PTO/AIA/15 (10-17)
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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	MCK-0012-Cont-3
First Named Inventor	Sean McKirdy
Title	A BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR
Priority Mail Express® Label No.	

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☐ **Fee Transmittal Form** (PTO/SB/17 or equivalent)
2. ☑ **Applicant asserts small entity status.** See 37 CFR 1.27
3. ☐ **Applicant certifies micro entity status.** See 37 CFR 1.29. Applicant must attach form PTO/SB/15A or B or equivalent.
4. ☑ **Specification** [*Total Pages* 63] Both the claims and abstract must start on a new page. *(See MPEP § 608.01(a) for information on the preferred arrangement)*
5. ☑ **Drawing(s)** (35 U.S.C. 113) [*Total Sheets* 11]
6. **Inventor's Oath or Declaration** [*Total Pages* 1] *(including substitute statements under 37 CFR 1.64 and assignments serving as an oath or declaration under 37 CFR 1.63(e))*
   a. ☐ Newly executed (original or copy)
   b. ☑ A copy from a prior application (37 CFR 1.63(d))
7. ☑ **Application Data Sheet** * *See note below.* See 37 CFR 1.76 (PTO/AIA/14 or equivalent)
8. **CD-ROM or CD-R** in duplicate, large table, or Computer Program (*Appendix*)
   ☐ Landscape Table on CD
9. **Nucleotide and/or Amino Acid Sequence Submission** (*if applicable, items a. – c. are required*)
   a. ☐ Computer Readable Form (CRF)
   b. ☐ Specification Sequence Listing on:
      i. ☐ CD-ROM or CD-R (2 copies); or
      ii. ☐ Paper
   c. ☐ Statements verifying identity of above copies

ADDRESS TO:

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

ACCOMPANYING APPLICATION PAPERS

10. ☐ **Assignment Papers** (cover sheet & document(s))
    Name of Assignee _____
11. ☐ **37 CFR 3.73(c) Statement** (*when there is an assignee*) ☐ **Power of Attorney**
12. ☐ **English Translation Document** (*if applicable*)
13. ☐ **Information Disclosure Statement** (PTO/SB/08 or PTO-1449)
    ☐ Copies of citations attached
14. ☐ **Preliminary Amendment**
15. ☐ **Return Receipt Postcard** (*MPEP § 503*) (*Should be specifically itemized*)
16. ☐ **Certified Copy of Priority Document(s)** (*if foreign priority is claimed*)
17. ☐ **Nonpublication Request** Under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or equivalent.
18. ☐ **Other:** _____

***Note**: (1) Benefit claims under 37 CFR 1.78 and foreign priority claims under 1.55 **must** be included in an Application Data Sheet (ADS).
(2) For applications filed under 35 U.S.C. 111, the application must contain an ADS specifying the applicant if the applicant is an assignee, person to whom the inventor is under an obligation to assign, or person who otherwise shows sufficient proprietary interest in the matter. See 37 CFR 1.46(b).

19. CORRESPONDENCE ADDRESS

☑ The address associated with Customer Number: 42638 **OR** ☐ Correspondence address below

Name					
Address					
City		State		Zip Code	
Country		Telephone		Email	

Signature	/SMM/	Date	February 22, 2021
Name (Print/Type)	Steven M. McHugh	Registration No. (Attorney/Agent)	47784

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Apple EX1002
IPR2026-00316
U.S. Patent No. 11,664,123

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
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5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	MCK-0012-Cont-3
	Application Number	
Title of Invention	A BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION	

The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.
This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.

Secrecy Order 37 CFR 5.2:

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Inventor Information:

Inventor 1 Remove

Legal Name

Prefix	Given Name	Middle Name	Family Name	Suffix
	Sean		McKirdy	

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

City	Newington	State/Province	CT	Country of Residence	US

Mailing Address of Inventor:

Address 1	83 Northwood Road		
Address 2			
City	Newington	**State/Province**	CT
Postal Code	06111	**Country**	US

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

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below.
For further information see 37 CFR 1.33(a).

☐ **An Address is being provided for the correspondence Information of this application.**

Customer Number	42638		
Email Address	smchugh@mchugh-law.com	Add Email	Remove Email

Application Information:

Title of the Invention	A BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION		
Attorney Docket Number	MCK-0012-Cont-3	**Small Entity Status Claimed**	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	11	**Suggested Figure for Publication (if any)**	

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Filing By Reference:

Only complete this section when filing an application by reference under 35 U.S.C. 111(c) and 37 CFR 1.57(a). Do not complete this section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(s) below (i.e., "Domestic Benefit/National Stage Information" and "Foreign Priority Information").

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this reference to the previously filed application, subject to conditions and requirements of 37 CFR 1.57(a).

Application number of the previously filed application	Filing date (YYYY-MM-DD)	Intellectual Property Authority or Country

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

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

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32).
Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.

