sending information to at least one device comprises selectively and wirelessly transmitting information to the at least one device using unlicensed frequencies; and” See e.g.: Another innovation in the wireless communications arena is the advent of short-range wireless networking between portable communications devices. One standard for this technology is known as Bluetooth®, and is being established by a collaborative group of communications and computing companies. Devices incorporating Bluetooth® technology will utilize a micro-chip transceiver for communications between devices. Bluetooth® devices will transmit in the previously unused 2.4 GHz range and will have a range of about meters which may be extended to about 100 meters by increasing transmitter power. Bluetooth® technology promises to be a viable and economical networking solution for interconnection of cell phones, computers, printers, modems, computer peripherals, fax machines and other communications and computing devices. The size of the Bluetooth® transceiver makes it usable in devices as small as palm computers and cell phones. Smith at Para 0016 Another established wireless connectivity standard is known as IrDA and employs infrared radiation to communicate between devices. IrDA is a point-to-point narrow angle, ad-hoc data transmission standard designed to operate over a distance of 0 to 1 meter at speeds of 9600 bps to 16 Mbps. It is typically used in a point-and-shoot fashion by pointing one device at another for direct data transmission. Smith at Para 0017

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Embodiments of the present invention allow for transactions with multiple vendors. A consumer with a wireless purchasing device (WPD) may enter an area in which several vendors have point-of-sale devices which can communicate with the WPD. As the consumer enters communication range with the point-of-sale devices, a menu on the WPD is updated to reflect the products available from vendors in communication range along with associated prices and related data. A consumer may select from the available products and initiate the purchase. Vendor information, product identification and pricing data received from the point-of-sale devices is processed into purchase requests for each vendor selected and the purchase requests are transmitted to one or more authorization processors. If the purchases are authorized, the authorization approval is transmitted back to the WPD and the consumer completes the transaction by transmitting a charge or debit authorization to the point-of-sale devices thereby enabling product access or delivery of the purchased products. Smith at Para 0020 In reference to FIG. 3, embodiments of the present invention which accommodate multiple, simultaneous vendors are illustrated. In these embodiments WvDs and WPDs will generally utilize wireless networking technology such as Bluetooth® transceivers or others to communicate. WVD1 61, WVD2 62 and WVD3 63 are present within communication range of a single WPD 2 and communication between WVDs 61, 62 and 63 and WPD 2 is initiated upon communication contact. In a preferred embodiment WVDs 61, 62 and 63 will transmit menu options to WPD 2 to inform the consumer of available products and to identify the vendors associated with the WVDs. WVDs 61, 62 and 63 may be electronic vending machines or other vendor devices. A consumer may view the menu 60 on the WPD display 6 to see the available products and make selections with WPD input device 8. When a final selection is made by the consumer, the WPD 2 will request authorization for the purchase by contacting authorization provider 30. Authorization provider 30 may request user identification before approval. Identification may be provided through the use of a confidential PIN number or for
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		increased security may be provided by biometric identification device 10. When identification is verified, authorization provider 30 will check account status and approve or deny the transaction according to internal rules. If approval is granted, an authorization approval is transmitted to WPD 2 and a transfer of funds request is transmitted to the consumer's financial institution 40 who will transfer appropriate amounts of funds to the accounts 71, 72 and 73 of vendors who were selected in the consumers menu selection on the WPD 2. Smith at Para 0038
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

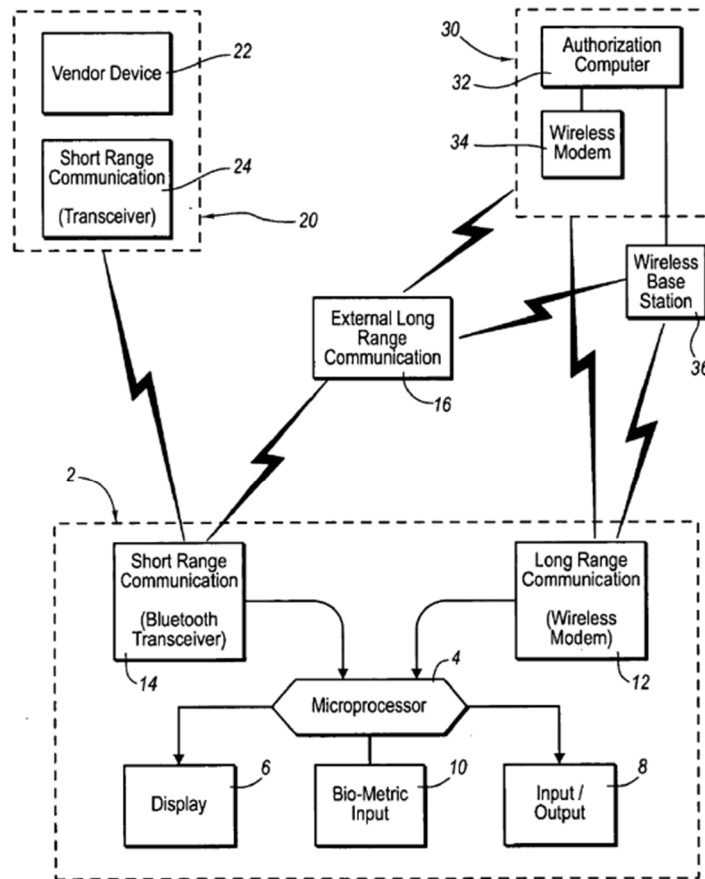


Figure 1

Smith at Figure 1

Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

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[1.11]	wherein said paying for a product further comprises deducting/withdrawing an amount of money from an account.	Smith discloses “wherein said paying for a product further comprises deducting/withdrawing an amount of money from an account.” See e.g.: Wireless communication technology has progressed rapidly in recent years. Cell phones and other long-range communication devices have proliferated and are now commonplace among consumers. As technology advances, the cost of these devices is plummeting and even more widespread use is eminent. Mobile phones, pagers, two-way radios, smartphones, personal digital assistants (PDAs) and other communicators are all available on the market. Smith at Para 0011 Communications protocols exist which allow present generation electronic communications devices to interface with the Internet and access Internet resources. The Wireless Application Protocol (WAP) is an open, global specification that enables mobile wireless communications devices to access and interact with Internet information and services. WAP is a communications protocol and environment which can be built on nearly any operating system including PalmOS, EPOC, Windows CE, FLEXOS, OS/9, JavaOS and others and provides service interoperability between different device families. WAP works with most existing wireless communications networks such as CDPD, CDMA, GSM, PDC, PHS, TDMA, FLEX, ReFLEX, iDEN, TETRA, DECT, DataTAC, Mobitex and others. WAP developers operate Internet gateways specifically tailored for wireless communications device users. These devices typically have small displays, limited memory and less bandwidth than stationary, wire connected computers, therefore, WAP provides for use of eXtended Markup Languages (XMLs) such as the Wireless Markup Language (WML) which offers Internet content tailored for cell phones, PDAs and other wireless, portable communications devices.

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Smith at Para 0013 Using WAP and similar technologies, vendors, news agencies, financial institutions and other providers allow cell phone and other portable communications device users to buy and sell securities, execute credit card transactions, make account transfers, make bill payments, receive and send e-mail, view news reports. These providers offer seamless integration between the Internet and wireless portable communication devices. Smith at Para 0014 Another innovation in the wireless communications arena is the advent of short-range wireless networking between portable communications devices. One standard for this technology is known as Bluetooth®, and is being established by a collaborative group of communications and computing companies. Devices incorporating Bluetooth® technology will utilize a micro-chip transceiver for communications between devices. Bluetooth® devices will transmit in the previously unused 2.4 GHz range and will have a range of about meters which may be extended to about 100 meters by increasing transmitter power. Bluetooth® technology promises to be a viable and economical networking solution for interconnection of cell phones, computers, printers, modems, computer peripherals, fax machines and other communications and computing devices. The size of the Bluetooth® transceiver makes it usable in devices as small as palm computers and cell phones. Smith at Para 0016 Another established wireless connectivity standard is known as IrDA and employs infrared radiation to communicate between devices. IrDA is a point-to-point narrow angle, ad-hoc data transmission standard designed to operate over a distance of 0 to 1 meter at speeds of 9600 bps to 16 Mbps. It is typically used in a point-and-shoot fashion by pointing one device at another for direct data transmission. Smith at Para 0017
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		The combination of some of the above technologies allows a user to use a single electronic device to communicate with other electronic devices in a short range network or direct data link while establishing a long-range communications connection with mobile phone or other technology. Smith at Para 0018 Preferred embodiments of the present invention comprise a portable electronic communications device which is capable of communicating with a vendor's point-of-sale device and capable of communicating with an independent financial institution such as a bank or credit lender. In many embodiments, these two communication functions will be achieved using two communications protocols or methods. One method will employ a short range communication or networking device to communicate with a vendor's point-of-sale device. The other method will use a long range wireless communication system to contact financial institutions for payment authorization and execution. Smith at Para 0028 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[2.1]	The method of claim 1, wherein said enabling at least one first function comprises enabling the at least one first function and disabling a second function; and wherein the method further comprises:	To the extent the preamble is limiting, Smith discloses “The method of claim 1, wherein said enabling at least one first function comprises enabling the at least one first function and disabling a second function; and wherein the method further comprises:” See e.g.: Claim 1, supra.

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[2.2]	repeatedly sensing the physiological parameter and repeatedly deciding, based on comparing the physiological parameter sensed to the criterion, whether or not to maintain enabled said at least one first function while maintaining disabled said second function; and	Smith discloses “repeatedly sensing the physiological parameter and repeatedly deciding, based on comparing the physiological parameter sensed to the criterion, whether or not to maintain enabled said at least one first function while maintaining disabled said second function; and” See e.g.: Claim 1, supra. Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[2.3]	maintaining enabled said at least one first function while maintaining disabled said second function responsive to deciding that the physiological parameter sensed satisfies the criterion; or	Smith discloses “maintaining enabled said at least one first function while maintaining disabled said second function responsive to deciding that the physiological parameter sensed satisfies the criterion; or” See e.g.: Claim 1, supra. Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[2.4]	disabling said at least one first function and enabling said second function responsive to deciding that the physiological parameter sensed no longer satisfies the criterion.	Smith discloses “disabling said at least one first function and enabling said second function responsive to deciding that the physiological parameter sensed no longer satisfies the criterion.” See e.g.: Claim 1, supra. Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[3.1]	The method of claim 1, wherein said paying for a product further comprises wirelessly receiving information from at least one device using unlicensed frequencies.	Smith discloses “The method of claim 1, wherein said paying for a product further comprises wirelessly receiving information from at least one device using unlicensed frequencies.” See e.g.: Claim 1, supra. Wireless communication technology has progressed rapidly in recent years. Cell phones and other long-range communication devices have proliferated and are now commonplace among consumers. As technology advances, the cost of these devices is plummeting and even more widespread use is eminent. Mobile phones, pagers, two-way radios, smartphones, personal digital assistants (PDAs) and other communicators are all available on the market. Smith at Para 0011 Communications protocols exist which allow present generation electronic communications devices to interface with the Internet and access Internet resources. The Wireless Application Protocol (WAP) is an open, global

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	specification that enables mobile wireless communications devices to access and interact with Internet information and services. WAP is a communications protocol and environment which can be built on nearly any operating system including PalmOS, EPOC, Windows CE, FLEXOS, OS/9, JavaOS and others and provides service interoperability between different device families. WAP works with most existing wireless communications networks such as CDPD, CDMA, GSM, PDC, PHS, TDMA, FLEX, ReFLEX, iDEN, TETRA, DECT, DataTAC, Mobitex and others. WAP developers operate Internet gateways specifically tailored for wireless communications device users. These devices typically have small displays, limited memory and less bandwidth than stationary, wire connected computers, therefore, WAP provides for use of eXtended Markup Languages (XMLs) such as the Wireless Markup Language (WML) which offers Internet content tailored for cell phones, PDAs and other wireless, portable communications devices. Smith at Para 0013 Using WAP and similar technologies, vendors, news agencies, financial institutions and other providers allow cell phone and other portable communications device users to buy and sell securities, execute credit card transactions, make account transfers, make bill payments, receive and send e-mail, view news reports. These providers offer seamless integration between the Internet and wireless portable communication devices. Smith at Para 0014 Another innovation in the wireless communications arena is the advent of short-range wireless networking between portable communications devices. One standard for this technology is known as Bluetooth®, and is being established by a collaborative group of communications and computing companies. Devices incorporating Bluetooth® technology will utilize a micro-chip transceiver for communications between devices. Bluetooth® devices will transmit in the previously unused 2.4 GHz range and will have a range of about meters which may be extended to about 100 meters by increasing transmitter power. Bluetooth® technology promises to be a viable and economical networking solution for
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	interconnection of cell phones, computers, printers, modems, computer peripherals, fax machines and other communications and computing devices. The size of the Bluetooth® transceiver makes it usable in devices as small as palm computers and cell phones. Smith at Para 0016 Another established wireless connectivity standard is known as IrDA and employs infrared radiation to communicate between devices. IrDA is a point-to-point narrow angle, ad-hoc data transmission standard designed to operate over a distance of 0 to 1 meter at speeds of 9600 bps to 16 Mbps. It is typically used in a point-and-shoot fashion by pointing one device at another for direct data transmission. Smith at Para 0017 The combination of some of the above technologies allows a user to use a single electronic device to communicate with other electronic devices in a short range network or direct data link while establishing a long-range communications connection with mobile phone or other technology. Smith at Para 0018 Preferred embodiments of the present invention comprise a portable electronic communications device which is capable of communicating with a vendor's point-of-sale device and capable of communicating with an independent financial institution such as a bank or credit lender. In many embodiments, these two communication functions will be achieved using two communications protocols or methods. One method will employ a short range communication or networking device to communicate with a vendor's point-of-sale device. The other method will use a long range wireless communication system to contact financial institutions for payment authorization and execution. Smith at Para 0028 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[4.1]	The method of claim 3,	To the extent the preamble is limiting, Smith discloses “The method of claim 3,” See e.g.: Claim 3, supra.
[4.2]	wherein said wirelessly transmitting information to the at least one device using unlicensed frequencies and said wirelessly receiving information from at least one device using unlicensed frequencies comprises using unlicensed frequencies over a short-range link in a Time Division Duplex operation; and	Smith discloses “wherein said wirelessly transmitting information to the at least one device using unlicensed frequencies and said wirelessly receiving information from at least one device using unlicensed frequencies comprises using unlicensed frequencies over a short-range link in a Time Division Duplex operation; and” See e.g.: Wireless communication technology has progressed rapidly in recent years. Cell phones and other long-range communication devices have proliferated and are now commonplace among consumers. As technology advances, the cost of these devices is plummeting and even more widespread use is eminent. Mobile phones, pagers, two-way radios, smartphones, personal digital assistants (PDAs) and other communicators are all available on the market. Smith at Para 0011 Communications protocols exist which allow present generation electronic communications devices to interface with the Internet and access Internet resources. The Wireless Application Protocol (WAP) is an open, global specification that enables mobile wireless communications devices to access and interact with Internet information and services. WAP is a communications protocol and environment which can be built on nearly any operating system including PalmOS, EPOC, Windows CE, FLEXOS, OS/9, JavaOS and others and provides service interoperability between different device families. WAP works with most existing wireless communications networks such as CDPD, CDMA, GSM, PDC, PHS, TDMA, FLEX, ReFLEX, iDEN, TETRA, DECT, DataTAC,

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Mobitex and others. WAP developers operate Internet gateways specifically tailored for wireless communications device users. These devices typically have small displays, limited memory and less bandwidth than stationary, wire connected computers, therefore, WAP provides for use of eXtended Markup Languages (XMLs) such as the Wireless Markup Language (WML) which offers Internet content tailored for cell phones, PDAs and other wireless, portable communications devices. Smith at Para 0013 Using WAP and similar technologies, vendors, news agencies, financial institutions and other providers allow cell phone and other portable communications device users to buy and sell securities, execute credit card transactions, make account transfers, make bill payments, receive and send e-mail, view news reports. These providers offer seamless integration between the Internet and wireless portable communication devices. Smith at Para 0014 Another innovation in the wireless communications arena is the advent of short-range wireless networking between portable communications devices. One standard for this technology is known as Bluetooth®, and is being established by a collaborative group of communications and computing companies. Devices incorporating Bluetooth® technology will utilize a micro-chip transceiver for communications between devices. Bluetooth® devices will transmit in the previously unused 2.4 GHz range and will have a range of about meters which may be extended to about 100 meters by increasing transmitter power. Bluetooth® technology promises to be a viable and economical networking solution for interconnection of cell phones, computers, printers, modems, computer peripherals, fax machines and other communications and computing devices. The size of the Bluetooth® transceiver makes it usable in devices as small as palm computers and cell phones. Smith at Para 0016
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		Another established wireless connectivity standard is known as IrDA and employs infrared radiation to communicate between devices. IrDA is a point-to-point narrow angle, ad-hoc data transmission standard designed to operate over a distance of 0 to 1 meter at speeds of 9600 bps to 16 Mbps. It is typically used in a point-and-shoot fashion by pointing one device at another for direct data transmission. Smith at Para 0017 The combination of some of the above technologies allows a user to use a single electronic device to communicate with other electronic devices in a short range network or direct data link while establishing a long-range communications connection with mobile phone or other technology. Smith at Para 0018 Preferred embodiments of the present invention comprise a portable electronic communications device which is capable of communicating with a vendor's point-of-sale device and capable of communicating with an independent financial institution such as a bank or credit lender. In many embodiments, these two communication functions will be achieved using two communications protocols or methods. One method will employ a short range communication or networking device to communicate with a vendor's point-of-sale device. The other method will use a long range wireless communication system to contact financial institutions for payment authorization and execution. Smith at Para 0028 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[4.3]	wherein said selectively and wirelessly transmitting information	Smith discloses “wherein said selectively and wirelessly transmitting information to the at least one device further comprises selectively and wirelessly transmitting

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	to the at least one device further comprises selectively and wirelessly transmitting information to the access point maintained by the vendor at the point of purchase counter and to at least one other device that is predetermined; and further comprises wirelessly receiving information from the access point maintained by the vendor at the point of purchase counter and from at least one other device that is predetermined.	information to the access point maintained by the vendor at the point of purchase counter and to at least one other device that is predetermined; and further comprises wirelessly receiving information from the access point maintained by the vendor at the point of purchase counter and from at least one other device that is predetermined.” See e.g.: The present invention relates to systems, methods and apparatus for making purchase transactions at a point-of-sale. A wireless purchase device (WPD) comprising a short range communications device for communication with vendor point-of-sale equipment such as a wireless vendor device (WVD) and a long range communications device for communications with credit or debit authorization processors. In preferred embodiments, a WVD will communicate vendor identification data and a transaction purchase price to a WPD and a WPD user will determine whether to complete the transaction. The transaction may be completed by transmitting the vendor identification and purchase data to an authorization processor for credit or debit approval. Authorization approval or denial is transmitted to the WPD where the user is discretely notified of the outcome. If approved, the user may transmit the approval to the WVD to complete the transaction. Using the systems and methods of the present invention, vendors need not maintain long range communications between points-of-sale and authorization processors or other parties. Purchasers also benefit from the discrete notification of credit or debit approval or rejection. Smith at Abstract The present invention relates to methods and apparatus for point-of-sale transactions using wireless communication devices. Embodiments of the present invention utilize wireless purchasing devices (WPDs) to communicate with point-of-sale wireless vendor devices (WVDs) and arrange the electronic transfer of assets to complete a sale. WPDs of embodiments of the present invention may negotiate a purchase code with a WVD and obtain authorization to complete a purchase identified in the purchase code directly from a creditor or account holder. When authorization is approved, an authorization code is transmitted from the creditor/account holder directly to the WPD and a purchase
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	authorization code is transmitted to the WVD to complete the transaction. Embodiments of the present invention may be used with human-operated vendor devices such as electronic cash registers or with automated vendor devices such as electronic vending machines. Smith at Para 0001 Wireless communication technology has progressed rapidly in recent years. Cell phones and other long-range communication devices have proliferated and are now commonplace among consumers. As technology advances, the cost of these devices is plummeting and even more widespread use is eminent. Mobile phones, pagers, two-way radios, smartphones, personal digital assistants (PDAs) and other communicators are all available on the market. Smith at Para 0011 Communications protocols exist which allow present generation electronic communications devices to interface with the Internet and access Internet resources. The Wireless Application Protocol (WAP) is an open, global specification that enables mobile wireless communications devices to access and interact with Internet information and services. WAP is a communications protocol and environment which can be built on nearly any operating system including PalmOS, EPOC, Windows CE, FLEXOS, OS/9, JavaOS and others and provides service interoperability between different device families. WAP works with most existing wireless communications networks such as CDPD, CDMA, GSM, PDC, PHS, TDMA, FLEX, ReFLEX, iDEN, TETRA, DECT, DataTAC, Mobitex and others. WAP developers operate Internet gateways specifically tailored for wireless communications device users. These devices typically have small displays, limited memory and less bandwidth than stationary, wire connected computers, therefore, WAP provides for use of eXtended Markup Languages (XMLs) such as the Wireless Markup Language (WML) which offers Internet content tailored for cell phones, PDAs and other wireless, portable communications devices. Smith at Para 0013
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Using WAP and similar technologies, vendors, news agencies, financial institutions and other providers allow cell phone and other portable communications device users to buy and sell securities, execute credit card transactions, make account transfers, make bill payments, receive and send e-mail, view news reports. These providers offer seamless integration between the Internet and wireless portable communication devices. Smith at Para 0014 Another innovation in the wireless communications arena is the advent of short-range wireless networking between portable communications devices. One standard for this technology is known as Bluetooth®, and is being established by a collaborative group of communications and computing companies. Devices incorporating Bluetooth® technology will utilize a micro-chip transceiver for communications between devices. Bluetooth® devices will transmit in the previously unused 2.4 GHz range and will have a range of about meters which may be extended to about 100 meters by increasing transmitter power. Bluetooth® technology promises to be a viable and economical networking solution for interconnection of cell phones, computers, printers, modems, computer peripherals, fax machines and other communications and computing devices. The size of the Bluetooth® transceiver makes it usable in devices as small as palm computers and cell phones. Smith at Para 0016 Another established wireless connectivity standard is known as IrDA and employs infrared radiation to communicate between devices. IrDA is a point-to-point narrow angle, ad-hoc data transmission standard designed to operate over a distance of 0 to 1 meter at speeds of 9600 bps to 16 Mbps. It is typically used in a point-and-shoot fashion by pointing one device at another for direct data transmission. Smith at Para 0017 The combination of some of the above technologies allows a user to use a single electronic device to communicate with other electronic devices in a short range
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	network or direct data link while establishing a long-range communications connection with mobile phone or other technology. Smith at Para 0018 Preferred embodiments of the present invention provide systems, methods and apparatus which provide for short range communication with a point-of-sale device combined with long-range communication with a credit or debit authorization processor. As a non-limiting example, an embodiment of the present invention in the form of a PDA may communicate with a point-of-sale device to determine vendor identification and a sale amount. The vendor/sale data is combined with credit or debit account data and forwarded to an authorization processor as a request for authorization of the sale amount. The authorization processor processes the request and transmits an authorization approval or denial to the PDA through a long range communication system. The authorization is then transmitted to the vendor's point-of-sale device to complete the transaction. Smith at Para 0019 Embodiments of the present invention allow for transactions with multiple vendors. A consumer with a wireless purchasing device (WPD) may enter an area in which several vendors have point-of-sale devices which can communicate with the WPD. As the consumer enters communication range with the point-of-sale devices, a menu on the WPD is updated to reflect the products available from vendors in communication range along with associated prices and related data. A consumer may select from the available products and initiate the purchase. Vendor information, product identification and pricing data received from the point-of-sale devices is processed into purchase requests for each vendor selected and the purchase requests are transmitted to one or more authorization processors. If the purchases are authorized, the authorization approval is transmitted back to the WPD and the consumer completes the transaction by transmitting a charge or debit authorization to the point-of-sale devices thereby enabling product access or delivery of the purchased products. Smith at Para 0020
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Preferred embodiments of the present invention comprise a portable electronic communications device which is capable of communicating with a vendor's point-of-sale device and capable of communicating with an independent financial institution such as a bank or credit lender. In many embodiments, these two communication functions will be achieved using two communications protocols or methods. One method will employ a short range communication or networking device to communicate with a vendor's point-of-sale device. The other method will use a long range wireless communication system to contact financial institutions for payment authorization and execution. Smith at Para 0028 When a consumer already has possession of a cell phone or other long range communications device 16 which also has short range communications ability, such as a Bluetooth® enable cell phone, the consumer may prefer to use a less-expensive embodiment of the WPD which uses short range communications device 14 to interact with the external long range communications device 16 for contact with authorization provider 30. Smith at Para 0031 Some embodiments of the WPD of the present invention may also comprise a biometric input device 10 to verify user identity. Biometric input device 10 may use thumb print analysis, retinal scan analysis or another identification method to identify the WPS user. Once the user is identified, user identity can be matched to account data to ensure that unauthorized users do not gain access to sensitive information or other user's accounts. Smith at Para 0032 As embodiments of the present invention are to be used with credit and debit card accounts which generally require authorization before funds may be transferred, WPDs may communicate with authorization providers 30 using long range communication device 12 or 16. WPD communication device 12 or 16 may communicate with authorization long range communications device 34 using known
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	wireless communications methods such as through the use of wireless modems. This communication may be direct between communication device 12 or 16 and 34 or may involve a wireless communications base 36 which receives and transmits wireless signals and converts them to a wired connections such as with a standard telephone line. Authorization communications device 34 provides access to authorization computer 32 which may authorize credit and debit transactions and execute transfers of funds to the appropriate accounts. Smith at Para 0034 A variety of communication protocols and methods are known and commonly used in the industry, therefore, the information transfer used in some embodiments of the present invention is shown in a generic format in FIG. 2. Typically a purchase transaction will commence by establishing communication between a WPD 2 and a WVD 20. WPD may receive product or service information from WVD which may be presented on the display 6 of WPD 2. In some embodiments, a consumer may then make a selection between menu items presented on display 6 or otherwise indicate a desire to make a purchase. In some situations, a WVD may simply transmit a transaction amount and vendor identification to the WPD, such as when a cashier has tallied a total and seeks payment or when an automated vending machine offers a single selection. In most situations, the WVD 20 and WPD 2 will communicate 44 with or without vendor and consumer input until a total purchase amount is reached. When a transaction amount is established, the WPD 2 will use its long range communications ability to contact an authorization provider 30 to request authorization 46 of the credit or debit transaction. Authorization processor 30 will check the consumer's account to verify that sufficient funds or credit are available and make any other necessary verification as required. If authorization is denied, a denial 48 will be transmitted to the WPD 2 and the consumer will be notified on the WPD display 6 that the transaction cannot be completed. If the authorization is approved, an authorization approval 50 will be transmitted to the WPD 2 which will use its short range communications link to pass the authorization to the WVD to inform the vendor of the transaction so that the goods or services may be released.
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		Smith at Para 0035 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[5.1]	A wireless device that comprises a smartphone and a sensor; wherein the wireless device is configured to perform operations comprising:	To the extent the preamble is limiting, Smith discloses “a wireless device that comprises a smartphone and a sensor; wherein the wireless device is configured to perform operations comprising:” See e.g.: Wireless communication technology has progressed rapidly in recent years. Cell phones and other long-range communication devices have proliferated and are now commonplace among consumers. As technology advances, the cost of these devices is plummeting and even more widespread use is eminent. Mobile phones, pagers, two-way radios, smartphones, personal digital assistants (PDAs) and other communicators are all available on the market. Smith at Para 0011 Communications protocols exist which allow present generation electronic communications devices to interface with the Internet and access Internet resources. The Wireless Application Protocol (WAP) is an open, global specification that enables mobile wireless communications devices to access and interact with Internet information and services. WAP is a communications protocol and environment which can be built on nearly any operating system including PalmOS, EPOC, Windows CE, FLEXOS, OS/9, JavaOS and others and provides service interoperability between different device families. WAP works with most existing wireless communications networks such as CDPD, CDMA, GSM, PDC, PHS, TDMA, FLEX, ReFLEX, iDEN, TETRA, DECT, DataTAC, Mobitex and others. WAP developers operate Internet gateways specifically

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	tailored for wireless communications device users. These devices typically have small displays, limited memory and less bandwidth than stationary, wire connected computers, therefore, WAP provides for use of eXtended Markup Languages (XMLs) such as the Wireless Markup Language (WML) which offers Internet content tailored for cell phones, PDAs and other wireless, portable communications devices. Smith at Para 0013 Another innovation in the wireless communications arena is the advent of short-range wireless networking between portable communications devices. One standard for this technology is known as Bluetooth®, and is being established by a collaborative group of communications and computing companies. Devices incorporating Bluetooth® technology will utilize a micro-chip transceiver for communications between devices. Bluetooth® devices will transmit in the previously unused 2.4 GHz range and will have a range of about meters which may be extended to about 100 meters by increasing transmitter power. Bluetooth® technology promises to be a viable and economical networking solution for interconnection of cell phones, computers, printers, modems, computer peripherals, fax machines and other communications and computing devices. The size of the Bluetooth® transceiver makes it usable in devices as small as palm computers and cell phones. Smith at Para 0016 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

[5.2]	sensing, by the sensor, a physiological parameter of a user of the wireless device; then	Smith discloses “sensing, by the sensor, a physiological parameter of a user of the wireless device; then” See e.g.: [1.2], supra. The apparatus of claim 25, further comprising a bio-metric input device electrically coupled to the microprocessor. Smith at Claim 27 Some embodiments of the WPD of the present invention may also comprise a biometric input device 10 to verify user identity. Biometric input device 10 may use thumb print analysis, retinal scan analysis or another identification method to identify the WPS user. Once the user is identified, user identity can be matched to account data to ensure that unauthorized users do not gain access to sensitive information or other user's accounts. Smith at Para 0032 In reference to FIG. 3, embodiments of the present invention which accommodate multiple, simultaneous vendors are illustrated. In these embodiments WvDs and WPDs will generally utilize wireless networking technology such as Bluetooth® transceivers or others to communicate. WVD1 61, WVD2 62 and WVD3 63 are present within communication range of a single WPD 2 and communication between WVDs 61, 62 and 63 and WPD 2 is initiated upon communication contact. In a preferred embodiment WVDs 61, 62 and 63 will transmit menu options to WPD 2 to inform the consumer of available products and to identify the vendors associated with the WVDs. WVDs 61, 62 and 63 may be electronic vending machines or other vendor devices. A consumer may view the menu 60 on the WPD display 6 to see the available products and make selections with WPD input device 8. When a final selection is made by the consumer, the WPD 2 will request authorization for the purchase by contacting authorization provider 30. Authorization provider 30 may request user identification before approval. Identification may be provided through the use of a confidential PIN number or for
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		increased security may be provided by biometric identification device 10. When identification is verified, authorization provider 30 will check account status and approve or deny the transaction according to internal rules. If approval is granted, an authorization approval is transmitted to WPD 2 and a transfer of funds request is transmitted to the consumer's financial institution 40 who will transfer appropriate amounts of funds to the accounts 71, 72 and 73 of vendors who were selected in the consumer's menu selection on the WPD 2. Smith at Para 0038 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[5.3]	determining whether or not the physiological parameter sensed satisfies a criterion; then	Smith discloses “determining whether or not the physiological parameter sensed satisfies a criterion; then” See e.g.: [1.3], supra. The apparatus of claim 25, further comprising a bio-metric input device electrically coupled to the microprocessor. Smith at Claim 27 Some embodiments of the WPD of the present invention may also comprise a biometric input device 10 to verify user identity. Biometric input device 10 may use thumb print analysis, retinal scan analysis or another identification method to identify the WPS user. Once the user is identified, user identity can be matched to account data to ensure that unauthorized users do not gain access to sensitive information or other user's accounts. Smith at Para 0032

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		In reference to FIG. 3, embodiments of the present invention which accommodate multiple, simultaneous vendors are illustrated. In these embodiments WvDs and WPDs will generally utilize wireless networking technology such as Bluetooth® transceivers or others to communicate. WVD1 61, WVD2 62 and WVD3 63 are present within communication range of a single WPD 2 and communication between WVDs 61, 62 and 63 and WPD 2 is initiated upon communication contact. In a preferred embodiment WVDs 61, 62 and 63 will transmit menu options to WPD 2 to inform the consumer of available products and to identify the vendors associated with the WVDs. WVDs 61, 62 and 63 may be electronic vending machines or other vendor devices. A consumer may view the menu 60 on the WPD display 6 to see the available products and make selections with WPD input device 8. When a final selection is made by the consumer, the WPD 2 will request authorization for the purchase by contacting authorization provider 30. Authorization provider 30 may request user identification before approval. Identification may be provided through the use of a confidential PIN number or for increased security may be provided by biometric identification device 10. When identification is verified, authorization provider 30 will check account status and approve or deny the transaction according to internal rules. If approval is granted, an authorization approval is transmitted to WPD 2 and a transfer of funds request is transmitted to the consumer's financial institution 40 who will transfer appropriate amounts of funds to the accounts 71, 72 and 73 of vendors who were selected in the consumer's menu selection on the WPD 2. Smith at Para 0038 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

[5.4]	responsive to the physiological parameter sensed satisfying the criterion, enabling at least one first function of the wireless device; then	Smith discloses “responsive to the physiological parameter sensed satisfying the criterion, enabling at least one first function of the wireless device; then” See e.g.: [1.4], supra. Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[5.5]	while said at least one function is enabled, responsive to having sensed the physiological parameter and responsive to having determined that the physiological parameter sensed satisfies the criterion, requesting from a second device an authorization to establish a function to conduct a financial transaction; then	Smith discloses “while said at least one function is enabled, responsive to having sensed the physiological parameter and responsive to having determined that the physiological parameter sensed satisfies the criterion, requesting from a second device an authorization to establish a function to conduct a financial transaction; then” See e.g.: [1.5], supra. The present invention relates to systems, methods and apparatus for making purchase transactions at a point-of-sale. A wireless purchase device (WPD) comprising a short range communications device for communication with vendor point-of-sale equipment such as a wireless vendor device (WVD) and a long range communications device for communications with credit or debit authorization processors. In preferred embodiments, a WVD will communicate vendor identification data and a transaction purchase price to a WPD and a WPD user will determine whether to complete the transaction. The transaction may be completed by transmitting the vendor identification and purchase data to an authorization processor for credit or debit approval. Authorization approval or denial is transmitted to the WPD where the user is discretely notified of the outcome. If approved, the user may transmit the approval to the WVD to complete the transaction. Using the systems and methods of the present invention, vendors need not maintain long range communications between

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	points-of-sale and authorization processors or other parties. Purchasers also benefit from the discrete notification of credit or debit approval or rejection. Smith at Abstract The apparatus of claim 25, further comprising a bio-metric input device electrically coupled to the microprocessor. Smith at Claim 27 The present invention relates to methods and apparatus for point-of-sale transactions using wireless communication devices. Embodiments of the present invention utilize wireless purchasing devices (WPDs) to communicate with point-of-sale wireless vendor devices (WVDs) and arrange the electronic transfer of assets to complete a sale. WPDs of embodiments of the present invention may negotiate a purchase code with a WVD and obtain authorization to complete a purchase identified in the purchase code directly from a creditor or account holder. When authorization is approved, an authorization code is transmitted from the creditor/account holder directly to the WPD and a purchase authorization code is transmitted to the WVD to complete the transaction. Embodiments of the present invention may be used with human-operated vendor devices such as electronic cash registers or with automated vendor devices such as electronic vending machines. Smith at Para 0001 Preferred embodiments of the present invention provide systems, methods and apparatus which provide for short range communication with a point-of-sale device combined with long-range communication with a credit or debit authorization processor. As a non-limiting example, an embodiment of the present invention in the form of a PDA may communicate with a point-of-sale device to determine vendor identification and a sale amount. The vendor/sale data is combined with credit or debit account data and forwarded to an authorization processor as a request for authorization of the sale amount. The authorization processor processes the request and transmits an authorization approval or denial to the PDA through a long range communication system. The authorization is
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	then transmitted to the vendor's point-of-sale device to complete the transaction. Smith at Para 0019 Embodiments of the present invention allow for transactions with multiple vendors. A consumer with a wireless purchasing device (WPD) may enter an area in which several vendors have point-of-sale devices which can communicate with the WPD. As the consumer enters communication range with the point-of-sale devices, a menu on the WPD is updated to reflect the products available from vendors in communication range along with associated prices and related data. A consumer may select from the available products and initiate the purchase. Vendor information, product identification and pricing data received from the point-of-sale devices is processed into purchase requests for each vendor selected and the purchase requests are transmitted to one or more authorization processors. If the purchases are authorized, the authorization approval is transmitted back to the WPD and the consumer completes the transaction by transmitting a charge or debit authorization to the point-of-sale devices thereby enabling product access or delivery of the purchased products. Smith at Para 0020 It is another object of some embodiments of the present invention to provide systems methods and apparatus for obtaining a point-of-sale purchase authorization for a purchase from a vendor who does not have a communications link with an authorization processor. Smith at Para 0022 Preferred embodiments of the present invention comprise a portable electronic communications device which is capable of communicating with a vendor's point-of-sale device and capable of communicating with an independent financial institution such as a bank or credit lender. In many embodiments, these two communication functions will be achieved using two communications protocols or methods. One method will employ a short range communication or networking device to communicate with a vendor's point-of-sale device. The other method will use a long range wireless communication system to contact financial
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	institutions for payment authorization and execution. Smith at Para 0028 When a consumer already has possession of a cell phone or other long range communications device 16 which also has short range communications ability, such as a Bluetooth® enable cell phone, the consumer may prefer to use a less-expensive embodiment of the WPD which uses short range communications device 14 to interact with the external long range communications device 16 for contact with authorization provider 30. Smith at Para 0031 Some embodiments of the WPD of the present invention may also comprise a biometric input device 10 to verify user identity. Biometric input device 10 may use thumb print analysis, retinal scan analysis or another identification method to identify the WPS user. Once the user is identified, user identity can be matched to account data to ensure that unauthorized users do not gain access to sensitive information or other user's accounts. Smith at Para 0032 As embodiments of the present invention are to be used with credit and debit card accounts which generally require authorization before funds may be transferred, WPDs may communicate with authorization providers 30 using long range communication device 12 or 16. WPD communication device 12 or 16 may communicate with authorization long range communications device 34 using known wireless communications methods such as through the use of wireless modems. This communication may be direct between communication device 12 or 16 and 34 or may involve a wireless communications base 36 which receives and transmits wireless signals and converts them to a wired connections such as with a standard telephone line. Authorization communications device 34 provides access to authorization computer 32 which may authorize credit and debit transactions and execute transfers of funds to the appropriate accounts.
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Smith at Para 0034 A variety of communication protocols and methods are known and commonly used in the industry, therefore, the information transfer used in some embodiments of the present invention is shown in a generic format in FIG. 2. Typically a purchase transaction will commence by establishing communication between a WPD 2 and a WVD 20. WPD may receive product or service information from WVD which may be presented on the display 6 of WPD 2. In some embodiments, a consumer may then make a selection between menu items presented on display 6 or otherwise indicate a desire to make a purchase. In some situations, a WVD may simply transmit a transaction amount and vendor identification to the WPD, such as when a cashier has tallied a total and seeks payment or when an automated vending machine offers a single selection. In most situations, the WVD 20 and WPD 2 will communicate 44 with or without vendor and consumer input until a total purchase amount is reached. When a transaction amount is established, the WPD 2 will use its long range communications ability to contact an authorization provider 30 to request authorization 46 of the credit or debit transaction. Authorization processor 30 will check the consumer's account to verify that sufficient funds or credit are available and make any other necessary verification as required. If authorization is denied, a denial 48 will be transmitted to the WPD 2 and the consumer will be notified on the WPD display 6 that the transaction cannot be completed. If the authorization is approved, an authorization approval 50 will be transmitted to the WPD 2 which will use its short range communications link to pass the authorization to the WVD to inform the vendor of the transaction so that the goods or services may be released. Smith at Para 0035 In reference to FIG. 3, embodiments of the present invention which accommodate multiple, simultaneous vendors are illustrated. In these embodiments WvDs and WPDs will generally utilize wireless networking technology such as Bluetooth® transceivers or others to communicate. WVD1 61, WVD2 62 and WVD3 63 are
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		present within communication range of a single WPD 2 and communication between WVDs 61, 62 and 63 and WPD 2 is initiated upon communication contact. In a preferred embodiment WVDs 61, 62 and 63 will transmit menu options to WPD 2 to inform the consumer of available products and to identify the vendors associated with the WVDs. WVDs 61, 62 and 63 may be electronic vending machines or other vendor devices. A consumer may view the menu 60 on the WPD display 6 to see the available products and make selections with WPD input device 8. When a final selection is made by the consumer, the WPD 2 will request authorization for the purchase by contacting authorization provider 30. Authorization provider 30 may request user identification before approval. Identification may be provided through the use of a confidential PIN number or for increased security may be provided by biometric identification device 10. When identification is verified, authorization provider 30 will check account status and approve or deny the transaction according to internal rules. If approval is granted, an authorization approval is transmitted to WPD 2 and a transfer of funds request is transmitted to the consumer's financial institution 40 who will transfer appropriate amounts of funds to the accounts 71, 72 and 73 of vendors who were selected in the consumer's menu selection on the WPD 2. Smith at Para 0038
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