Please Select One:	◉ Customer Number	○ US Patent Practitioner	○ Limited Recognition (37 CFR 11.9)
Customer Number	42638		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing benefit claim information in the Application Data Sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.
When referring to the current application, please leave the "Application Number" field blank.

Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
	Continuation of	16412585	2019-05-15

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.

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	Application Number	
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Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55. When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX)[i] the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(i)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

Remove

Application Number	Country[i]	Filing Date (YYYY-MM-DD)	Access Code[i] (if applicable)

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button.

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

☐ This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.
NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

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Authorization or Opt-Out of Authorization to Permit Access:

When this Application Data Sheet is properly signed and filed with the application, applicant has provided written authority to permit a participating foreign intellectual property (IP) office access to the instant application-as-filed (see paragraph A in subsection 1 below) and the European Patent Office (EPO) access to any search results from the instant application (see paragraph B in subsection 1 below).

Should applicant choose not to provide an authorization identified in subsection 1 below, applicant **must opt-out** of the authorization by checking the corresponding box A or B or both in subsection 2 below.

NOTE: This section of the Application Data Sheet is **ONLY** reviewed and processed with the **INITIAL** filing of an application. After the initial filing of an application, an Application Data Sheet cannot be used to provide or rescind authorization for access by a foreign IP office(s). Instead, Form PTO/SB/39 or PTO/SB/69 must be used as appropriate.

1. Authorization to Permit Access by a Foreign Intellectual Property Office(s)

A. Priority Document Exchange (PDX) - Unless box A in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Organization (WIPO), and any other foreign intellectual property office participating with the USPTO in a bilateral or multilateral priority document exchange agreement in which a foreign application claiming priority to the instant patent application is filed, access to: (1) the instant patent application-as-filed and its related bibliographic data, (2) any foreign or domestic application to which priority or benefit is claimed by the instant application and its related bibliographic data, and (3) the date of filing of this Authorization. See 37 CFR 1.14(h)(1).

B. Search Results from U.S. Application to EPO - Unless box B in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the EPO access to the bibliographic data and search results from the instant patent application when a European patent application claiming priority to the instant patent application is filed. See 37 CFR 1.14(h)(2).

The applicant is reminded that the EPO's Rule 141(1) EPC (European Patent Convention) requires applicants to submit a copy of search results from the instant application without delay in a European patent application that claims priority to the instant application.

2. Opt-Out of Authorizations to Permit Access by a Foreign Intellectual Property Office(s)

☐ A. Applicant **DOES NOT** authorize the USPTO to permit a participating foreign IP office access to the instant application-as-filed. If this box is checked, the USPTO will not be providing a participating foreign IP office with any documents and information identified in subsection 1A above.

☐ B. Applicant **DOES NOT** authorize the USPTO to transmit to the EPO any search results from the instant patent application. If this box is checked, the USPTO will not be providing the EPO with search results from the instant application.

NOTE: Once the application has published or is otherwise publicly available, the USPTO may provide access to the application in accordance with 37 CFR 1.14.

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Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Applicant 1

If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.

Clear

◯ Assignee	◯ Legal Representative under 35 U.S.C. 117	◯ Joint Inventor
◯ Person to whom the inventor is obligated to assign.	◯ Person who shows sufficient proprietary interest	

If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:

Name of the Deceased or Legally Incapacitated Inventor:

If the Applicant is an Organization check here. ☐

Prefix	**Given Name**	Middle Name	**Family Name**	Suffix

Mailing Address Information For Applicant:

Address 1			
Address 2			
City		**State/Province**	
Country		Postal Code	
Phone Number		Fax Number	
Email Address			

Additional Applicant Data may be generated within this form by selecting the Add button.

Assignee Information including Non-Applicant Assignee Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	MCK-0012-Cont-3
	Application Number	
Title of Invention	A BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION	

Assignee 1

Complete this section if assignee information, including non-applicant assignee information, is desired to be included on the patent application publication. An assignee-applicant identified in the "Applicant Information" section will appear on the patent application publication as an applicant. For an assignee-applicant, complete this section only if identification as an assignee is also desired on the patent application publication.

If the Assignee or Non-Applicant Assignee is an Organization check here. ☐

Prefix	**Given Name**	Middle Name	**Family Name**	Suffix

Mailing Address Information For Assignee including Non-Applicant Assignee:

Address 1			
Address 2			
City		**State/Province**	
Country		Postal Code	
Phone Number		Fax Number	
Email Address			

Additional Assignee or Non-Applicant Assignee Data may be generated within this form by selecting the Add button.