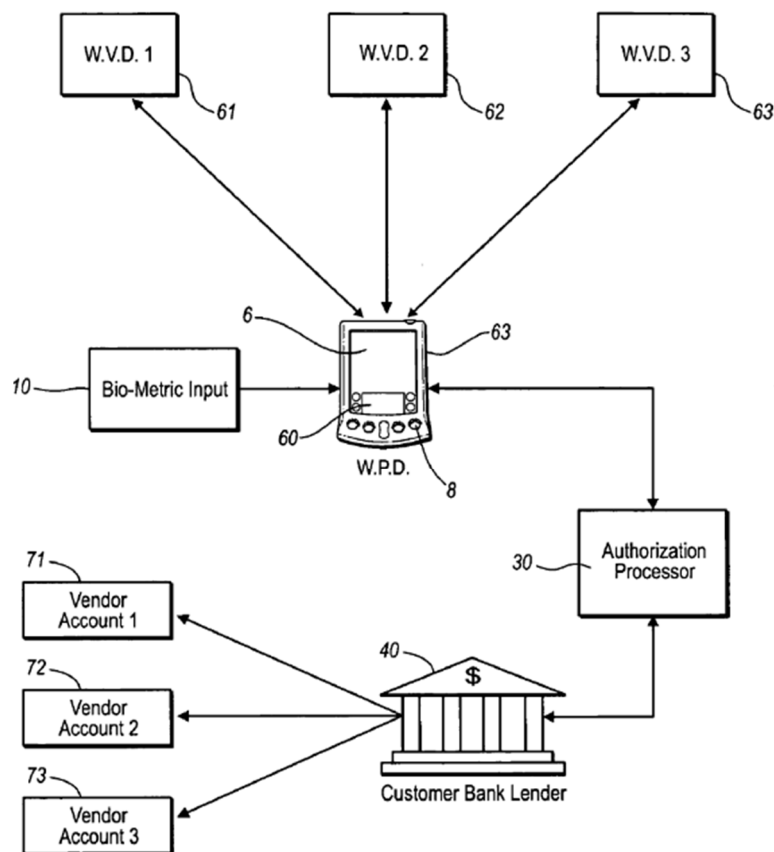


Figure 3

Smith at Figure 3

Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[5.6]	responsive to the requesting, receiving from the second device the authorization to establish the function to conduct the financial transaction; then	Smith discloses “responsive to the requesting, receiving from the second device the authorization to establish the function to conduct the financial transaction; then” See e.g.: [1.6], supra. The present invention relates to systems, methods and apparatus for making purchase transactions at a point-of-sale. A wireless purchase device (WPD) comprising a short range communications device for communication with vendor point-of-sale equipment such as a wireless vendor device (WVD) and a long range communications device for communications with credit or debit authorization processors. In preferred embodiments, a WVD will communicate vendor identification data and a transaction purchase price to a WPD and a WPD user will determine whether to complete the transaction. The transaction may be completed by transmitting the vendor identification and purchase data to an authorization processor for credit or debit approval. Authorization approval or denial is transmitted to the WPD where the user is discretely notified of the outcome. If approved, the user may transmit the approval to the WVD to complete the transaction. Using the systems and methods of the present invention, vendors need not maintain long range communications between points-of-sale and authorization processors or other parties. Purchasers also benefit from the discrete notification of credit or debit approval or rejection. Smith at Abstract The apparatus of claim 25, further comprising a bio-metric input device electrically coupled to the microprocessor. Smith at Claim 27 The present invention relates to methods and apparatus for point-of-sale transactions using wireless communication devices. Embodiments of the present

Exhibit 793-A13
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	invention utilize wireless purchasing devices (WPDs) to communicate with point-of-sale wireless vendor devices (WVDs) and arrange the electronic transfer of assets to complete a sale. WPDs of embodiments of the present invention may negotiate a purchase code with a WVD and obtain authorization to complete a purchase identified in the purchase code directly from a creditor or account holder. When authorization is approved, an authorization code is transmitted from the creditor/account holder directly to the WPD and a purchase authorization code is transmitted to the WVD to complete the transaction. Embodiments of the present invention may be used with human-operated vendor devices such as electronic cash registers or with automated vendor devices such as electronic vending machines. Smith at Para 0001 Preferred embodiments of the present invention provide systems, methods and apparatus which provide for short range communication with a point-of-sale device combined with long-range communication with a credit or debit authorization processor. As a non-limiting example, an embodiment of the present invention in the form of a PDA may communicate with a point-of-sale device to determine vendor identification and a sale amount. The vendor/sale data is combined with credit or debit account data and forwarded to an authorization processor as a request for authorization of the sale amount. The authorization processor processes the request and transmits an authorization approval or denial to the PDA through a long range communication system. The authorization is then transmitted to the vendor's point-of-sale device to complete the transaction. Smith at Para 0019 Embodiments of the present invention allow for transactions with multiple vendors. A consumer with a wireless purchasing device (WPD) may enter an area in which several vendors have point-of-sale devices which can communicate with the WPD. As the consumer enters communication range with the point-of-sale devices, a menu on the WPD is updated to reflect the products available from vendors in communication range along with associated prices and related data. A consumer may select from the available products and initiate the purchase.
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Vendor information, product identification and pricing data received from the point-of-sale devices is processed into purchase requests for each vendor selected and the purchase requests are transmitted to one or more authorization processors. If the purchases are authorized, the authorization approval is transmitted back to the WPD and the consumer completes the transaction by transmitting a charge or debit authorization to the point-of-sale devices thereby enabling product access or delivery of the purchased products. Smith at Para 0020 It is another object of some embodiments of the present invention to provide systems methods and apparatus for obtaining a point-of-sale purchase authorization for a purchase from a vendor who does not have a communications link with an authorization processor. Smith at Para 0022 Preferred embodiments of the present invention comprise a portable electronic communications device which is capable of communicating with a vendor's point-of-sale device and capable of communicating with an independent financial institution such as a bank or credit lender. In many embodiments, these two communication functions will be achieved using two communications protocols or methods. One method will employ a short range communication or networking device to communicate with a vendor's point-of-sale device. The other method will use a long range wireless communication system to contact financial institutions for payment authorization and execution. Smith at Para 0028 When a consumer already has possession of a cell phone or other long range communications device 16 which also has short range communications ability, such as a Bluetooth® enable cell phone, the consumer may prefer to use a less-expensive embodiment of the WPD which uses short range communications device 14 to interact with the external long range communications device 16 for contact with authorization provider 30. Smith at Para 0031
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		Some embodiments of the WPD of the present invention may also comprise a biometric input device 10 to verify user identity. Biometric input device 10 may use thumb print analysis, retinal scan analysis or another identification method to identify the WPS user. Once the user is identified, user identity can be matched to account data to ensure that unauthorized users do not gain access to sensitive information or other user's accounts. Smith at Para 0032 As embodiments of the present invention are to be used with credit and debit card accounts which generally require authorization before funds may be transferred, WPDs may communicate with authorization providers 30 using long range communication device 12 or 16. WPD communication device 12 or 16 may communicate with authorization long range communications device 34 using known wireless communications methods such as through the use of wireless modems. This communication may be direct between communication device 12 or 16 and 34 or may involve a wireless communications base 36 which receives and transmits wireless signals and converts them to a wired connections such as with a standard telephone line. Authorization communications device 34 provides access to authorization computer 32 which may authorize credit and debit transactions and execute transfers of funds to the appropriate accounts. Smith at Para 0034 A variety of communication protocols and methods are known and commonly used in the industry, therefore, the information transfer used in some embodiments of the present invention is shown in a generic format in FIG. 2. Typically a purchase transaction will commence by establishing communication between a WPD 2 and a WVD 20. WPD may receive product or service information from WVD which may be presented on the display 6 of WPD 2. In some embodiments, a consumer may
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	then make a selection between menu items presented on display 6 or otherwise indicate a desire to make a purchase. In some situations, a WVD may simply transmit a transaction amount and vendor identification to the WPD, such as when a cashier has tallied a total and seeks payment or when an automated vending machine offers a single selection. In most situations, the WVD 20 and WPD 2 will communicate 44 with or without vendor and consumer input until a total purchase amount is reached. When a transaction amount is established, the WPD 2 will use its long range communications ability to contact an authorization provider 30 to request authorization 46 of the credit or debit transaction. Authorization processor 30 will check the consumer's account to verify that sufficient funds or credit are available and make any other necessary verification as required. If authorization is denied, a denial 48 will be transmitted to the WPD 2 and the consumer will be notified on the WPD display 6 that the transaction cannot be completed. If the authorization is approved, an authorization approval 50 will be transmitted to the WPD 2 which will use its short range communications link to pass the authorization to the WVD to inform the vendor of the transaction so that the goods or services may be released. Smith at Para 0035 In reference to FIG. 3, embodiments of the present invention which accommodate multiple, simultaneous vendors are illustrated. In these embodiments WvDs and WPDs will generally utilize wireless networking technology such as Bluetooth® transceivers or others to communicate. WVD1 61, WVD2 62 and WVD3 63 are present within communication range of a single WPD 2 and communication between WVDs 61, 62 and 63 and WPD 2 is initiated upon communication contact. In a preferred embodiment WVDs 61, 62 and 63 will transmit menu options to WPD 2 to inform the consumer of available products and to identify the vendors associated with the WVDs. WVDs 61, 62 and 63 may be electronic vending machines or other vendor devices. A consumer may view the menu 60 on the WPD display 6 to see the available products and make selections with WPD input device 8. When a final selection is made by the consumer, the WPD 2 will request authorization for the purchase by contacting authorization provider 30. Authorization provider 30 may request user identification before approval.
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		Identification may be provided through the use of a confidential PIN number or for increased security may be provided by biometric identification device 10. When identification is verified, authorization provider 30 will check account status and approve or deny the transaction according to internal rules. If approval is granted, an authorization approval is transmitted to WPD 2 and a transfer of funds request is transmitted to the consumer's financial institution 40 who will transfer appropriate amounts of funds to the accounts 71, 72 and 73 of vendors who were selected in the consumer's menu selection on the WPD 2. Smith at Para 0038
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

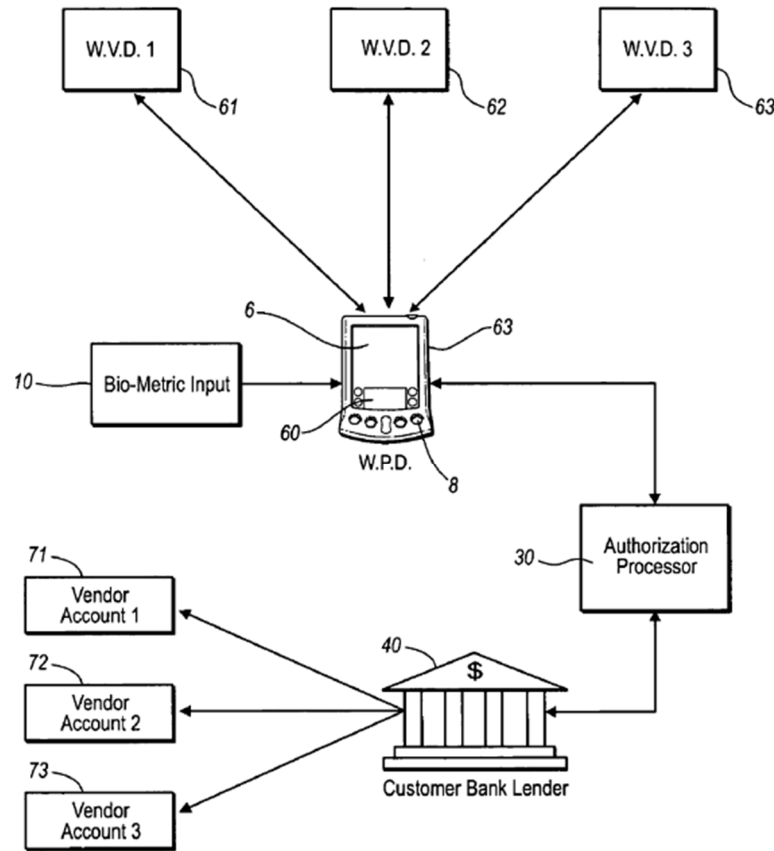


Figure 3

Smith at Figure 3

Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill

Exhibit 793-A13
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		in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[5.7]	responsive to receiving the authorization, establishing at the wireless device the function to conduct the financial transaction; and then	Smith discloses “responsive to receiving the authorization, establishing at the wireless device the function to conduct the financial transaction; and then” See e.g.: [1.7], supra. The present invention relates to systems, methods and apparatus for making purchase transactions at a point-of-sale. A wireless purchase device (WPD) comprising a short range communications device for communication with vendor point-of-sale equipment such as a wireless vendor device (WVD) and a long range communications device for communications with credit or debit authorization processors. In preferred embodiments, a WVD will communicate vendor identification data and a transaction purchase price to a WPD and a WPD user will determine whether to complete the transaction. The transaction may be completed by transmitting the vendor identification and purchase data to an authorization processor for credit or debit approval. Authorization approval or denial is transmitted to the WPD where the user is discretely notified of the outcome. If approved, the user may transmit the approval to the WVD to complete the transaction. Using the systems and methods of the present invention, vendors need not maintain long range communications between points-of-sale and authorization processors or other parties. Purchasers also benefit from the discrete notification of credit or debit approval or rejection. Smith at Abstract The apparatus of claim 25, further comprising a bio-metric input device electrically coupled to the microprocessor. Smith at Claim 27 The present invention relates to methods and apparatus for point-of-sale transactions using wireless communication devices. Embodiments of the present invention utilize wireless purchasing devices (WPDs) to communicate with

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	point-of-sale wireless vendor devices (WVDs) and arrange the electronic transfer of assets to complete a sale. WPDs of embodiments of the present invention may negotiate a purchase code with a WVD and obtain authorization to complete a purchase identified in the purchase code directly from a creditor or account holder. When authorization is approved, an authorization code is transmitted from the creditor/account holder directly to the WPD and a purchase authorization code is transmitted to the WVD to complete the transaction. Embodiments of the present invention may be used with human-operated vendor devices such as electronic cash registers or with automated vendor devices such as electronic vending machines. Smith at Para 0001 Preferred embodiments of the present invention provide systems, methods and apparatus which provide for short range communication with a point-of-sale device combined with long-range communication with a credit or debit authorization processor. As a non-limiting example, an embodiment of the present invention in the form of a PDA may communicate with a point-of-sale device to determine vendor identification and a sale amount. The vendor/sale data is combined with credit or debit account data and forwarded to an authorization processor as a request for authorization of the sale amount. The authorization processor processes the request and transmits an authorization approval or denial to the PDA through a long range communication system. The authorization is then transmitted to the vendor's point-of-sale device to complete the transaction. Smith at Para 0019 Embodiments of the present invention allow for transactions with multiple vendors. A consumer with a wireless purchasing device (WPD) may enter an area in which several vendors have point-of-sale devices which can communicate with the WPD. As the consumer enters communication range with the point-of-sale devices, a menu on the WPD is updated to reflect the products available from vendors in communication range along with associated prices and related data. A consumer may select from the available products and initiate the purchase. Vendor information, product identification and pricing data received from the
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	point-of-sale devices is processed into purchase requests for each vendor selected and the purchase requests are transmitted to one or more authorization processors. If the purchases are authorized, the authorization approval is transmitted back to the WPD and the consumer completes the transaction by transmitting a charge or debit authorization to the point-of-sale devices thereby enabling product access or delivery of the purchased products. Smith at Para 0020 It is another object of some embodiments of the present invention to provide systems methods and apparatus for obtaining a point-of-sale purchase authorization for a purchase from a vendor who does not have a communications link with an authorization processor. Smith at Para 0022 Preferred embodiments of the present invention comprise a portable electronic communications device which is capable of communicating with a vendor's point-of-sale device and capable of communicating with an independent financial institution such as a bank or credit lender. In many embodiments, these two communication functions will be achieved using two communications protocols or methods. One method will employ a short range communication or networking device to communicate with a vendor's point-of-sale device. The other method will use a long range wireless communication system to contact financial institutions for payment authorization and execution. Smith at Para 0028 When a consumer already has possession of a cell phone or other long range communications device 16 which also has short range communications ability, such as a Bluetooth® enable cell phone, the consumer may prefer to use a less-expensive embodiment of the WPD which uses short range communications device 14 to interact with the external long range communications device 16 for contact with authorization provider 30. Smith at Para 0031
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Some embodiments of the WPD of the present invention may also comprise a biometric input device 10 to verify user identity. Biometric input device 10 may use thumb print analysis, retinal scan analysis or another identification method to identify the WPS user. Once the user is identified, user identity can be matched to account data to ensure that unauthorized users do not gain access to sensitive information or other user's accounts. Smith at Para 0032 As embodiments of the present invention are to be used with credit and debit card accounts which generally require authorization before funds may be transferred, WPDs may communicate with authorization providers 30 using long range communication device 12 or 16. WPD communication device 12 or 16 may communicate with authorization long range communications device 34 using known wireless communications methods such as through the use of wireless modems. This communication may be direct between communication device 12 or 16 and 34 or may involve a wireless communications base 36 which receives and transmits wireless signals and converts them to a wired connections such as with a standard telephone line. Authorization communications device 34 provides access to authorization computer 32 which may authorize credit and debit transactions and execute transfers of funds to the appropriate accounts. Smith at Para 0034 A variety of communication protocols and methods are known and commonly used in the industry, therefore, the information transfer used in some embodiments of the present invention is shown in a generic format in FIG. 2. Typically a purchase transaction will commence by establishing communication between a WPD 2 and a WVD 20. WPD may receive product or service information from WVD which may be presented on the display 6 of WPD 2. In some embodiments, a consumer may then make a selection between menu items presented on display 6 or otherwise indicate a desire to make a purchase. In some situations, a WVD may simply
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	transmit a transaction amount and vendor identification to the WPD, such as when a cashier has tallied a total and seeks payment or when an automated vending machine offers a single selection. In most situations, the WVD 20 and WPD 2 will communicate 44 with or without vendor and consumer input until a total purchase amount is reached. When a transaction amount is established, the WPD 2 will use its long range communications ability to contact an authorization provider 30 to request authorization 46 of the credit or debit transaction. Authorization processor 30 will check the consumer's account to verify that sufficient funds or credit are available and make any other necessary verification as required. If authorization is denied, a denial 48 will be transmitted to the WPD 2 and the consumer will be notified on the WPD display 6 that the transaction cannot be completed. If the authorization is approved, an authorization approval 50 will be transmitted to the WPD 2 which will use its short range communications link to pass the authorization to the WVD to inform the vendor of the transaction so that the goods or services may be released. Smith at Para 0035 In reference to FIG. 3, embodiments of the present invention which accommodate multiple, simultaneous vendors are illustrated. In these embodiments WvDs and WPDs will generally utilize wireless networking technology such as Bluetooth® transceivers or others to communicate. WVD1 61, WVD2 62 and WVD3 63 are present within communication range of a single WPD 2 and communication between WVDs 61, 62 and 63 and WPD 2 is initiated upon communication contact. In a preferred embodiment WVDs 61, 62 and 63 will transmit menu options to WPD 2 to inform the consumer of available products and to identify the vendors associated with the WVDs. WVDs 61, 62 and 63 may be electronic vending machines or other vendor devices. A consumer may view the menu 60 on the WPD display 6 to see the available products and make selections with WPD input device 8. When a final selection is made by the consumer, the WPD 2 will request authorization for the purchase by contacting authorization provider 30. Authorization provider 30 may request user identification before approval. Identification may be provided through the use of a confidential PIN number or for increased security may be provided by biometric identification device 10. When
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		identification is verified, authorization provider 30 will check account status and approve or deny the transaction according to internal rules. If approval is granted, an authorization approval is transmitted to WPD 2 and a transfer of funds request is transmitted to the consumer's financial institution 40 who will transfer appropriate amounts of funds to the accounts 71, 72 and 73 of vendors who were selected in the consumer's menu selection on the WPD 2. Smith at Para 0038
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

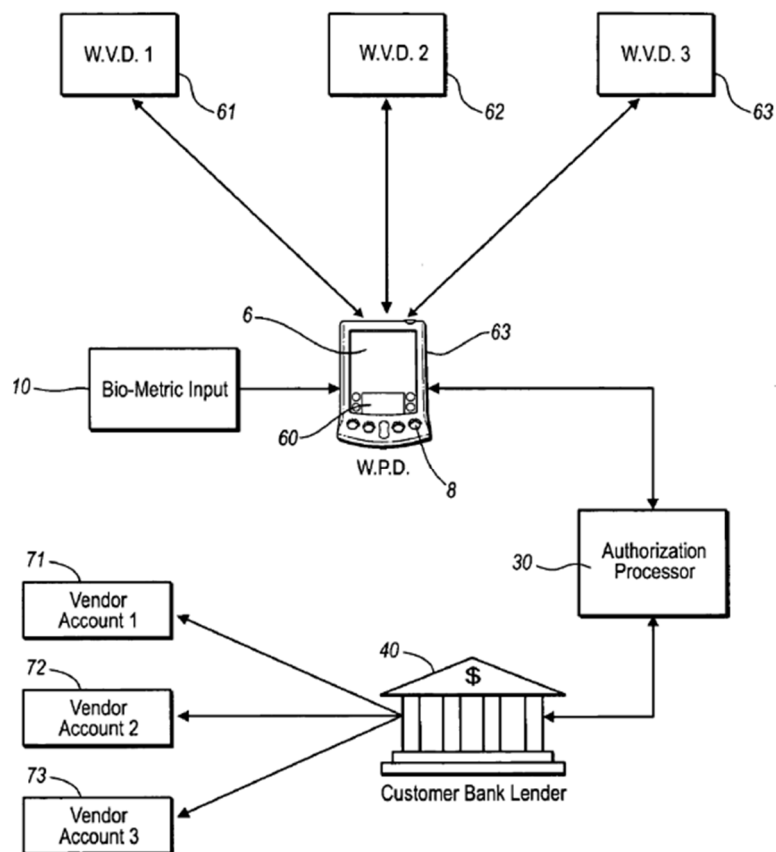


Figure 3

Smith at Figure 3

Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill

Exhibit 793-A13
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		in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[5.8]	responsive to the wireless device satisfying a proximity condition relative to an entity and responsive to the wireless device sensing the physiological parameter and determining that the physiological parameter sensed satisfies the criterion, using the function that has been established at the wireless device to conduct the financial transaction and conducting the financial transaction by paying for a product;	Smith discloses “responsive to the wireless device satisfying a proximity condition relative to an entity and responsive to the wireless device sensing the physiological parameter and determining that the physiological parameter sensed satisfies the criterion, using the function that has been established at the wireless device to conduct the financial transaction and conducting the financial transaction by paying for a product;” See e.g.: [1.8], supra. Another innovation in the wireless communications arena is the advent of short-range wireless networking between portable communications devices. One standard for this technology is known as Bluetooth®, and is being established by a collaborative group of communications and computing companies. Devices incorporating Bluetooth® technology will utilize a micro-chip transceiver for communications between devices. Bluetooth® devices will transmit in the previously unused 2.4 GHz range and will have a range of about meters which may be extended to about 100 meters by increasing transmitter power. Bluetooth® technology promises to be a viable and economical networking solution for interconnection of cell phones, computers, printers, modems, computer peripherals, fax machines and other communications and computing devices. The size of the Bluetooth® transceiver makes it usable in devices as small as palm computers and cell phones. Smith at Para 0016 Another established wireless connectivity standard is known as IrDA and employs infrared radiation to communicate between devices. IrDA is a point-to-point narrow angle, ad-hoc data transmission standard designed to operate over a distance of 0 to 1 meter at speeds of 9600 bps to 16 Mbps. It is typically used in a point-and-shoot fashion by pointing one device at another for direct data transmission. Smith at Para 0017

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Embodiments of the present invention allow for transactions with multiple vendors. A consumer with a wireless purchasing device (WPD) may enter an area in which several vendors have point-of-sale devices which can communicate with the WPD. As the consumer enters communication range with the point-of-sale devices, a menu on the WPD is updated to reflect the products available from vendors in communication range along with associated prices and related data. A consumer may select from the available products and initiate the purchase. Vendor information, product identification and pricing data received from the point-of-sale devices is processed into purchase requests for each vendor selected and the purchase requests are transmitted to one or more authorization processors. If the purchases are authorized, the authorization approval is transmitted back to the WPD and the consumer completes the transaction by transmitting a charge or debit authorization to the point-of-sale devices thereby enabling product access or delivery of the purchased products. Smith at Para 0020 In reference to FIG. 3, embodiments of the present invention which accommodate multiple, simultaneous vendors are illustrated. In these embodiments WvDs and WPDs will generally utilize wireless networking technology such as Bluetooth® transceivers or others to communicate. WVD1 61, WVD2 62 and WVD3 63 are present within communication range of a single WPD 2 and communication between WVDs 61, 62 and 63 and WPD 2 is initiated upon communication contact. In a preferred embodiment WVDs 61, 62 and 63 will transmit menu options to WPD 2 to inform the consumer of available products and to identify the vendors associated with the WVDs. WVDs 61, 62 and 63 may be electronic vending machines or other vendor devices. A consumer may view the menu 60 on the WPD display 6 to see the available products and make selections with WPD input device 8. When a final selection is made by the consumer, the WPD 2 will request authorization for the purchase by contacting authorization provider 30. Authorization provider 30 may request user identification before approval. Identification may be provided through the use of a confidential PIN number or for increased security may be provided by biometric identification device 10. When
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		identification is verified, authorization provider 30 will check account status and approve or deny the transaction according to internal rules. If approval is granted, an authorization approval is transmitted to WPD 2 and a transfer of funds request is transmitted to the consumer's financial institution 40 who will transfer appropriate amounts of funds to the accounts 71, 72 and 73 of vendors who were selected in the consumers menu selection on the WPD 2. Smith at Para 0038 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[5.9]	wherein said paying for a product comprises sensing that the proximity condition is satisfied relative to an access point maintained by a vendor at a point of purchase counter, by detecting a short-range signal that is transmitted by the access point, determining that the physiological parameter sensed satisfies the criterion and then, responsive to having sensed that the proximity condition is satisfied relative to the access point and having determined that the physiological parameter sensed satisfies the criterion, paying for the product by selectively sending information to at least one device;	Smith discloses “wherein said paying for a product comprises sensing that the proximity condition is satisfied relative to an access point maintained by a vendor at a point of purchase counter, by detecting a short-range signal that is transmitted by the access point, determining that the physiological parameter sensed satisfies the criterion and then, responsive to having sensed that the proximity condition is satisfied relative to the access point and having determined that the physiological parameter sensed satisfies the criterion, paying for the product by selectively sending information to at least one device;” See e.g.: [1.9], supra. Another innovation in the wireless communications arena is the advent of short-range wireless networking between portable communications devices. One standard for this technology is known as Bluetooth®, and is being established by a collaborative group of communications and computing companies. Devices incorporating Bluetooth® technology will utilize a micro-chip transceiver for communications between devices. Bluetooth® devices will transmit in the previously unused 2.4 GHz range and will have a range of about meters which

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	may be extended to about 100 meters by increasing transmitter power. Bluetooth® technology promises to be a viable and economical networking solution for interconnection of cell phones, computers, printers, modems, computer peripherals, fax machines and other communications and computing devices. The size of the Bluetooth® transceiver makes it usable in devices as small as palm computers and cell phones. Smith at Para 0016 Another established wireless connectivity standard is known as IrDA and employs infrared radiation to communicate between devices. IrDA is a point-to-point narrow angle, ad-hoc data transmission standard designed to operate over a distance of 0 to 1 meter at speeds of 9600 bps to 16 Mbps. It is typically used in a point-and-shoot fashion by pointing one device at another for direct data transmission. Smith at Para 0017 Embodiments of the present invention allow for transactions with multiple vendors. A consumer with a wireless purchasing device (WPD) may enter an area in which several vendors have point-of-sale devices which can communicate with the WPD. As the consumer enters communication range with the point-of-sale devices, a menu on the WPD is updated to reflect the products available from vendors in communication range along with associated prices and related data. A consumer may select from the available products and initiate the purchase. Vendor information, product identification and pricing data received from the point-of-sale devices is processed into purchase requests for each vendor selected and the purchase requests are transmitted to one or more authorization processors. If the purchases are authorized, the authorization approval is transmitted back to the WPD and the consumer completes the transaction by transmitting a charge or debit authorization to the point-of-sale devices thereby enabling product access or delivery of the purchased products. Smith at Para 0020
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		In reference to FIG. 3, embodiments of the present invention which accommodate multiple, simultaneous vendors are illustrated. In these embodiments WvDs and WPDs will generally utilize wireless networking technology such as Bluetooth® transceivers or others to communicate. WVD1 61, WVD2 62 and WVD3 63 are present within communication range of a single WPD 2 and communication between WVDs 61, 62 and 63 and WPD 2 is initiated upon communication contact. In a preferred embodiment WVDs 61, 62 and 63 will transmit menu options to WPD 2 to inform the consumer of available products and to identify the vendors associated with the WVDs. WVDs 61, 62 and 63 may be electronic vending machines or other vendor devices. A consumer may view the menu 60 on the WPD display 6 to see the available products and make selections with WPD input device 8. When a final selection is made by the consumer, the WPD 2 will request authorization for the purchase by contacting authorization provider 30. Authorization provider 30 may request user identification before approval. Identification may be provided through the use of a confidential PIN number or for increased security may be provided by biometric identification device 10. When identification is verified, authorization provider 30 will check account status and approve or deny the transaction according to internal rules. If approval is granted, an authorization approval is transmitted to WPD 2 and a transfer of funds request is transmitted to the consumer's financial institution 40 who will transfer appropriate amounts of funds to the accounts 71, 72 and 73 of vendors who were selected in the consumers menu selection on the WPD 2. Smith at Para 0038 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

[5.10]	wherein said paying for the product by selectively sending information to at least one device comprises selectively and wirelessly transmitting information to the at least one device using unlicensed frequencies; and	Smith discloses “wherein said paying for the product by selectively sending information to at least one device comprises selectively and wirelessly transmitting information to the at least one device using unlicensed frequencies; and” See e.g.: [1.10], supra. Wireless communication technology has progressed rapidly in recent years. Cell phones and other long-range communication devices have proliferated and are now commonplace among consumers. As technology advances, the cost of these devices is plummeting and even more widespread use is eminent. Mobile phones, pagers, two-way radios, smartphones, personal digital assistants (PDAs) and other communicators are all available on the market. Smith at Para 0011 Communications protocols exist which allow present generation electronic communications devices to interface with the Internet and access Internet resources. The Wireless Application Protocol (WAP) is an open, global specification that enables mobile wireless communications devices to access and interact with Internet information and services. WAP is a communications protocol and environment which can be built on nearly any operating system including PalmOS, EPOC, Windows CE, FLEXOS, OS/9, JavaOS and others and provides service interoperability between different device families. WAP works with most existing wireless communications networks such as CDPD, CDMA, GSM, PDC, PHS, TDMA, FLEX, ReFLEX, iDEN, TETRA, DECT, DataTAC, Mobitex and others. WAP developers operate Internet gateways specifically tailored for wireless communications device users. These devices typically have small displays, limited memory and less bandwidth than stationary, wire connected computers, therefore, WAP provides for use of eXtended Markup Languages (XMLs) such as the Wireless Markup Language (WML) which offers Internet content tailored for cell phones, PDAs and other wireless, portable communications devices. Smith at Para 0013
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Using WAP and similar technologies, vendors, news agencies, financial institutions and other providers allow cell phone and other portable communications device users to buy and sell securities, execute credit card transactions, make account transfers, make bill payments, receive and send e-mail, view news reports. These providers offer seamless integration between the Internet and wireless portable communication devices. Smith at Para 0014 Another innovation in the wireless communications arena is the advent of short-range wireless networking between portable communications devices. One standard for this technology is known as Bluetooth®, and is being established by a collaborative group of communications and computing companies. Devices incorporating Bluetooth® technology will utilize a micro-chip transceiver for communications between devices. Bluetooth® devices will transmit in the previously unused 2.4 GHz range and will have a range of about meters which may be extended to about 100 meters by increasing transmitter power. Bluetooth® technology promises to be a viable and economical networking solution for interconnection of cell phones, computers, printers, modems, computer peripherals, fax machines and other communications and computing devices. The size of the Bluetooth® transceiver makes it usable in devices as small as palm computers and cell phones. Smith at Para 0016 Another established wireless connectivity standard is known as IrDA and employs infrared radiation to communicate between devices. IrDA is a point-to-point narrow angle, ad-hoc data transmission standard designed to operate over a distance of 0 to 1 meter at speeds of 9600 bps to 16 Mbps. It is typically used in a point-and-shoot fashion by pointing one device at another for direct data transmission. Smith at Para 0017 The combination of some of the above technologies allows a user to use a single electronic device to communicate with other electronic devices in a short range
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		network or direct data link while establishing a long-range communications connection with mobile phone or other technology. Smith at Para 0018 Preferred embodiments of the present invention comprise a portable electronic communications device which is capable of communicating with a vendor's point-of-sale device and capable of communicating with an independent financial institution such as a bank or credit lender. In many embodiments, these two communication functions will be achieved using two communications protocols or methods. One method will employ a short range communication or networking device to communicate with a vendor's point-of-sale device. The other method will use a long range wireless communication system to contact financial institutions for payment authorization and execution. Smith at Para 0028 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[5.11]	wherein said paying for a product further comprises deducting/withdrawing an amount of money from an account.	Smith discloses “wherein said paying for a product further comprises deducting/withdrawing an amount of money from an account.” See e.g.: [1.11], supra. Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[6.1]	The wireless device of claim 5, wherein said enabling at least one first function of the wireless device comprises enabling the at least one first function of the wireless device and disabling a second function of the wireless device; and wherein the operations further comprise:	To the extent the preamble is limiting, Smith discloses “the wireless device of claim 5, wherein said enabling at least one first function of the wireless device comprises enabling the at least one first function of the wireless device and disabling a second function of the wireless device; and wherein the operations further comprise:” See e.g.: Claim 5, supra. [2.1], supra Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[6.2]	repeatedly sensing the physiological parameter and repeatedly deciding, based on comparing the physiological parameter sensed to the criterion, whether or not to maintain enabled said at least one first function while maintaining disabled said second function; and	Smith discloses “repeatedly sensing the physiological parameter and repeatedly deciding, based on comparing the physiological parameter sensed to the criterion, whether or not to maintain enabled said at least one first function while maintaining disabled said second function; and” See e.g.: [2.2], supra. Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

[6.3]	maintaining enabled said at least one first function while maintaining disabled said second function responsive to deciding that the physiological parameter sensed satisfies the criterion; or	Smith discloses “maintaining enabled said at least one first function while maintaining disabled said second function responsive to deciding that the physiological parameter sensed satisfies the criterion; or” See e.g.: [2.3], supra. Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[6.4]	disabling said at least one first function and enabling said second function responsive to deciding that the physiological parameter sensed no longer satisfies the criterion.	Smith discloses “disabling said at least one first function and enabling said second function responsive to deciding that the physiological parameter sensed no longer satisfies the criterion.” See e.g.: [2.4], supra Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[7.1]	The wireless device of claim 5, wherein said conducting the financial transaction by paying for a product comprises:	To the extent the preamble is limiting, Smith discloses “The wireless device of claim 5, wherein said conducting the financial transaction by paying for a product comprises:” See e.g.: Wireless communication technology has progressed rapidly in recent years. Cell phones and other long-range communication devices have proliferated and are now commonplace among consumers. As technology advances, the cost of these

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	devices is plummeting and even more widespread use is eminent. Mobile phones, pagers, two-way radios, smartphones, personal digital assistants (PDAs) and other communicators are all available on the market. Smith at Para 0011 Communications protocols exist which allow present generation electronic communications devices to interface with the Internet and access Internet resources. The Wireless Application Protocol (WAP) is an open, global specification that enables mobile wireless communications devices to access and interact with Internet information and services. WAP is a communications protocol and environment which can be built on nearly any operating system including PalmOS, EPOC, Windows CE, FLEXOS, OS/9, JavaOS and others and provides service interoperability between different device families. WAP works with most existing wireless communications networks such as CDPD, CDMA, GSM, PDC, PHS, TDMA, FLEX, ReFLEX, iDEN, TETRA, DECT, DataTAC, Mobitex and others. WAP developers operate Internet gateways specifically tailored for wireless communications device users. These devices typically have small displays, limited memory and less bandwidth than stationary, wire connected computers, therefore, WAP provides for use of eXtended Markup Languages (XMLs) such as the Wireless Markup Language (WML) which offers Internet content tailored for cell phones, PDAs and other wireless, portable communications devices. Smith at Para 0013 Using WAP and similar technologies, vendors, news agencies, financial institutions and other providers allow cell phone and other portable communications device users to buy and sell securities, execute credit card transactions, make account transfers, make bill payments, receive and send e-mail, view news reports. These providers offer seamless integration between the Internet and wireless portable communication devices. Smith at Para 0014
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Another innovation in the wireless communications arena is the advent of short-range wireless networking between portable communications devices. One standard for this technology is known as Bluetooth®, and is being established by a collaborative group of communications and computing companies. Devices incorporating Bluetooth® technology will utilize a micro-chip transceiver for communications between devices. Bluetooth® devices will transmit in the previously unused 2.4 GHz range and will have a range of about meters which may be extended to about 100 meters by increasing transmitter power. Bluetooth® technology promises to be a viable and economical networking solution for interconnection of cell phones, computers, printers, modems, computer peripherals, fax machines and other communications and computing devices. The size of the Bluetooth® transceiver makes it usable in devices as small as palm computers and cell phones. Smith at Para 0016 Another established wireless connectivity standard is known as IrDA and employs infrared radiation to communicate between devices. IrDA is a point-to-point narrow angle, ad-hoc data transmission standard designed to operate over a distance of 0 to 1 meter at speeds of 9600 bps to 16 Mbps. It is typically used in a point-and-shoot fashion by pointing one device at another for direct data transmission. Smith at Para 0017 The combination of some of the above technologies allows a user to use a single electronic device to communicate with other electronic devices in a short range network or direct data link while establishing a long-range communications connection with mobile phone or other technology. Smith at Para 0018 Preferred embodiments of the present invention comprise a portable electronic communications device which is capable of communicating with a vendor's point-of-sale device and capable of communicating with an independent financial institution such as a bank or credit lender. In many embodiments, these two
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		communication functions will be achieved using two communications protocols or methods. One method will employ a short range communication or networking device to communicate with a vendor's point-of-sale device. The other method will use a long range wireless communication system to contact financial institutions for payment authorization and execution. Smith at Para 0028 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[7.2]	establishing by the wireless device a short-range wireless link with the entity;	Smith discloses “establishing by the wireless device a short-range wireless link with the entity;” See e.g.: [1.9] and [1.10], supra. Wireless communication technology has progressed rapidly in recent years. Cell phones and other long-range communication devices have proliferated and are now commonplace among consumers. As technology advances, the cost of these devices is plummeting and even more widespread use is eminent. Mobile phones, pagers, two-way radios, smartphones, personal digital assistants (PDAs) and other communicators are all available on the market. Smith at Para 0011 Communications protocols exist which allow present generation electronic communications devices to interface with the Internet and access Internet resources. The Wireless Application Protocol (WAP) is an open, global specification that enables mobile wireless communications devices to access and interact with Internet information and services. WAP is a communications protocol and environment which can be built on nearly any operating system including PalmOS, EPOC, Windows CE, FLEXOS, OS/9, JavaOS and others and

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	provides service interoperability between different device families. WAP works with most existing wireless communications networks such as CDPD, CDMA, GSM, PDC, PHS, TDMA, FLEX, ReFLEX, iDEN, TETRA, DECT, DataTAC, Mobitex and others. WAP developers operate Internet gateways specifically tailored for wireless communications device users. These devices typically have small displays, limited memory and less bandwidth than stationary, wire connected computers, therefore, WAP provides for use of eXtended Markup Languages (XMLs) such as the Wireless Markup Language (WML) which offers Internet content tailored for cell phones, PDAs and other wireless, portable communications devices. Smith at Para 0013 Using WAP and similar technologies, vendors, news agencies, financial institutions and other providers allow cell phone and other portable communications device users to buy and sell securities, execute credit card transactions, make account transfers, make bill payments, receive and send e-mail, view news reports. These providers offer seamless integration between the Internet and wireless portable communication devices. Smith at Para 0014 Another innovation in the wireless communications arena is the advent of short-range wireless networking between portable communications devices. One standard for this technology is known as Bluetooth®, and is being established by a collaborative group of communications and computing companies. Devices incorporating Bluetooth® technology will utilize a micro-chip transceiver for communications between devices. Bluetooth® devices will transmit in the previously unused 2.4 GHz range and will have a range of about meters which may be extended to about 100 meters by increasing transmitter power. Bluetooth® technology promises to be a viable and economical networking solution for interconnection of cell phones, computers, printers, modems, computer peripherals, fax machines and other communications and computing devices. The size of the Bluetooth® transceiver makes it usable in devices as small as palm computers and cell phones.
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[7.3]	wirelessly transmitting information to the entity using unlicensed frequencies; and	Smith discloses “wirelessly transmitting information to the entity using unlicensed frequencies; and” See e.g.: [4.2], supra. Wireless communication technology has progressed rapidly in recent years. Cell phones and other long-range communication devices have proliferated and are now commonplace among consumers. As technology advances, the cost of these devices is plummeting and even more widespread use is eminent. Mobile phones, pagers, two-way radios, smartphones, personal digital assistants (PDAs) and other communicators are all available on the market. Smith at Para 0011 Communications protocols exist which allow present generation electronic communications devices to interface with the Internet and access Internet resources. The Wireless Application Protocol (WAP) is an open, global specification that enables mobile wireless communications devices to access and interact with Internet information and services. WAP is a communications protocol and environment which can be built on nearly any operating system including PalmOS, EPOC, Windows CE, FLEXOS, OS/9, JavaOS and others and provides service interoperability between different device families. WAP works with most existing wireless communications networks such as CDPD, CDMA, GSM, PDC, PHS, TDMA, FLEX, ReFLEX, iDEN, TETRA, DECT, DataTAC, Mobitex and others. WAP developers operate Internet gateways specifically tailored for wireless communications device users. These devices typically have small displays, limited memory and less bandwidth than stationary, wire connected computers, therefore, WAP provides for use of eXtended Markup Languages (XMLs) such as the Wireless Markup Language (WML) which offers Internet content tailored for cell phones, PDAs and other wireless, portable communications devices. Smith at Para 0013

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Using WAP and similar technologies, vendors, news agencies, financial institutions and other providers allow cell phone and other portable communications device users to buy and sell securities, execute credit card transactions, make account transfers, make bill payments, receive and send e-mail, view news reports. These providers offer seamless integration between the Internet and wireless portable communication devices. Smith at Para 0014 Another innovation in the wireless communications arena is the advent of short-range wireless networking between portable communications devices. One standard for this technology is known as Bluetooth®, and is being established by a collaborative group of communications and computing companies. Devices incorporating Bluetooth® technology will utilize a micro-chip transceiver for communications between devices. Bluetooth® devices will transmit in the previously unused 2.4 GHz range and will have a range of about meters which may be extended to about 100 meters by increasing transmitter power. Bluetooth® technology promises to be a viable and economical networking solution for interconnection of cell phones, computers, printers, modems, computer peripherals, fax machines and other communications and computing devices. The size of the Bluetooth® transceiver makes it usable in devices as small as palm computers and cell phones. Smith at Para 0016 Another established wireless connectivity standard is known as IrDA and employs infrared radiation to communicate between devices. IrDA is a point-to-point narrow angle, ad-hoc data transmission standard designed to operate over a distance of 0 to 1 meter at speeds of 9600 bps to 16 Mbps. It is typically used in a point-and-shoot fashion by pointing one device at another for direct data transmission. Smith at Para 0017 The combination of some of the above technologies allows a user to use a single electronic device to communicate with other electronic devices in a short range
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		network or direct data link while establishing a long-range communications connection with mobile phone or other technology. Smith at Para 0018 Preferred embodiments of the present invention comprise a portable electronic communications device which is capable of communicating with a vendor's point-of-sale device and capable of communicating with an independent financial institution such as a bank or credit lender. In many embodiments, these two communication functions will be achieved using two communications protocols or methods. One method will employ a short range communication or networking device to communicate with a vendor's point-of-sale device. The other method will use a long range wireless communication system to contact financial institutions for payment authorization and execution. Smith at Para 0028 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[7.4]	wirelessly receiving information from the entity using unlicensed frequencies;	Smith discloses “wirelessly receiving information from the entity using unlicensed frequencies;” See e.g.: [3.1] and [4.2], supra. Wireless communication technology has progressed rapidly in recent years. Cell phones and other long-range communication devices have proliferated and are now commonplace among consumers. As technology advances, the cost of these devices is plummeting and even more widespread use is eminent. Mobile phones, pagers, two-way radios, smartphones, personal digital assistants (PDAs) and other communicators are all available on the market. Smith at Para 0011

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Communications protocols exist which allow present generation electronic communications devices to interface with the Internet and access Internet resources. The Wireless Application Protocol (WAP) is an open, global specification that enables mobile wireless communications devices to access and interact with Internet information and services. WAP is a communications protocol and environment which can be built on nearly any operating system including PalmOS, EPOC, Windows CE, FLEXOS, OS/9, JavaOS and others and provides service interoperability between different device families. WAP works with most existing wireless communications networks such as CDPD, CDMA, GSM, PDC, PHS, TDMA, FLEX, ReFLEX, iDEN, TETRA, DECT, DataTAC, Mobitex and others. WAP developers operate Internet gateways specifically tailored for wireless communications device users. These devices typically have small displays, limited memory and less bandwidth than stationary, wire connected computers, therefore, WAP provides for use of eXtended Markup Languages (XMLs) such as the Wireless Markup Language (WML) which offers Internet content tailored for cell phones, PDAs and other wireless, portable communications devices. Smith at Para 0013 Using WAP and similar technologies, vendors, news agencies, financial institutions and other providers allow cell phone and other portable communications device users to buy and sell securities, execute credit card transactions, make account transfers, make bill payments, receive and send e-mail, view news reports. These providers offer seamless integration between the Internet and wireless portable communication devices. Smith at Para 0014 Another innovation in the wireless communications arena is the advent of short-range wireless networking between portable communications devices. One standard for this technology is known as Bluetooth®, and is being established by a collaborative group of communications and computing companies. Devices incorporating Bluetooth® technology will utilize a micro-chip transceiver for
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		Smith at Para 0028 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[7.5]	wherein said wirelessly transmitting information to the entity and said wirelessly receiving information from the entity comprises using unlicensed frequencies in a time division duplex operation; and	Smith discloses “wherein said wirelessly transmitting information to the entity and said wirelessly receiving information from the entity comprises using unlicensed frequencies in a time division duplex operation; and” See e.g.: [4.2], supra Wireless communication technology has progressed rapidly in recent years. Cell phones and other long-range communication devices have proliferated and are now commonplace among consumers. As technology advances, the cost of these devices is plummeting and even more widespread use is eminent. Mobile phones, pagers, two-way radios, smartphones, personal digital assistants (PDAs) and other communicators are all available on the market. Smith at Para 0011 Communications protocols exist which allow present generation electronic communications devices to interface with the Internet and access Internet resources. The Wireless Application Protocol (WAP) is an open, global specification that enables mobile wireless communications devices to access and interact with Internet information and services. WAP is a communications protocol and environment which can be built on nearly any operating system including PalmOS, EPOC, Windows CE, FLEXOS, OS/9, JavaOS and others and provides service interoperability between different device families. WAP works with most existing wireless communications networks such as CDPD, CDMA, GSM, PDC, PHS, TDMA, FLEX, ReFLEX, iDEN, TETRA, DECT, DataTAC, Mobitex and others. WAP developers operate Internet gateways specifically

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	tailored for wireless communications device users. These devices typically have small displays, limited memory and less bandwidth than stationary, wire connected computers, therefore, WAP provides for use of eXtended Markup Languages (XMLs) such as the Wireless Markup Language (WML) which offers Internet content tailored for cell phones, PDAs and other wireless, portable communications devices. Smith at Para 0013 Using WAP and similar technologies, vendors, news agencies, financial institutions and other providers allow cell phone and other portable communications device users to buy and sell securities, execute credit card transactions, make account transfers, make bill payments, receive and send e-mail, view news reports. These providers offer seamless integration between the Internet and wireless portable communication devices. Smith at Para 0014 Another innovation in the wireless communications arena is the advent of short-range wireless networking between portable communications devices. One standard for this technology is known as Bluetooth®, and is being established by a collaborative group of communications and computing companies. Devices incorporating Bluetooth® technology will utilize a micro-chip transceiver for communications between devices. Bluetooth® devices will transmit in the previously unused 2.4 GHz range and will have a range of about meters which may be extended to about 100 meters by increasing transmitter power. Bluetooth® technology promises to be a viable and economical networking solution for interconnection of cell phones, computers, printers, modems, computer peripherals, fax machines and other communications and computing devices. The size of the Bluetooth® transceiver makes it usable in devices as small as palm computers and cell phones. Smith at Para 0016 Another established wireless connectivity standard is known as IrDA and employs infrared radiation to communicate between devices. IrDA is a point-to-point
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		narrow angle, ad-hoc data transmission standard designed to operate over a distance of 0 to 1 meter at speeds of 9600 bps to 16 Mbps. It is typically used in a point-and-shoot fashion by pointing one device at another for direct data transmission. Smith at Para 0017 The combination of some of the above technologies allows a user to use a single electronic device to communicate with other electronic devices in a short range network or direct data link while establishing a long-range communications connection with mobile phone or other technology. Smith at Para 0018 Preferred embodiments of the present invention comprise a portable electronic communications device which is capable of communicating with a vendor's point-of-sale device and capable of communicating with an independent financial institution such as a bank or credit lender. In many embodiments, these two communication functions will be achieved using two communications protocols or methods. One method will employ a short range communication or networking device to communicate with a vendor's point-of-sale device. The other method will use a long range wireless communication system to contact financial institutions for payment authorization and execution. Smith at Para 0028 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[7.6]	wherein said establishing by the wireless device a short-range wireless link with the entity comprises establishing the short-	Smith discloses “wherein said establishing by the wireless device a short-range wireless link with the entity comprises establishing the short-range wireless link with the entity responsive to the wireless device satisfying the proximity condition relative to the entity and responsive to the wireless device sensing the physiological

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	range wireless link with the entity responsive to the wireless device satisfying the proximity condition relative to the entity and responsive to the wireless device sensing the physiological parameter and determining that the physiological parameter sensed satisfies the criterion.	parameter and determining that the physiological parameter sensed satisfies the criterion.” See e.g.: [1.9], supra. Another innovation in the wireless communications arena is the advent of short-range wireless networking between portable communications devices. One standard for this technology is known as Bluetooth®, and is being established by a collaborative group of communications and computing companies. Devices incorporating Bluetooth® technology will utilize a micro-chip transceiver for communications between devices. Bluetooth® devices will transmit in the previously unused 2.4 GHz range and will have a range of about meters which may be extended to about 100 meters by increasing transmitter power. Bluetooth® technology promises to be a viable and economical networking solution for interconnection of cell phones, computers, printers, modems, computer peripherals, fax machines and other communications and computing devices. The size of the Bluetooth® transceiver makes it usable in devices as small as palm computers and cell phones. Smith at Para 0016 Another established wireless connectivity standard is known as IrDA and employs infrared radiation to communicate between devices. IrDA is a point-to-point narrow angle, ad-hoc data transmission standard designed to operate over a distance of 0 to 1 meter at speeds of 9600 bps to 16 Mbps. It is typically used in a point-and-shoot fashion by pointing one device at another for direct data transmission. Smith at Para 0017 Embodiments of the present invention allow for transactions with multiple vendors. A consumer with a wireless purchasing device (WPD) may enter an area in which
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	several vendors have point-of-sale devices which can communicate with the WPD. As the consumer enters communication range with the point-of-sale devices, a menu on the WPD is updated to reflect the products available from vendors in communication range along with associated prices and related data. A consumer may select from the available products and initiate the purchase. Vendor information, product identification and pricing data received from the point-of-sale devices is processed into purchase requests for each vendor selected and the purchase requests are transmitted to one or more authorization processors. If the purchases are authorized, the authorization approval is transmitted back to the WPD and the consumer completes the transaction by transmitting a charge or debit authorization to the point-of-sale devices thereby enabling product access or delivery of the purchased products. Smith at Para 0020 In reference to FIG. 3, embodiments of the present invention which accommodate multiple, simultaneous vendors are illustrated. In these embodiments WvDs and WPDs will generally utilize wireless networking technology such as Bluetooth® transceivers or others to communicate. WVD1 61, WVD2 62 and WVD3 63 are present within communication range of a single WPD 2 and communication between WVDs 61, 62 and 63 and WPD 2 is initiated upon communication contact. In a preferred embodiment WVDs 61, 62 and 63 will transmit menu options to WPD 2 to inform the consumer of available products and to identify the vendors associated with the WVDs. WVDs 61, 62 and 63 may be electronic vending machines or other vendor devices. A consumer may view the menu 60 on the WPD display 6 to see the available products and make selections with WPD input device 8. When a final selection is made by the consumer, the WPD 2 will request authorization for the purchase by contacting authorization provider 30. Authorization provider 30 may request user identification before approval. Identification may be provided through the use of a confidential PIN number or for increased security may be provided by biometric identification device 10. When identification is verified, authorization provider 30 will check account status and approve or deny the transaction according to internal rules. If approval is granted, an
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		authorization approval is transmitted to WPD 2 and a transfer of funds request is transmitted to the consumer's financial institution 40 who will transfer appropriate amounts of funds to the accounts 71, 72 and 73 of vendors who were selected in the consumers menu selection on the WPD 2. Smith at Para 0038 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[8.1]	The wireless device of claim 5, wherein said requesting from a second device an authorization to establish a function to conduct a financial transaction and/or said receiving from the second device the authorization to establish the function to conduct the financial transaction comprises:	To the extent the preamble is limiting, Smith discloses “The wireless device of claim 5, wherein said requesting from a second device an authorization to establish a function to conduct a financial transaction and/or said receiving from the second device the authorization to establish the function to conduct the financial transaction comprises:” See e.g.: Claim 5, supra. The present invention relates to systems, methods and apparatus for making purchase transactions at a point-of-sale. A wireless purchase device (WPD) comprising a short range communications device for communication with vendor point-of-sale equipment such as a wireless vendor device (WVD) and a long range communications device for communications with credit or debit authorization processors. In preferred embodiments, a WVD will communicate vendor identification data and a transaction purchase price to a WPD and a WPD user will determine whether to complete the transaction. The transaction may be completed by transmitting the vendor identification and purchase data to an authorization processor for credit or debit approval. Authorization approval or denial is transmitted to the WPD where the user is discretely notified of the outcome. If approved, the user may transmit the approval to the WVD to

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	complete the transaction. Using the systems and methods of the present invention, vendors need not maintain long range communications between points-of-sale and authorization processors or other parties. Purchasers also benefit from the discrete notification of credit or debit approval or rejection. Smith at Abstract The apparatus of claim 25, further comprising a bio-metric input device electrically coupled to the microprocessor. Smith at Claim 27 The present invention relates to methods and apparatus for point-of-sale transactions using wireless communication devices. Embodiments of the present invention utilize wireless purchasing devices (WPDs) to communicate with point-of-sale wireless vendor devices (WVDs) and arrange the electronic transfer of assets to complete a sale. WPDs of embodiments of the present invention may negotiate a purchase code with a WVD and obtain authorization to complete a purchase identified in the purchase code directly from a creditor or account holder. When authorization is approved, an authorization code is transmitted from the creditor/account holder directly to the WPD and a purchase authorization code is transmitted to the WVD to complete the transaction. Embodiments of the present invention may be used with human-operated vendor devices such as electronic cash registers or with automated vendor devices such as electronic vending machines. Smith at Para 0001 Preferred embodiments of the present invention provide systems, methods and apparatus which provide for short range communication with a point-of-sale device combined with long-range communication with a credit or debit authorization processor. As a non-limiting example, an embodiment of the present invention in the form of a PDA may communicate with a point-of-sale device to determine vendor identification and a sale amount. The vendor/sale data is combined with credit or debit account data and forwarded to an authorization processor as a request for authorization of the sale amount. The authorization
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	processor processes the request and transmits an authorization approval or denial to the PDA through a long range communication system. The authorization is then transmitted to the vendor's point-of-sale device to complete the transaction. Smith at Para 0019 Embodiments of the present invention allow for transactions with multiple vendors. A consumer with a wireless purchasing device (WPD) may enter an area in which several vendors have point-of-sale devices which can communicate with the WPD. As the consumer enters communication range with the point-of-sale devices, a menu on the WPD is updated to reflect the products available from vendors in communication range along with associated prices and related data. A consumer may select from the available products and initiate the purchase. Vendor information, product identification and pricing data received from the point-of-sale devices is processed into purchase requests for each vendor selected and the purchase requests are transmitted to one or more authorization processors. If the purchases are authorized, the authorization approval is transmitted back to the WPD and the consumer completes the transaction by transmitting a charge or debit authorization to the point-of-sale devices thereby enabling product access or delivery of the purchased products. Smith at Para 0020 It is another object of some embodiments of the present invention to provide systems methods and apparatus for obtaining a point-of-sale purchase authorization for a purchase from a vendor who does not have a communications link with an authorization processor. Smith at Para 0022 Preferred embodiments of the present invention comprise a portable electronic communications device which is capable of communicating with a vendor's point-of-sale device and capable of communicating with an independent financial institution such as a bank or credit lender. In many embodiments, these two communication functions will be achieved using two communications protocols or methods. One method will employ a short range communication or networking
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	device to communicate with a vendor's point-of-sale device. The other method will use a long range wireless communication system to contact financial institutions for payment authorization and execution. Smith at Para 0028 When a consumer already has possession of a cell phone or other long range communications device 16 which also has short range communications ability, such as a Bluetooth® enable cell phone, the consumer may prefer to use a less-expensive embodiment of the WPD which uses short range communications device 14 to interact with the external long range communications device 16 for contact with authorization provider 30. Smith at Para 0031 Some embodiments of the WPD of the present invention may also comprise a biometric input device 10 to verify user identity. Biometric input device 10 may use thumb print analysis, retinal scan analysis or another identification method to identify the WPS user. Once the user is identified, user identity can be matched to account data to ensure that unauthorized users do not gain access to sensitive information or other user's accounts. Smith at Para 0032 As embodiments of the present invention are to be used with credit and debit card accounts which generally require authorization before funds may be transferred, WPDs may communicate with authorization providers 30 using long range communication device 12 or 16. WPD communication device 12 or 16 may communicate with authorization long range communications device 34 using known wireless communications methods such as through the use of wireless modems. This communication may be direct between communication device 12 or 16 and 34 or may involve a wireless communications base 36 which receives and transmits wireless signals and converts them to a wired connections such as with a standard
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	telephone line. Authorization communications device 34 provides access to authorization computer 32 which may authorize credit and debit transactions and execute transfers of funds to the appropriate accounts. Smith at Para 0034 A variety of communication protocols and methods are known and commonly used in the industry, therefore, the information transfer used in some embodiments of the present invention is shown in a generic format in FIG. 2. Typically a purchase transaction will commence by establishing communication between a WPD 2 and a WVD 20. WPD may receive product or service information from WVD which may be presented on the display 6 of WPD 2. In some embodiments, a consumer may then make a selection between menu items presented on display 6 or otherwise indicate a desire to make a purchase. In some situations, a WVD may simply transmit a transaction amount and vendor identification to the WPD, such as when a cashier has tallied a total and seeks payment or when an automated vending machine offers a single selection. In most situations, the WVD 20 and WPD 2 will communicate 44 with or without vendor and consumer input until a total purchase amount is reached. When a transaction amount is established, the WPD 2 will use its long range communications ability to contact an authorization provider 30 to request authorization 46 of the credit or debit transaction. Authorization processor 30 will check the consumer's account to verify that sufficient funds or credit are available and make any other necessary verification as required. If authorization is denied, a denial 48 will be transmitted to the WPD 2 and the consumer will be notified on the WPD display 6 that the transaction cannot be completed. If the authorization is approved, an authorization approval 50 will be transmitted to the WPD 2 which will use its short range communications link to pass the authorization to the WVD to inform the vendor of the transaction so that the goods or services may be released. Smith at Para 0035
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		In reference to FIG. 3, embodiments of the present invention which accommodate multiple, simultaneous vendors are illustrated. In these embodiments WvDs and WPDs will generally utilize wireless networking technology such as Bluetooth® transceivers or others to communicate. WVD1 61, WVD2 62 and WVD3 63 are present within communication range of a single WPD 2 and communication between WVDs 61, 62 and 63 and WPD 2 is initiated upon communication contact. In a preferred embodiment WVDs 61, 62 and 63 will transmit menu options to WPD 2 to inform the consumer of available products and to identify the vendors associated with the WVDs. WVDs 61, 62 and 63 may be electronic vending machines or other vendor devices. A consumer may view the menu 60 on the WPD display 6 to see the available products and make selections with WPD input device 8. When a final selection is made by the consumer, the WPD 2 will request authorization for the purchase by contacting authorization provider 30. Authorization provider 30 may request user identification before approval. Identification may be provided through the use of a confidential PIN number or for increased security may be provided by biometric identification device 10. When identification is verified, authorization provider 30 will check account status and approve or deny the transaction according to internal rules. If approval is granted, an authorization approval is transmitted to WPD 2 and a transfer of funds request is transmitted to the consumer's financial institution 40 who will transfer appropriate amounts of funds to the accounts 71, 72 and 73 of vendors who were selected in the consumer's menu selection on the WPD 2. Smith at Para 0038
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

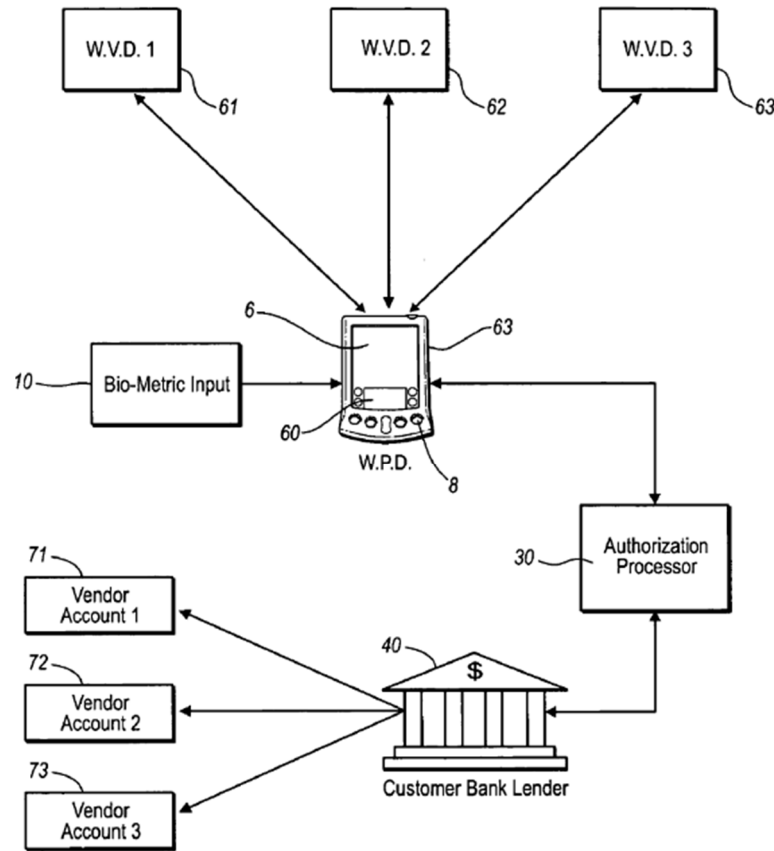


Figure 3

Smith at Figure 3

Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[8.2]	establishing by the wireless device a link with the second device, said link comprising a wireless link;	Smith discloses “establishing by the wireless device a link with the second device, said link comprising a wireless link;” See e.g.: [1.9], supra. The present invention relates to systems, methods and apparatus for making purchase transactions at a point-of-sale. A wireless purchase device (WPD) comprising a short range communications device for communication with vendor point-of-sale equipment such as a wireless vendor device (WVD) and a long range communications device for communications with credit or debit authorization processors. In preferred embodiments, a WVD will communicate vendor identification data and a transaction purchase price to a WPD and a WPD user will determine whether to complete the transaction. The transaction may be completed by transmitting the vendor identification and purchase data to an authorization processor for credit or debit approval. Authorization approval or denial is transmitted to the WPD where the user is discretely notified of the outcome. If approved, the user may transmit the approval to the WVD to complete the transaction. Using the systems and methods of the present invention, vendors need not maintain long range communications between points-of-sale and authorization processors or other parties. Purchasers also benefit from the discrete notification of credit or debit approval or rejection. Smith at Abstract The apparatus of claim 25, further comprising a bio-metric input device electrically coupled to the microprocessor. Smith at Claim 27 The present invention relates to methods and apparatus for point-of-sale transactions using wireless communication devices. Embodiments of the present

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	invention utilize wireless purchasing devices (WPDs) to communicate with point-of-sale wireless vendor devices (WVDs) and arrange the electronic transfer of assets to complete a sale. WPDs of embodiments of the present invention may negotiate a purchase code with a WVD and obtain authorization to complete a purchase identified in the purchase code directly from a creditor or account holder. When authorization is approved, an authorization code is transmitted from the creditor/account holder directly to the WPD and a purchase authorization code is transmitted to the WVD to complete the transaction. Embodiments of the present invention may be used with human-operated vendor devices such as electronic cash registers or with automated vendor devices such as electronic vending machines. Smith at Para 0001 Preferred embodiments of the present invention provide systems, methods and apparatus which provide for short range communication with a point-of-sale device combined with long-range communication with a credit or debit authorization processor. As a non-limiting example, an embodiment of the present invention in the form of a PDA may communicate with a point-of-sale device to determine vendor identification and a sale amount. The vendor/sale data is combined with credit or debit account data and forwarded to an authorization processor as a request for authorization of the sale amount. The authorization processor processes the request and transmits an authorization approval or denial to the PDA through a long range communication system. The authorization is then transmitted to the vendor's point-of-sale device to complete the transaction. Smith at Para 0019 Embodiments of the present invention allow for transactions with multiple vendors. A consumer with a wireless purchasing device (WPD) may enter an area in which several vendors have point-of-sale devices which can communicate with the WPD. As the consumer enters communication range with the point-of-sale devices, a menu on the WPD is updated to reflect the products available from vendors in communication range along with associated prices and related data. A consumer may select from the available products and initiate the purchase.
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Vendor information, product identification and pricing data received from the point-of-sale devices is processed into purchase requests for each vendor selected and the purchase requests are transmitted to one or more authorization processors. If the purchases are authorized, the authorization approval is transmitted back to the WPD and the consumer completes the transaction by transmitting a charge or debit authorization to the point-of-sale devices thereby enabling product access or delivery of the purchased products. Smith at Para 0020 It is another object of some embodiments of the present invention to provide systems methods and apparatus for obtaining a point-of-sale purchase authorization for a purchase from a vendor who does not have a communications link with an authorization processor. Smith at Para 0022 Preferred embodiments of the present invention comprise a portable electronic communications device which is capable of communicating with a vendor's point-of-sale device and capable of communicating with an independent financial institution such as a bank or credit lender. In many embodiments, these two communication functions will be achieved using two communications protocols or methods. One method will employ a short range communication or networking device to communicate with a vendor's point-of-sale device. The other method will use a long range wireless communication system to contact financial institutions for payment authorization and execution. Smith at Para 0028 When a consumer already has possession of a cell phone or other long range communications device 16 which also has short range communications ability, such as a Bluetooth® enable cell phone, the consumer may prefer to use a less-expensive embodiment of the WPD which uses short range communications device 14 to interact with the external long range communications device 16 for contact with authorization provider 30. Smith at Para 0031
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Some embodiments of the WPD of the present invention may also comprise a biometric input device 10 to verify user identity. Biometric input device 10 may use thumb print analysis, retinal scan analysis or another identification method to identify the WPS user. Once the user is identified, user identity can be matched to account data to ensure that unauthorized users do not gain access to sensitive information or other user's accounts. Smith at Para 0032 As embodiments of the present invention are to be used with credit and debit card accounts which generally require authorization before funds may be transferred, WPDs may communicate with authorization providers 30 using long range communication device 12 or 16. WPD communication device 12 or 16 may communicate with authorization long range communications device 34 using known wireless communications methods such as through the use of wireless modems. This communication may be direct between communication device 12 or 16 and 34 or may involve a wireless communications base 36 which receives and transmits wireless signals and converts them to a wired connections such as with a standard telephone line. Authorization communications device 34 provides access to authorization computer 32 which may authorize credit and debit transactions and execute transfers of funds to the appropriate accounts. Smith at Para 0034 A variety of communication protocols and methods are known and commonly used in the industry, therefore, the information transfer used in some embodiments of the present invention is shown in a generic format in FIG. 2. Typically a purchase transaction will commence by establishing communication between a WPD 2 and a WVD 20. WPD may receive product or service information from WVD which may be presented on the display 6 of WPD 2. In some embodiments, a consumer may
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	then make a selection between menu items presented on display 6 or otherwise indicate a desire to make a purchase. In some situations, a WVD may simply transmit a transaction amount and vendor identification to the WPD, such as when a cashier has tallied a total and seeks payment or when an automated vending machine offers a single selection. In most situations, the WVD 20 and WPD 2 will communicate 44 with or without vendor and consumer input until a total purchase amount is reached. When a transaction amount is established, the WPD 2 will use its long range communications ability to contact an authorization provider 30 to request authorization 46 of the credit or debit transaction. Authorization processor 30 will check the consumer's account to verify that sufficient funds or credit are available and make any other necessary verification as required. If authorization is denied, a denial 48 will be transmitted to the WPD 2 and the consumer will be notified on the WPD display 6 that the transaction cannot be completed. If the authorization is approved, an authorization approval 50 will be transmitted to the WPD 2 which will use its short range communications link to pass the authorization to the WVD to inform the vendor of the transaction so that the goods or services may be released. Smith at Para 0035 In reference to FIG. 3, embodiments of the present invention which accommodate multiple, simultaneous vendors are illustrated. In these embodiments WvDs and WPDs will generally utilize wireless networking technology such as Bluetooth® transceivers or others to communicate. WVD1 61, WVD2 62 and WVD3 63 are present within communication range of a single WPD 2 and communication between WVDs 61, 62 and 63 and WPD 2 is initiated upon communication contact. In a preferred embodiment WVDs 61, 62 and 63 will transmit menu options to WPD 2 to inform the consumer of available products and to identify the vendors associated with the WVDs. WVDs 61, 62 and 63 may be electronic vending machines or other vendor devices. A consumer may view the menu 60 on the WPD display 6 to see the available products and make selections with WPD input device 8. When a final selection is made by the consumer, the WPD 2 will request authorization for the purchase by contacting authorization provider 30. Authorization provider 30 may request user identification before approval.
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		Identification may be provided through the use of a confidential PIN number or for increased security may be provided by biometric identification device 10. When identification is verified, authorization provider 30 will check account status and approve or deny the transaction according to internal rules. If approval is granted, an authorization approval is transmitted to WPD 2 and a transfer of funds request is transmitted to the consumer's financial institution 40 who will transfer appropriate amounts of funds to the accounts 71, 72 and 73 of vendors who were selected in the consumer's menu selection on the WPD 2. Smith at Para 0038
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

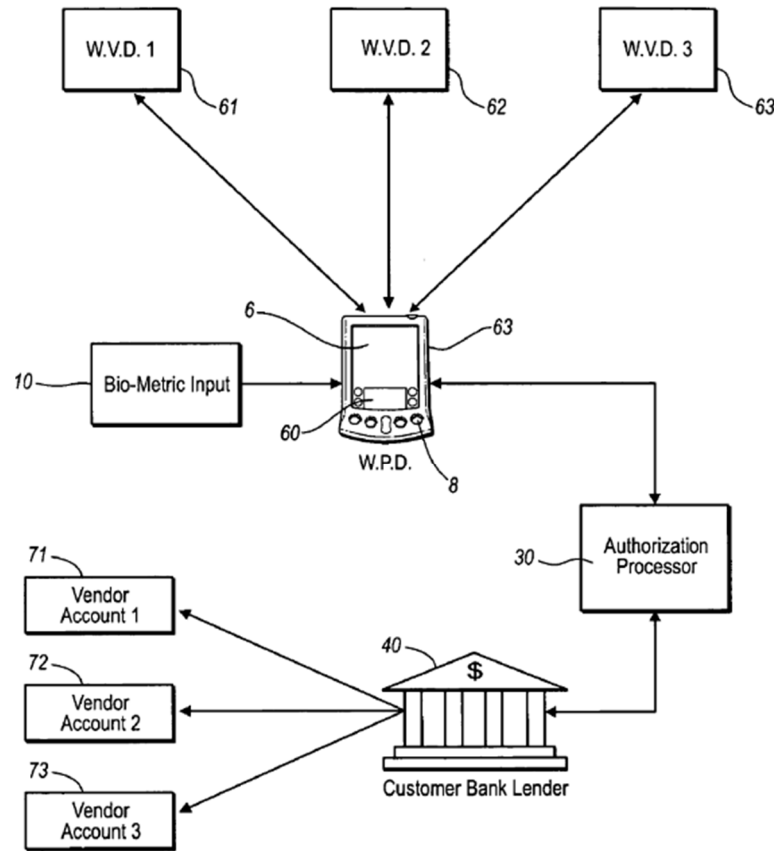


Figure 3

Smith at Figure 3

Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[8.3]	wirelessly transmitting information to the second device over said wireless link using unlicensed and/or licensed frequencies; and	Smith discloses “wirelessly transmitting information to the second device over said wireless link using unlicensed and/or licensed frequencies; and” See e.g.: [4.2], supra. Wireless communication technology has progressed rapidly in recent years. Cell phones and other long-range communication devices have proliferated and are now commonplace among consumers. As technology advances, the cost of these devices is plummeting and even more widespread use is eminent. Mobile phones, pagers, two-way radios, smartphones, personal digital assistants (PDAs) and other communicators are all available on the market. Smith at Para 0011 Communications protocols exist which allow present generation electronic communications devices to interface with the Internet and access Internet resources. The Wireless Application Protocol (WAP) is an open, global specification that enables mobile wireless communications devices to access and interact with Internet information and services. WAP is a communications protocol and environment which can be built on nearly any operating system including PalmOS, EPOC, Windows CE, FLEXOS, OS/9, JavaOS and others and provides service interoperability between different device families. WAP works with most existing wireless communications networks such as CDPD, CDMA, GSM, PDC, PHS, TDMA, FLEX, ReFLEX, iDEN, TETRA, DECT, DataTAC, Mobitex and others. WAP developers operate Internet gateways specifically tailored for wireless communications device users. These devices typically have small displays, limited memory and less bandwidth than stationary, wire connected computers, therefore, WAP provides for use of eXtended Markup Languages (XMLs) such as the Wireless Markup Language (WML) which offers Internet

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	content tailored for cell phones, PDAs and other wireless, portable communications devices. Smith at Para 0013 Using WAP and similar technologies, vendors, news agencies, financial institutions and other providers allow cell phone and other portable communications device users to buy and sell securities, execute credit card transactions, make account transfers, make bill payments, receive and send e-mail, view news reports. These providers offer seamless integration between the Internet and wireless portable communication devices. Smith at Para 0014 Another innovation in the wireless communications arena is the advent of short-range wireless networking between portable communications devices. One standard for this technology is known as Bluetooth®, and is being established by a collaborative group of communications and computing companies. Devices incorporating Bluetooth® technology will utilize a micro-chip transceiver for communications between devices. Bluetooth® devices will transmit in the previously unused 2.4 GHz range and will have a range of about meters which may be extended to about 100 meters by increasing transmitter power. Bluetooth® technology promises to be a viable and economical networking solution for interconnection of cell phones, computers, printers, modems, computer peripherals, fax machines and other communications and computing devices. The size of the Bluetooth® transceiver makes it usable in devices as small as palm computers and cell phones. Smith at Para 0016 Another established wireless connectivity standard is known as IrDA and employs infrared radiation to communicate between devices. IrDA is a point-to-point narrow angle, ad-hoc data transmission standard designed to operate over a distance of 0 to 1 meter at speeds of 9600 bps to 16 Mbps. It is typically used in a point-and-shoot fashion by pointing one device at another for direct data transmission.
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		Smith at Para 0017 The combination of some of the above technologies allows a user to use a single electronic device to communicate with other electronic devices in a short range network or direct data link while establishing a long-range communications connection with mobile phone or other technology. Smith at Para 0018 Preferred embodiments of the present invention comprise a portable electronic communications device which is capable of communicating with a vendor's point-of-sale device and capable of communicating with an independent financial institution such as a bank or credit lender. In many embodiments, these two communication functions will be achieved using two communications protocols or methods. One method will employ a short range communication or networking device to communicate with a vendor's point-of-sale device. The other method will use a long range wireless communication system to contact financial institutions for payment authorization and execution. Smith at Para 0028 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[8.4]	wirelessly receiving information from the second device over said wireless link using unlicensed and/or licensed frequencies;	Smith discloses “wirelessly receiving information from the second device over said wireless link using unlicensed and/or licensed frequencies;” See e.g.: [3.1] and [4.2], supra. Wireless communication technology has progressed rapidly in recent years. Cell phones and other long-range communication devices have proliferated and are now commonplace among consumers. As technology advances, the cost of these

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	devices is plummeting and even more widespread use is eminent. Mobile phones, pagers, two-way radios, smartphones, personal digital assistants (PDAs) and other communicators are all available on the market. Smith at Para 0011 Communications protocols exist which allow present generation electronic communications devices to interface with the Internet and access Internet resources. The Wireless Application Protocol (WAP) is an open, global specification that enables mobile wireless communications devices to access and interact with Internet information and services. WAP is a communications protocol and environment which can be built on nearly any operating system including PalmOS, EPOC, Windows CE, FLEXOS, OS/9, JavaOS and others and provides service interoperability between different device families. WAP works with most existing wireless communications networks such as CDPD, CDMA, GSM, PDC, PHS, TDMA, FLEX, ReFLEX, iDEN, TETRA, DECT, DataTAC, Mobitex and others. WAP developers operate Internet gateways specifically tailored for wireless communications device users. These devices typically have small displays, limited memory and less bandwidth than stationary, wire connected computers, therefore, WAP provides for use of eXtended Markup Languages (XMLs) such as the Wireless Markup Language (WML) which offers Internet content tailored for cell phones, PDAs and other wireless, portable communications devices. Smith at Para 0013 Using WAP and similar technologies, vendors, news agencies, financial institutions and other providers allow cell phone and other portable communications device users to buy and sell securities, execute credit card transactions, make account transfers, make bill payments, receive and send e-mail, view news reports. These providers offer seamless integration between the Internet and wireless portable communication devices. Smith at Para 0014
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Another innovation in the wireless communications arena is the advent of short-range wireless networking between portable communications devices. One standard for this technology is known as Bluetooth®, and is being established by a collaborative group of communications and computing companies. Devices incorporating Bluetooth® technology will utilize a micro-chip transceiver for communications between devices. Bluetooth® devices will transmit in the previously unused 2.4 GHz range and will have a range of about meters which may be extended to about 100 meters by increasing transmitter power. Bluetooth® technology promises to be a viable and economical networking solution for interconnection of cell phones, computers, printers, modems, computer peripherals, fax machines and other communications and computing devices. The size of the Bluetooth® transceiver makes it usable in devices as small as palm computers and cell phones. Smith at Para 0016 Another established wireless connectivity standard is known as IrDA and employs infrared radiation to communicate between devices. IrDA is a point-to-point narrow angle, ad-hoc data transmission standard designed to operate over a distance of 0 to 1 meter at speeds of 9600 bps to 16 Mbps. It is typically used in a point-and-shoot fashion by pointing one device at another for direct data transmission. Smith at Para 0017 The combination of some of the above technologies allows a user to use a single electronic device to communicate with other electronic devices in a short range network or direct data link while establishing a long-range communications connection with mobile phone or other technology. Smith at Para 0018 Preferred embodiments of the present invention comprise a portable electronic communications device which is capable of communicating with a vendor's point-of-sale device and capable of communicating with an independent financial institution such as a bank or credit lender. In many embodiments, these two communication functions will be achieved using two communications protocols or
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		methods. One method will employ a short range communication or networking device to communicate with a vendor's point-of-sale device. The other method will use a long range wireless communication system to contact financial institutions for payment authorization and execution. Smith at Para 0028 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[8.5]	wherein said wirelessly transmitting information to the second device and/or said wirelessly receiving information from the second device comprises using a WiFi air interface protocol, an orthogonal frequency division multiplexing air interface protocol and/or an orthogonal frequency division multiple access air interface protocol; and	Smith discloses “wherein said wirelessly transmitting information to the second device and/or said wirelessly receiving information from the second device comprises using a WiFi air interface protocol, an orthogonal frequency division multiplexing air interface protocol and/or an orthogonal frequency division multiple access air interface protocol; and” See e.g.: Claim 1, supra. Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[8.6]	wherein said establishing by the wireless device a link with the second device comprises establishing the link with the second device responsive to the wireless	Smith discloses “wherein said establishing by the wireless device a link with the second device comprises establishing the link with the second device responsive to the wireless device sensing the physiological parameter and determining that the physiological parameter sensed satisfies the criterion.” See e.g.:

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	device sensing the physiological parameter and determining that the physiological parameter sensed satisfies the criterion.	[1.3], [1.4], and [1.8] supra. The present invention relates to systems, methods and apparatus for making purchase transactions at a point-of-sale. A wireless purchase device (WPD) comprising a short range communications device for communication with vendor point-of-sale equipment such as a wireless vendor device (WVD) and a long range communications device for communications with credit or debit authorization processors. In preferred embodiments, a WVD will communicate vendor identification data and a transaction purchase price to a WPD and a WPD user will determine whether to complete the transaction. The transaction may be completed by transmitting the vendor identification and purchase data to an authorization processor for credit or debit approval. Authorization approval or denial is transmitted to the WPD where the user is discretely notified of the outcome. If approved, the user may transmit the approval to the WVD to complete the transaction. Using the systems and methods of the present invention, vendors need not maintain long range communications between points-of-sale and authorization processors or other parties. Purchasers also benefit from the discrete notification of credit or debit approval or rejection. Smith at Abstract The apparatus of claim 25, further comprising a bio-metric input device electrically coupled to the microprocessor. Smith at Claim 27 Wireless communication technology has progressed rapidly in recent years. Cell phones and other long-range communication devices have proliferated and are now commonplace among consumers. As technology advances, the cost of these devices is plummeting and even more widespread use is eminent. Mobile phones, pagers, two-way radios, smartphones, personal digital assistants (PDAs) and other communicators are all available on the market. Smith at Para 0011
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Communications protocols exist which allow present generation electronic communications devices to interface with the Internet and access Internet resources. The Wireless Application Protocol (WAP) is an open, global specification that enables mobile wireless communications devices to access and interact with Internet information and services. WAP is a communications protocol and environment which can be built on nearly any operating system including PalmOS, EPOC, Windows CE, FLEXOS, OS/9, JavaOS and others and provides service interoperability between different device families. WAP works with most existing wireless communications networks such as CDPD, CDMA, GSM, PDC, PHS, TDMA, FLEX, ReFLEX, iDEN, TETRA, DECT, DataTAC, Mobitex and others. WAP developers operate Internet gateways specifically tailored for wireless communications device users. These devices typically have small displays, limited memory and less bandwidth than stationary, wire connected computers, therefore, WAP provides for use of eXtended Markup Languages (XMLs) such as the Wireless Markup Language (WML) which offers Internet content tailored for cell phones, PDAs and other wireless, portable communications devices. Smith at Para 0013 Using WAP and similar technologies, vendors, news agencies, financial institutions and other providers allow cell phone and other portable communications device users to buy and sell securities, execute credit card transactions, make account transfers, make bill payments, receive and send e-mail, view news reports. These providers offer seamless integration between the Internet and wireless portable communication devices. Smith at Para 0014 Another innovation in the wireless communications arena is the advent of short-range wireless networking between portable communications devices. One standard for this technology is known as Bluetooth®, and is being established by a collaborative group of communications and computing companies. Devices incorporating Bluetooth® technology will utilize a micro-chip transceiver for communications between devices. Bluetooth® devices will transmit in the
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	previously unused 2.4 GHz range and will have a range of about meters which may be extended to about 100 meters by increasing transmitter power. Bluetooth® technology promises to be a viable and economical networking solution for interconnection of cell phones, computers, printers, modems, computer peripherals, fax machines and other communications and computing devices. The size of the Bluetooth® transceiver makes it usable in devices as small as palm computers and cell phones. Smith at Para 0016 Another established wireless connectivity standard is known as IrDA and employs infrared radiation to communicate between devices. IrDA is a point-to-point narrow angle, ad-hoc data transmission standard designed to operate over a distance of 0 to 1 meter at speeds of 9600 bps to 16 Mbps. It is typically used in a point-and-shoot fashion by pointing one device at another for direct data transmission. Smith at Para 0017 The combination of some of the above technologies allows a user to use a single electronic device to communicate with other electronic devices in a short range network or direct data link while establishing a long-range communications connection with mobile phone or other technology. Smith at Para 0018 Preferred embodiments of the present invention comprise a portable electronic communications device which is capable of communicating with a vendor's point-of-sale device and capable of communicating with an independent financial institution such as a bank or credit lender. In many embodiments, these two communication functions will be achieved using two communications protocols or methods. One method will employ a short range communication or networking device to communicate with a vendor's point-of-sale device. The other method will use a long range wireless communication system to contact financial institutions for payment authorization and execution. Smith at Para 0028
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	When a consumer already has possession of a cell phone or other long range communications device 16 which also has short range communications ability, such as a Bluetooth® enable cell phone, the consumer may prefer to use a less-expensive embodiment of the WPD which uses short range communications device 14 to interact with the external long range communications device 16 for contact with authorization provider 30. Smith at Para 0031 Some embodiments of the WPD of the present invention may also comprise a biometric input device 10 to verify user identity. Biometric input device 10 may use thumb print analysis, retinal scan analysis or another identification method to identify the WPS user. Once the user is identified, user identity can be matched to account data to ensure that unauthorized users do not gain access to sensitive information or other user's accounts. Smith at Para 0032 In reference to FIG. 3, embodiments of the present invention which accommodate multiple, simultaneous vendors are illustrated. In these embodiments WvDs and WPDs will generally utilize wireless networking technology such as Bluetooth® transceivers or others to communicate. WVD1 61, WVD2 62 and WVD3 63 are present within communication range of a single WPD 2 and communication between WVDs 61, 62 and 63 and WPD 2 is initiated upon communication contact. In a preferred embodiment WVDs 61, 62 and 63 will transmit menu options to WPD 2 to inform the consumer of available products and to identify the vendors associated with the WVDs. WVDs 61, 62 and 63 may be electronic vending machines or other vendor devices. A consumer may view the menu 60 on the WPD display 6 to see the available products and make selections with WPD input device 8. When a final selection is made by the consumer, the WPD 2 will request authorization for the purchase by contacting authorization provider 30. Authorization provider 30 may request user identification before approval. Identification may be provided through the use of a confidential PIN number or for increased security may be provided by biometric identification device 10. When identification is verified, authorization provider 30 will check account status and
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		approve or deny the transaction according to internal rules. If approval is granted, an authorization approval is transmitted to WPD 2 and a transfer of funds request is transmitted to the consumer's financial institution 40 who will transfer appropriate amounts of funds to the accounts 71, 72 and 73 of vendors who were selected in the consumer's menu selection on the WPD 2. Smith at Para 0038
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

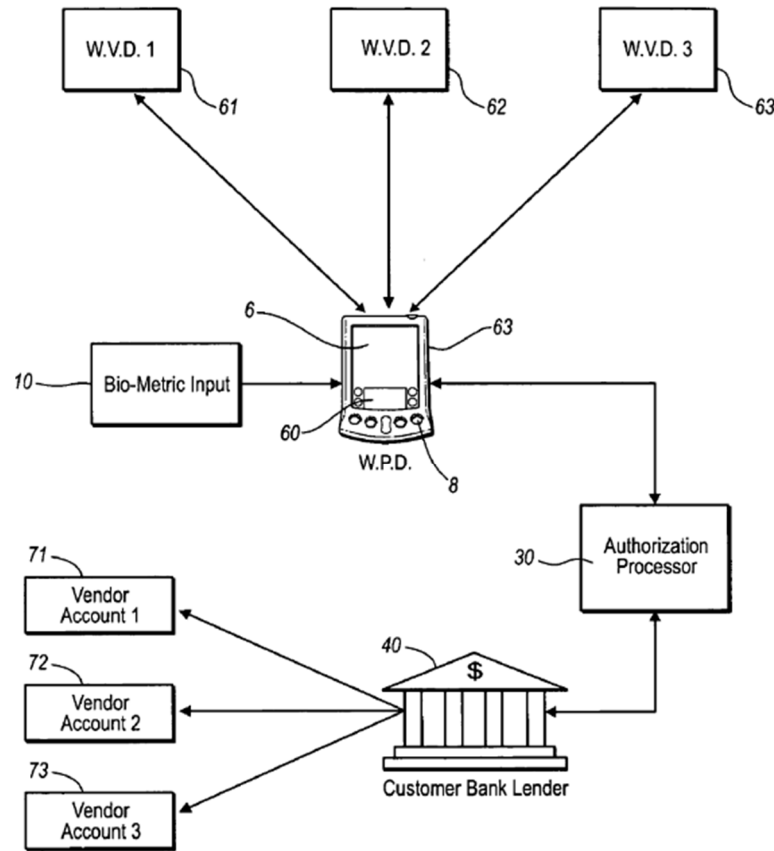


Figure 3

Smith at Figure 3

Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[9.1]	The wireless device of claim 5,	To the extent the preamble is limiting, Smith discloses “The wireless device of claim 5,” See e.g.: Claim 5, <i>supra</i> .
[9.2]	wherein said using unlicensed frequencies comprises using unlicensed frequencies over a short-range link in a Time Division Duplex operation; and	Smith discloses “wherein said using unlicensed frequencies comprises using unlicensed frequencies over a short-range link in a Time Division Duplex operation; and” See e.g.: [1.10], [3.1], and [4.2], <i>supra</i> . Wireless communication technology has progressed rapidly in recent years. Cell phones and other long-range communication devices have proliferated and are now commonplace among consumers. As technology advances, the cost of these devices is plummeting and even more widespread use is eminent. Mobile phones, pagers, two-way radios, smartphones, personal digital assistants (PDAs) and other communicators are all available on the market. Smith at Para 0011 Communications protocols exist which allow present generation electronic communications devices to interface with the Internet and access Internet resources. The Wireless Application Protocol (WAP) is an open, global specification that enables mobile wireless communications devices to access and interact with Internet information and services. WAP is a communications protocol and environment which can be built on nearly any operating system including PalmOS, EPOC, Windows CE, FLEXOS, OS/9, JavaOS and others and provides service interoperability between different device families. WAP works with most existing wireless communications networks such as CDPD, CDMA, GSM, PDC, PHS, TDMA, FLEX, ReFLEX, iDEN, TETRA, DECT, DataTAC, Mobitex and others. WAP developers operate Internet gateways specifically

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	tailored for wireless communications device users. These devices typically have small displays, limited memory and less bandwidth than stationary, wire connected computers, therefore, WAP provides for use of eXtended Markup Languages (XMLs) such as the Wireless Markup Language (WML) which offers Internet content tailored for cell phones, PDAs and other wireless, portable communications devices. Smith at Para 0013 Using WAP and similar technologies, vendors, news agencies, financial institutions and other providers allow cell phone and other portable communications device users to buy and sell securities, execute credit card transactions, make account transfers, make bill payments, receive and send e-mail, view news reports. These providers offer seamless integration between the Internet and wireless portable communication devices. Smith at Para 0014 Another innovation in the wireless communications arena is the advent of short-range wireless networking between portable communications devices. One standard for this technology is known as Bluetooth®, and is being established by a collaborative group of communications and computing companies. Devices incorporating Bluetooth® technology will utilize a micro-chip transceiver for communications between devices. Bluetooth® devices will transmit in the previously unused 2.4 GHz range and will have a range of about meters which may be extended to about 100 meters by increasing transmitter power. Bluetooth® technology promises to be a viable and economical networking solution for interconnection of cell phones, computers, printers, modems, computer peripherals, fax machines and other communications and computing devices. The size of the Bluetooth® transceiver makes it usable in devices as small as palm computers and cell phones. Smith at Para 0016 Another established wireless connectivity standard is known as IrDA and employs infrared radiation to communicate between devices. IrDA is a point-to-point
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		narrow angle, ad-hoc data transmission standard designed to operate over a distance of 0 to 1 meter at speeds of 9600 bps to 16 Mbps. It is typically used in a point-and-shoot fashion by pointing one device at another for direct data transmission. Smith at Para 0017 The combination of some of the above technologies allows a user to use a single electronic device to communicate with other electronic devices in a short range network or direct data link while establishing a long-range communications connection with mobile phone or other technology. Smith at Para 0018 Preferred embodiments of the present invention comprise a portable electronic communications device which is capable of communicating with a vendor's point-of-sale device and capable of communicating with an independent financial institution such as a bank or credit lender. In many embodiments, these two communication functions will be achieved using two communications protocols or methods. One method will employ a short range communication or networking device to communicate with a vendor's point-of-sale device. The other method will use a long range wireless communication system to contact financial institutions for payment authorization and execution. Smith at Para 0028 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[9.3]	wherein said selectively sending information to at least one device further comprises selectively sending information to the access	Smith discloses “wherein said selectively sending information to at least one device further comprises selectively sending information to the access point maintained by the vendor at the point of purchase counter and to at least one other device that is predetermined; and selectively receiving information from the access point

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	point maintained by the vendor at the point of purchase counter and to at least one other device that is predetermined; and selectively receiving information from the access point maintained by the vendor at the point of purchase counter and from at least one other device that is predetermined.	maintained by the vendor at the point of purchase counter and from at least one other device that is predetermined.” See e.g.: [4.3], supra. The present invention relates to systems, methods and apparatus for making purchase transactions at a point-of-sale. A wireless purchase device (WPD) comprising a short range communications device for communication with vendor point-of-sale equipment such as a wireless vendor device (WVD) and a long range communications device for communications with credit or debit authorization processors. In preferred embodiments, a WVD will communicate vendor identification data and a transaction purchase price to a WPD and a WPD user will determine whether to complete the transaction. The transaction may be completed by transmitting the vendor identification and purchase data to an authorization processor for credit or debit approval. Authorization approval or denial is transmitted to the WPD where the user is discretely notified of the outcome. If approved, the user may transmit the approval to the WVD to complete the transaction. Using the systems and methods of the present invention, vendors need not maintain long range communications between points-of-sale and authorization processors or other parties. Purchasers also benefit from the discrete notification of credit or debit approval or rejection. Smith at Abstract The present invention relates to methods and apparatus for point-of-sale transactions using wireless communication devices. Embodiments of the present invention utilize wireless purchasing devices (WPDs) to communicate with point-of-sale wireless vendor devices (WVDs) and arrange the electronic transfer of assets to complete a sale. WPDs of embodiments of the present invention may negotiate a purchase code with a WVD and obtain authorization to complete a purchase identified in the purchase code directly from a creditor or account holder. When authorization is approved, an authorization code is transmitted from the creditor/account holder directly to the WPD and a purchase authorization code is transmitted to the WVD to complete the transaction. Embodiments of the present invention may be used with human-operated vendor
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	devices such as electronic cash registers or with automated vendor devices such as electronic vending machines. Smith at Para 0001 Wireless communication technology has progressed rapidly in recent years. Cell phones and other long-range communication devices have proliferated and are now commonplace among consumers. As technology advances, the cost of these devices is plummeting and even more widespread use is eminent. Mobile phones, pagers, two-way radios, smartphones, personal digital assistants (PDAs) and other communicators are all available on the market. Smith at Para 0011 Communications protocols exist which allow present generation electronic communications devices to interface with the Internet and access Internet resources. The Wireless Application Protocol (WAP) is an open, global specification that enables mobile wireless communications devices to access and interact with Internet information and services. WAP is a communications protocol and environment which can be built on nearly any operating system including PalmOS, EPOC, Windows CE, FLEXOS, OS/9, JavaOS and others and provides service interoperability between different device families. WAP works with most existing wireless communications networks such as CDPD, CDMA, GSM, PDC, PHS, TDMA, FLEX, ReFLEX, iDEN, TETRA, DECT, DataTAC, Mobitex and others. WAP developers operate Internet gateways specifically tailored for wireless communications device users. These devices typically have small displays, limited memory and less bandwidth than stationary, wire connected computers, therefore, WAP provides for use of eXtended Markup Languages (XMLs) such as the Wireless Markup Language (WML) which offers Internet content tailored for cell phones, PDAs and other wireless, portable communications devices. Smith at Para 0013 Using WAP and similar technologies, vendors, news agencies, financial institutions and other providers allow cell phone and other portable
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	communications device users to buy and sell securities, execute credit card transactions, make account transfers, make bill payments, receive and send e-mail, view news reports. These providers offer seamless integration between the Internet and wireless portable communication devices. Smith at Para 0014 Another innovation in the wireless communications arena is the advent of short-range wireless networking between portable communications devices. One standard for this technology is known as Bluetooth®, and is being established by a collaborative group of communications and computing companies. Devices incorporating Bluetooth® technology will utilize a micro-chip transceiver for communications between devices. Bluetooth® devices will transmit in the previously unused 2.4 GHz range and will have a range of about meters which may be extended to about 100 meters by increasing transmitter power. Bluetooth® technology promises to be a viable and economical networking solution for interconnection of cell phones, computers, printers, modems, computer peripherals, fax machines and other communications and computing devices. The size of the Bluetooth® transceiver makes it usable in devices as small as palm computers and cell phones. Smith at Para 0016 Another established wireless connectivity standard is known as IrDA and employs infrared radiation to communicate between devices. IrDA is a point-to-point narrow angle, ad-hoc data transmission standard designed to operate over a distance of 0 to 1 meter at speeds of 9600 bps to 16 Mbps. It is typically used in a point-and-shoot fashion by pointing one device at another for direct data transmission. Smith at Para 0017 The combination of some of the above technologies allows a user to use a single electronic device to communicate with other electronic devices in a short range
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	network or direct data link while establishing a long-range communications connection with mobile phone or other technology. Smith at Para 0018 Preferred embodiments of the present invention provide systems, methods and apparatus which provide for short range communication with a point-of-sale device combined with long-range communication with a credit or debit authorization processor. As a non-limiting example, an embodiment of the present invention in the form of a PDA may communicate with a point-of-sale device to determine vendor identification and a sale amount. The vendor/sale data is combined with credit or debit account data and forwarded to an authorization processor as a request for authorization of the sale amount. The authorization processor processes the request and transmits an authorization approval or denial to the PDA through a long range communication system. The authorization is then transmitted to the vendor's point-of-sale device to complete the transaction. Smith at Para 0019 Embodiments of the present invention allow for transactions with multiple vendors. A consumer with a wireless purchasing device (WPD) may enter an area in which several vendors have point-of-sale devices which can communicate with the WPD. As the consumer enters communication range with the point-of-sale devices, a menu on the WPD is updated to reflect the products available from vendors in communication range along with associated prices and related data. A consumer may select from the available products and initiate the purchase. Vendor information, product identification and pricing data received from the point-of-sale devices is processed into purchase requests for each vendor selected and the purchase requests are transmitted to one or more authorization processors. If the purchases are authorized, the authorization approval is transmitted back to the WPD and the consumer completes the transaction by transmitting a charge or debit authorization to the point-of-sale devices thereby enabling product access or delivery of the purchased products. Smith at Para 0020
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Preferred embodiments of the present invention comprise a portable electronic communications device which is capable of communicating with a vendor's point-of-sale device and capable of communicating with an independent financial institution such as a bank or credit lender. In many embodiments, these two communication functions will be achieved using two communications protocols or methods. One method will employ a short range communication or networking device to communicate with a vendor's point-of-sale device. The other method will use a long range wireless communication system to contact financial institutions for payment authorization and execution. Smith at Para 0028 When a consumer already has possession of a cell phone or other long range communications device 16 which also has short range communications ability, such as a Bluetooth® enable cell phone, the consumer may prefer to use a less-expensive embodiment of the WPD which uses short range communications device 14 to interact with the external long range communications device 16 for contact with authorization provider 30. Smith at Para 0031 Some embodiments of the WPD of the present invention may also comprise a biometric input device 10 to verify user identity. Biometric input device 10 may use thumb print analysis, retinal scan analysis or another identification method to identify the WPS user. Once the user is identified, user identity can be matched to account data to ensure that unauthorized users do not gain access to sensitive information or other user's accounts. Smith at Para 0032 As embodiments of the present invention are to be used with credit and debit card accounts which generally require authorization before funds may be transferred, WPDs may communicate with authorization providers 30 using long range communication device 12 or 16. WPD communication device 12 or 16 may
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	communicate with authorization long range communications device 34 using known wireless communications methods such as through the use of wireless modems. This communication may be direct between communication device 12 or 16 and 34 or may involve a wireless communications base 36 which receives and transmits wireless signals and converts them to a wired connections such as with a standard telephone line. Authorization communications device 34 provides access to authorization computer 32 which may authorize credit and debit transactions and execute transfers of funds to the appropriate accounts. Smith at Para 0034 A variety of communication protocols and methods are known and commonly used in the industry, therefore, the information transfer used in some embodiments of the present invention is shown in a generic format in FIG. 2. Typically a purchase transaction will commence by establishing communication between a WPD 2 and a WVD 20. WPD may receive product or service information from WVD which may be presented on the display 6 of WPD 2. In some embodiments, a consumer may then make a selection between menu items presented on display 6 or otherwise indicate a desire to make a purchase. In some situations, a WVD may simply transmit a transaction amount and vendor identification to the WPD, such as when a cashier has tallied a total and seeks payment or when an automated vending machine offers a single selection. In most situations, the WVD 20 and WPD 2 will communicate 44 with or without vendor and consumer input until a total purchase amount is reached. When a transaction amount is established, the WPD 2 will use its long range communications ability to contact an authorization provider 30 to request authorization 46 of the credit or debit transaction. Authorization processor 30 will check the consumer's account to verify that sufficient funds or credit are available and make any other necessary verification as required. If authorization is denied, a denial 48 will be transmitted to the WPD 2 and the consumer will be notified on the WPD display 6 that the transaction cannot be completed. If the authorization is approved, an authorization approval 50 will be transmitted to the WPD 2 which will use its short range communications link to pass the authorization to the WVD to inform the vendor of the transaction so that the goods or services may be released.
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		Smith at Para 0035 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[10.1]	The wireless device of claim 5, wherein said paying for a product further comprises wirelessly receiving information from at least one device using unlicensed frequencies.	Smith discloses “The wireless device of claim 5, wherein said paying for a product further comprises wirelessly receiving information from at least one device using unlicensed frequencies.” See e.g.: Claim 5 supra. [3.1], supra. The present invention relates to systems, methods and apparatus for making purchase transactions at a point-of-sale. A wireless purchase device (WPD) comprising a short range communications device for communication with vendor point-of-sale equipment such as a wireless vendor device (WVD) and a long range communications device for communications with credit or debit authorization processors. In preferred embodiments, a WVD will communicate vendor identification data and a transaction purchase price to a WPD and a WPD user will determine whether to complete the transaction. The transaction may be completed by transmitting the vendor identification and purchase data to an authorization processor for credit or debit approval. Authorization approval or denial is transmitted to the WPD where the user is discretely notified of the outcome. If approved, the user may transmit the approval to the WVD to complete the transaction. Using the systems and methods of the present invention, vendors need not maintain long range communications between points-of-sale and authorization processors or other parties. Purchasers also benefit from the discrete notification of credit or debit approval or rejection. Smith at Abstract

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	The present invention relates to methods and apparatus for point-of-sale transactions using wireless communication devices. Embodiments of the present invention utilize wireless purchasing devices (WPDs) to communicate with point-of-sale wireless vendor devices (WVDs) and arrange the electronic transfer of assets to complete a sale. WPDs of embodiments of the present invention may negotiate a purchase code with a WVD and obtain authorization to complete a purchase identified in the purchase code directly from a creditor or account holder. When authorization is approved, an authorization code is transmitted from the creditor/account holder directly to the WPD and a purchase authorization code is transmitted to the WVD to complete the transaction. Embodiments of the present invention may be used with human-operated vendor devices such as electronic cash registers or with automated vendor devices such as electronic vending machines. Smith at Para 0001 Wireless communication technology has progressed rapidly in recent years. Cell phones and other long-range communication devices have proliferated and are now commonplace among consumers. As technology advances, the cost of these devices is plummeting and even more widespread use is eminent. Mobile phones, pagers, two-way radios, smartphones, personal digital assistants (PDAs) and other communicators are all available on the market. Smith at Para 0011 Communications protocols exist which allow present generation electronic communications devices to interface with the Internet and access Internet resources. The Wireless Application Protocol (WAP) is an open, global specification that enables mobile wireless communications devices to access and interact with Internet information and services. WAP is a communications protocol and environment which can be built on nearly any operating system including PalmOS, EPOC, Windows CE, FLEXOS, OS/9, JavaOS and others and provides service interoperability between different device families. WAP works with most existing wireless communications networks such as CDPD, CDMA,
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	GSM, PDC, PHS, TDMA, FLEX, ReFLEX, iDEN, TETRA, DECT, DataTAC, Mobitex and others. WAP developers operate Internet gateways specifically tailored for wireless communications device users. These devices typically have small displays, limited memory and less bandwidth than stationary, wire connected computers, therefore, WAP provides for use of eXtended Markup Languages (XMLs) such as the Wireless Markup Language (WML) which offers Internet content tailored for cell phones, PDAs and other wireless, portable communications devices. Smith at Para 0013 Using WAP and similar technologies, vendors, news agencies, financial institutions and other providers allow cell phone and other portable communications device users to buy and sell securities, execute credit card transactions, make account transfers, make bill payments, receive and send e-mail, view news reports. These providers offer seamless integration between the Internet and wireless portable communication devices. Smith at Para 0014 Another innovation in the wireless communications arena is the advent of short-range wireless networking between portable communications devices. One standard for this technology is known as Bluetooth®, and is being established by a collaborative group of communications and computing companies. Devices incorporating Bluetooth® technology will utilize a micro-chip transceiver for communications between devices. Bluetooth® devices will transmit in the previously unused 2.4 GHz range and will have a range of about meters which may be extended to about 100 meters by increasing transmitter power. Bluetooth® technology promises to be a viable and economical networking solution for interconnection of cell phones, computers, printers, modems, computer peripherals, fax machines and other communications and computing devices. The size of the Bluetooth® transceiver makes it usable in devices as small as palm computers and cell phones. Smith at Para 0016
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Another established wireless connectivity standard is known as IrDA and employs infrared radiation to communicate between devices. IrDA is a point-to-point narrow angle, ad-hoc data transmission standard designed to operate over a distance of 0 to 1 meter at speeds of 9600 bps to 16 Mbps. It is typically used in a point-and-shoot fashion by pointing one device at another for direct data transmission. Smith at Para 0017 The combination of some of the above technologies allows a user to use a single electronic device to communicate with other electronic devices in a short range network or direct data link while establishing a long-range communications connection with mobile phone or other technology. Smith at Para 0018 Preferred embodiments of the present invention provide systems, methods and apparatus which provide for short range communication with a point-of-sale device combined with long-range communication with a credit or debit authorization processor. As a non-limiting example, an embodiment of the present invention in the form of a PDA may communicate with a point-of-sale device to determine vendor identification and a sale amount. The vendor/sale data is combined with credit or debit account data and forwarded to an authorization processor as a request for authorization of the sale amount. The authorization processor processes the request and transmits an authorization approval or denial to the PDA through a long range communication system. The authorization is then transmitted to the vendor's point-of-sale device to complete the transaction. Smith at Para 0019 Embodiments of the present invention allow for transactions with multiple vendors. A consumer with a wireless purchasing device (WPD) may enter an area in which several vendors have point-of-sale devices which can communicate with the WPD. As the consumer enters communication range with the point-of-sale devices, a menu on the WPD is updated to reflect the products available from vendors in communication range along with associated prices and related data. A
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	consumer may select from the available products and initiate the purchase. Vendor information, product identification and pricing data received from the point-of-sale devices is processed into purchase requests for each vendor selected and the purchase requests are transmitted to one or more authorization processors. If the purchases are authorized, the authorization approval is transmitted back to the WPD and the consumer completes the transaction by transmitting a charge or debit authorization to the point-of-sale devices thereby enabling product access or delivery of the purchased products. Smith at Para 0020 Preferred embodiments of the present invention comprise a portable electronic communications device which is capable of communicating with a vendor's point-of-sale device and capable of communicating with an independent financial institution such as a bank or credit lender. In many embodiments, these two communication functions will be achieved using two communications protocols or methods. One method will employ a short range communication or networking device to communicate with a vendor's point-of-sale device. The other method will use a long range wireless communication system to contact financial institutions for payment authorization and execution. Smith at Para 0028 When a consumer already has possession of a cell phone or other long range communications device 16 which also has short range communications ability, such as a Bluetooth® enable cell phone, the consumer may prefer to use a less-expensive embodiment of the WPD which uses short range communications device 14 to interact with the external long range communications device 16 for contact with authorization provider 30. Smith at Para 0031 Some embodiments of the WPD of the present invention may also comprise a biometric input device 10 to verify user identity. Biometric input device 10 may use thumb print analysis, retinal scan analysis or another identification method to identify the WPS user. Once the user is identified, user identity can be matched to
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Telcom Ventures Exhibit No. 2008

Google LLC v. Telcom Ventures LLC

IPR2025-01401, U.S. Patent No. 12,028,793

Page 144 of 159

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	account data to ensure that unauthorized users do not gain access to sensitive information or other user's accounts. Smith at Para 0032 As embodiments of the present invention are to be used with credit and debit card accounts which generally require authorization before funds may be transferred, WPDs may communicate with authorization providers 30 using long range communication device 12 or 16. WPD communication device 12 or 16 may communicate with authorization long range communications device 34 using known wireless communications methods such as through the use of wireless modems. This communication may be direct between communication device 12 or 16 and 34 or may involve a wireless communications base 36 which receives and transmits wireless signals and converts them to a wired connections such as with a standard telephone line. Authorization communications device 34 provides access to authorization computer 32 which may authorize credit and debit transactions and execute transfers of funds to the appropriate accounts. Smith at Para 0034 A variety of communication protocols and methods are known and commonly used in the industry, therefore, the information transfer used in some embodiments of the present invention is shown in a generic format in FIG. 2. Typically a purchase transaction will commence by establishing communication between a WPD 2 and a WVD 20. WPD may receive product or service information from WVD which may be presented on the display 6 of WPD 2. In some embodiments, a consumer may then make a selection between menu items presented on display 6 or otherwise indicate a desire to make a purchase. In some situations, a WVD may simply transmit a transaction amount and vendor identification to the WPD, such as when a cashier has tallied a total and seeks payment or when an automated vending machine offers a single selection. In most situations, the WVD 20 and WPD 2 will communicate 44 with or without vendor and consumer input until a total purchase amount is reached. When a transaction amount is established, the WPD 2 will use its long range communications ability to contact an authorization provider 30 to request
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

		authorization 46 of the credit or debit transaction. Authorization processor 30 will check the consumer's account to verify that sufficient funds or credit are available and make any other necessary verification as required. If authorization is denied, a denial 48 will be transmitted to the WPD 2 and the consumer will be notified on the WPD display 6 that the transaction cannot be completed. If the authorization is approved, an authorization approval 50 will be transmitted to the WPD 2 which will use its short range communications link to pass the authorization to the WVD to inform the vendor of the transaction so that the goods or services may be released. Smith at Para 0035 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
[11.1]	The wireless device of claim 10,	To the extent the preamble is limiting, Smith discloses “ The wireless device of claim 10,” See e.g.: Claim 10, <i>supra</i>.
[11.2]	wherein said wirelessly transmitting information to the at least one device using unlicensed frequencies and said wirelessly receiving information from at least one device using unlicensed frequencies comprises using unlicensed frequencies over a short-range link in a Time Division Duplex operation; and	Smith discloses “wherein said wirelessly transmitting information to the at least one device using unlicensed frequencies and said wirelessly receiving information from at least one device using unlicensed frequencies comprises using unlicensed frequencies over a short-range link in a Time Division Duplex operation; and” See e.g.: [4.2], <i>supra</i>. The present invention relates to systems, methods and apparatus for making purchase transactions at a point-of-sale. A wireless purchase device (WPD) comprising a short range communications device for communication with vendor

Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	point-of-sale equipment such as a wireless vendor device (WVD) and a long range communications device for communications with credit or debit authorization processors. In preferred embodiments, a WVD will communicate vendor identification data and a transaction purchase price to a WPD and a WPD user will determine whether to complete the transaction. The transaction may be completed by transmitting the vendor identification and purchase data to an authorization processor for credit or debit approval. Authorization approval or denial is transmitted to the WPD where the user is discretely notified of the outcome. If approved, the user may transmit the approval to the WVD to complete the transaction. Using the systems and methods of the present invention, vendors need not maintain long range communications between points-of-sale and authorization processors or other parties. Purchasers also benefit from the discrete notification of credit or debit approval or rejection. Smith at Abstract The present invention relates to methods and apparatus for point-of-sale transactions using wireless communication devices. Embodiments of the present invention utilize wireless purchasing devices (WPDs) to communicate with point-of-sale wireless vendor devices (WVDs) and arrange the electronic transfer of assets to complete a sale. WPDs of embodiments of the present invention may negotiate a purchase code with a WVD and obtain authorization to complete a purchase identified in the purchase code directly from a creditor or account holder. When authorization is approved, an authorization code is transmitted from the creditor/account holder directly to the WPD and a purchase authorization code is transmitted to the WVD to complete the transaction. Embodiments of the present invention may be used with human-operated vendor devices such as electronic cash registers or with automated vendor devices such as electronic vending machines. Smith at Para 0001 Wireless communication technology has progressed rapidly in recent years. Cell phones and other long-range communication devices have proliferated and are now commonplace among consumers. As technology advances, the cost of these
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	devices is plummeting and even more widespread use is eminent. Mobile phones, pagers, two-way radios, smartphones, personal digital assistants (PDAs) and other communicators are all available on the market. Smith at Para 0011 Communications protocols exist which allow present generation electronic communications devices to interface with the Internet and access Internet resources. The Wireless Application Protocol (WAP) is an open, global specification that enables mobile wireless communications devices to access and interact with Internet information and services. WAP is a communications protocol and environment which can be built on nearly any operating system including PalmOS, EPOC, Windows CE, FLEXOS, OS/9, JavaOS and others and provides service interoperability between different device families. WAP works with most existing wireless communications networks such as CDPD, CDMA, GSM, PDC, PHS, TDMA, FLEX, ReFLEX, iDEN, TETRA, DECT, DataTAC, Mobitex and others. WAP developers operate Internet gateways specifically tailored for wireless communications device users. These devices typically have small displays, limited memory and less bandwidth than stationary, wire connected computers, therefore, WAP provides for use of eXtended Markup Languages (XMLs) such as the Wireless Markup Language (WML) which offers Internet content tailored for cell phones, PDAs and other wireless, portable communications devices. Smith at Para 0013 Using WAP and similar technologies, vendors, news agencies, financial institutions and other providers allow cell phone and other portable communications device users to buy and sell securities, execute credit card transactions, make account transfers, make bill payments, receive and send e-mail, view news reports. These providers offer seamless integration between the Internet and wireless portable communication devices. Smith at Para 0014
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Another innovation in the wireless communications arena is the advent of short-range wireless networking between portable communications devices. One standard for this technology is known as Bluetooth®, and is being established by a collaborative group of communications and computing companies. Devices incorporating Bluetooth® technology will utilize a micro-chip transceiver for communications between devices. Bluetooth® devices will transmit in the previously unused 2.4 GHz range and will have a range of about meters which may be extended to about 100 meters by increasing transmitter power. Bluetooth® technology promises to be a viable and economical networking solution for interconnection of cell phones, computers, printers, modems, computer peripherals, fax machines and other communications and computing devices. The size of the Bluetooth® transceiver makes it usable in devices as small as palm computers and cell phones. Smith at Para 0016 Another established wireless connectivity standard is known as IrDA and employs infrared radiation to communicate between devices. IrDA is a point-to-point narrow angle, ad-hoc data transmission standard designed to operate over a distance of 0 to 1 meter at speeds of 9600 bps to 16 Mbps. It is typically used in a point-and-shoot fashion by pointing one device at another for direct data transmission. Smith at Para 0017 The combination of some of the above technologies allows a user to use a single electronic device to communicate with other electronic devices in a short range network or direct data link while establishing a long-range communications connection with mobile phone or other technology. Smith at Para 0018 Preferred embodiments of the present invention provide systems, methods and apparatus which provide for short range communication with a point-of-sale device combined with long-range communication with a credit or debit authorization processor. As a non-limiting example, an embodiment of the present invention in the form of a PDA may communicate with a point-of-sale
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	device to determine vendor identification and a sale amount. The vendor/sale data is combined with credit or debit account data and forwarded to an authorization processor as a request for authorization of the sale amount. The authorization processor processes the request and transmits an authorization approval or denial to the PDA through a long range communication system. The authorization is then transmitted to the vendor's point-of-sale device to complete the transaction. Smith at Para 0019 Embodiments of the present invention allow for transactions with multiple vendors. A consumer with a wireless purchasing device (WPD) may enter an area in which several vendors have point-of-sale devices which can communicate with the WPD. As the consumer enters communication range with the point-of-sale devices, a menu on the WPD is updated to reflect the products available from vendors in communication range along with associated prices and related data. A consumer may select from the available products and initiate the purchase. Vendor information, product identification and pricing data received from the point-of-sale devices is processed into purchase requests for each vendor selected and the purchase requests are transmitted to one or more authorization processors. If the purchases are authorized, the authorization approval is transmitted back to the WPD and the consumer completes the transaction by transmitting a charge or debit authorization to the point-of-sale devices thereby enabling product access or delivery of the purchased products. Smith at Para 0020 Preferred embodiments of the present invention comprise a portable electronic communications device which is capable of communicating with a vendor's point-of-sale device and capable of communicating with an independent financial institution such as a bank or credit lender. In many embodiments, these two communication functions will be achieved using two communications protocols or methods. One method will employ a short range communication or networking device to communicate with a vendor's point-of-sale device. The other method will use a long range wireless communication system to contact financial institutions for payment authorization and execution.
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	Smith at Para 0028 When a consumer already has possession of a cell phone or other long range communications device 16 which also has short range communications ability, such as a Bluetooth® enable cell phone, the consumer may prefer to use a less-expensive embodiment of the WPD which uses short range communications device 14 to interact with the external long range communications device 16 for contact with authorization provider 30. Smith at Para 0031 Some embodiments of the WPD of the present invention may also comprise a biometric input device 10 to verify user identity. Biometric input device 10 may use thumb print analysis, retinal scan analysis or another identification method to identify the WPS user. Once the user is identified, user identity can be matched to account data to ensure that unauthorized users do not gain access to sensitive information or other user's accounts. Smith at Para 0032 As embodiments of the present invention are to be used with credit and debit card accounts which generally require authorization before funds may be transferred, WPDs may communicate with authorization providers 30 using long range communication device 12 or 16. WPD communication device 12 or 16 may communicate with authorization long range communications device 34 using known wireless communications methods such as through the use of wireless modems. This communication may be direct between communication device 12 or 16 and 34 or may involve a wireless communications base 36 which receives and transmits wireless signals and converts them to a wired connections such as with a standard telephone line. Authorization communications device 34 provides access to authorization computer 32 which may authorize credit and debit transactions and execute transfers of funds to the appropriate accounts. Smith at Para 0034
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	A variety of communication protocols and methods are known and commonly used in the industry, therefore, the information transfer used in some embodiments of the present invention is shown in a generic format in FIG. 2. Typically a purchase transaction will commence by establishing communication between a WPD 2 and a WVD 20. WPD may receive product or service information from WVD which may be presented on the display 6 of WPD 2. In some embodiments, a consumer may then make a selection between menu items presented on display 6 or otherwise indicate a desire to make a purchase. In some situations, a WVD may simply transmit a transaction amount and vendor identification to the WPD, such as when a cashier has tallied a total and seeks payment or when an automated vending machine offers a single selection. In most situations, the WVD 20 and WPD 2 will communicate 44 with or without vendor and consumer input until a total purchase amount is reached. When a transaction amount is established, the WPD 2 will use its long range communications ability to contact an authorization provider 30 to request authorization 46 of the credit or debit transaction. Authorization processor 30 will check the consumer's account to verify that sufficient funds or credit are available and make any other necessary verification as required. If authorization is denied, a denial 48 will be transmitted to the WPD 2 and the consumer will be notified on the WPD display 6 that the transaction cannot be completed. If the authorization is approved, an authorization approval 50 will be transmitted to the WPD 2 which will use its short range communications link to pass the authorization to the WVD to inform the vendor of the transaction so that the goods or services may be released. Smith at Para 0035 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

[11.3]	wherein said selectively and wirelessly transmitting information to the at least one device further comprises selectively and wirelessly transmitting information to the access point maintained by the vendor at the point of purchase counter and to at least one other device that is predetermined; and further comprises wirelessly receiving information from the access point maintained by the vendor at the point of purchase counter and from at least one other device that is predetermined.	Smith discloses “wherein said selectively and wirelessly transmitting information to the at least one device further comprises selectively and wirelessly transmitting information to the access point maintained by the vendor at the point of purchase counter and to at least one other device that is predetermined; and further comprises wirelessly receiving information from the access point maintained by the vendor at the point of purchase counter and from at least one other device that is predetermined.” See e.g.: [1.3], [4.3], supra. The present invention relates to systems, methods and apparatus for making purchase transactions at a point-of-sale. A wireless purchase device (WPD) comprising a short range communications device for communication with vendor point-of-sale equipment such as a wireless vendor device (WVD) and a long range communications device for communications with credit or debit authorization processors. In preferred embodiments, a WVD will communicate vendor identification data and a transaction purchase price to a WPD and a WPD user will determine whether to complete the transaction. The transaction may be completed by transmitting the vendor identification and purchase data to an authorization processor for credit or debit approval. Authorization approval or denial is transmitted to the WPD where the user is discretely notified of the outcome. If approved, the user may transmit the approval to the WVD to complete the transaction. Using the systems and methods of the present invention, vendors need not maintain long range communications between points-of-sale and authorization processors or other parties. Purchasers also benefit from the discrete notification of credit or debit approval or rejection. Smith at Abstract The present invention relates to methods and apparatus for point-of-sale transactions using wireless communication devices. Embodiments of the present invention utilize wireless purchasing devices (WPDs) to communicate with point-of-sale wireless vendor devices (WVDs) and arrange the electronic transfer of assets to complete a sale. WPDs of embodiments of the present invention may negotiate a purchase code with a WVD and obtain authorization to complete a
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	purchase identified in the purchase code directly from a creditor or account holder. When authorization is approved, an authorization code is transmitted from the creditor/account holder directly to the WPD and a purchase authorization code is transmitted to the WVD to complete the transaction. Embodiments of the present invention may be used with human-operated vendor devices such as electronic cash registers or with automated vendor devices such as electronic vending machines. Smith at Para 0001 Wireless communication technology has progressed rapidly in recent years. Cell phones and other long-range communication devices have proliferated and are now commonplace among consumers. As technology advances, the cost of these devices is plummeting and even more widespread use is eminent. Mobile phones, pagers, two-way radios, smartphones, personal digital assistants (PDAs) and other communicators are all available on the market. Smith at Para 0011 Communications protocols exist which allow present generation electronic communications devices to interface with the Internet and access Internet resources. The Wireless Application Protocol (WAP) is an open, global specification that enables mobile wireless communications devices to access and interact with Internet information and services. WAP is a communications protocol and environment which can be built on nearly any operating system including PalmOS, EPOC, Windows CE, FLEXOS, OS/9, JavaOS and others and provides service interoperability between different device families. WAP works with most existing wireless communications networks such as CDPD, CDMA, GSM, PDC, PHS, TDMA, FLEX, ReFLEX, iDEN, TETRA, DECT, DataTAC, Mobitex and others. WAP developers operate Internet gateways specifically tailored for wireless communications device users. These devices typically have small displays, limited memory and less bandwidth than stationary, wire connected computers, therefore, WAP provides for use of eXtended Markup Languages (XMLs) such as the Wireless Markup Language (WML) which offers Internet
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	content tailored for cell phones, PDAs and other wireless, portable communications devices. Smith at Para 0013 Using WAP and similar technologies, vendors, news agencies, financial institutions and other providers allow cell phone and other portable communications device users to buy and sell securities, execute credit card transactions, make account transfers, make bill payments, receive and send e-mail, view news reports. These providers offer seamless integration between the Internet and wireless portable communication devices. Smith at Para 0014 Another innovation in the wireless communications arena is the advent of short-range wireless networking between portable communications devices. One standard for this technology is known as Bluetooth®, and is being established by a collaborative group of communications and computing companies. Devices incorporating Bluetooth® technology will utilize a micro-chip transceiver for communications between devices. Bluetooth® devices will transmit in the previously unused 2.4 GHz range and will have a range of about meters which may be extended to about 100 meters by increasing transmitter power. Bluetooth® technology promises to be a viable and economical networking solution for interconnection of cell phones, computers, printers, modems, computer peripherals, fax machines and other communications and computing devices. The size of the Bluetooth® transceiver makes it usable in devices as small as palm computers and cell phones. Smith at Para 0016 Another established wireless connectivity standard is known as IrDA and employs infrared radiation to communicate between devices. IrDA is a point-to-point narrow angle, ad-hoc data transmission standard designed to operate over a distance of 0 to 1 meter at speeds of 9600 bps to 16 Mbps. It is typically used in a point-and-shoot fashion by pointing one device at another for direct data transmission.
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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

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Exhibit 793-A13
Invalidity Chart for U.S. Patent No. 12,028,793 In View of Smith

	WPDs may communicate with authorization providers 30 using long range communication device 12 or 16. WPD communication device 12 or 16 may communicate with authorization long range communications device 34 using known wireless communications methods such as through the use of wireless modems. This communication may be direct between communication device 12 or 16 and 34 or may involve a wireless communications base 36 which receives and transmits wireless signals and converts them to a wired connections such as with a standard telephone line. Authorization communications device 34 provides access to authorization computer 32 which may authorize credit and debit transactions and execute transfers of funds to the appropriate accounts. Smith at Para 0034 A variety of communication protocols and methods are known and commonly used in the industry, therefore, the information transfer used in some embodiments of the present invention is shown in a generic format in FIG. 2. Typically a purchase transaction will commence by establishing communication between a WPD 2 and a WVD 20. WPD may receive product or service information from WVD which may be presented on the display 6 of WPD 2. In some embodiments, a consumer may then make a selection between menu items presented on display 6 or otherwise indicate a desire to make a purchase. In some situations, a WVD may simply transmit a transaction amount and vendor identification to the WPD, such as when a cashier has tallied a total and seeks payment or when an automated vending machine offers a single selection. In most situations, the WVD 20 and WPD 2 will communicate 44 with or without vendor and consumer input until a total purchase amount is reached. When a transaction amount is established, the WPD 2 will use its long range communications ability to contact an authorization provider 30 to request authorization 46 of the credit or debit transaction. Authorization processor 30 will check the consumer's account to verify that sufficient funds or credit are available and make any other necessary verification as required. If authorization is denied, a denial 48 will be transmitted to the WPD 2 and the consumer will be notified on the WPD display 6 that the transaction cannot be completed. If the authorization is approved, an authorization approval 50 will be transmitted to the WPD 2 which will
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		use its short range communications link to pass the authorization to the WVD to inform the vendor of the transaction so that the goods or services may be released. Smith at Para 0035 Furthermore, this claim element is obvious in light of Smith itself, when combined with any of the other references as charted for this claim element in Exs. 793-A01-A23, Ex. 793-B, and/or when combined with the knowledge of one of ordinary skill in the art. Motivations to combine may come from the knowledge of the person of ordinary skill themselves, or from the known problems and predictable solutions as embodied in these references. Further motivations to combine references and additional details may be found in the Cover Pleading and Ex. 793-B.
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