Signature:

NOTE: This Application Data Sheet must be signed in accordance with 37 CFR 1.33(b). **However, if this Application Data Sheet is submitted with the INITIAL filing of the application and either box A or B is not checked in subsection 2 of the "Authorization or Opt-Out of Authorization to Permit Access" section, then this form must also be signed in accordance with 37 CFR 1.14(c).**

This Application Data Sheet **must** be signed by a patent practitioner if one or more of the applicants is a **juristic entity** (e.g., corporation or association). If the applicant is two or more joint inventors, this form must be signed by a patent practitioner, **all** joint inventors who are the applicant, or one or more joint inventor-applicants who have been given power of attorney (e.g., see USPTO Form PTO/AIA/81) on behalf of **all** joint inventor-applicants.

See 37 CFR 1.4(d) for the manner of making signatures and certifications.

Signature	/SMM/			Date (YYYY-MM-DD)	2021-02-22
First Name	Steven	Last Name	McHugh	Registration Number	47784

Additional Signature may be generated within this form by selecting the Add button.

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

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

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

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

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

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

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

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

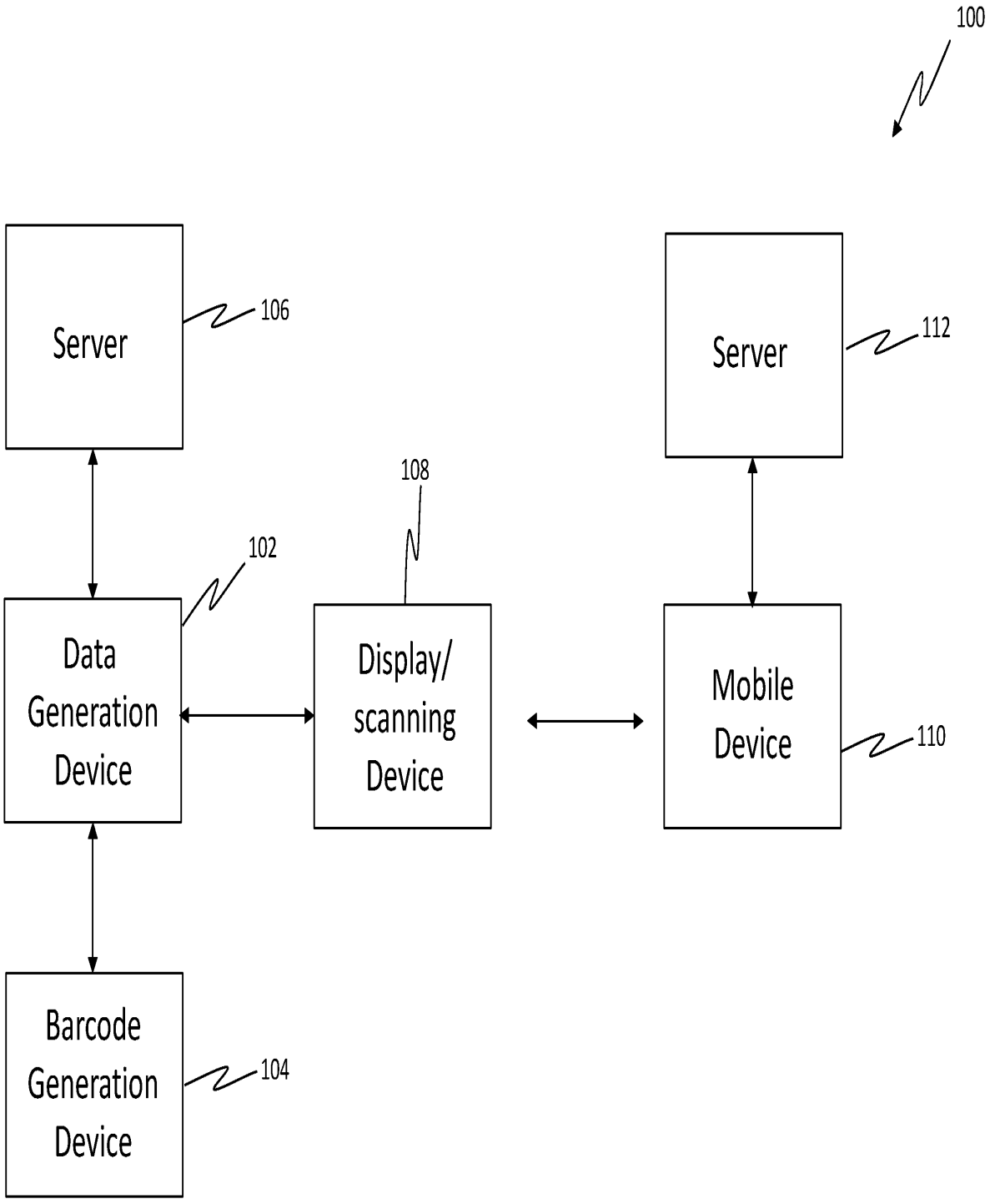

100
Server
106
Server
112
108
102
Data Generation Device
Display/ scanning Device
Mobile Device
110
Barcode Generation Device
104

Figure 1A

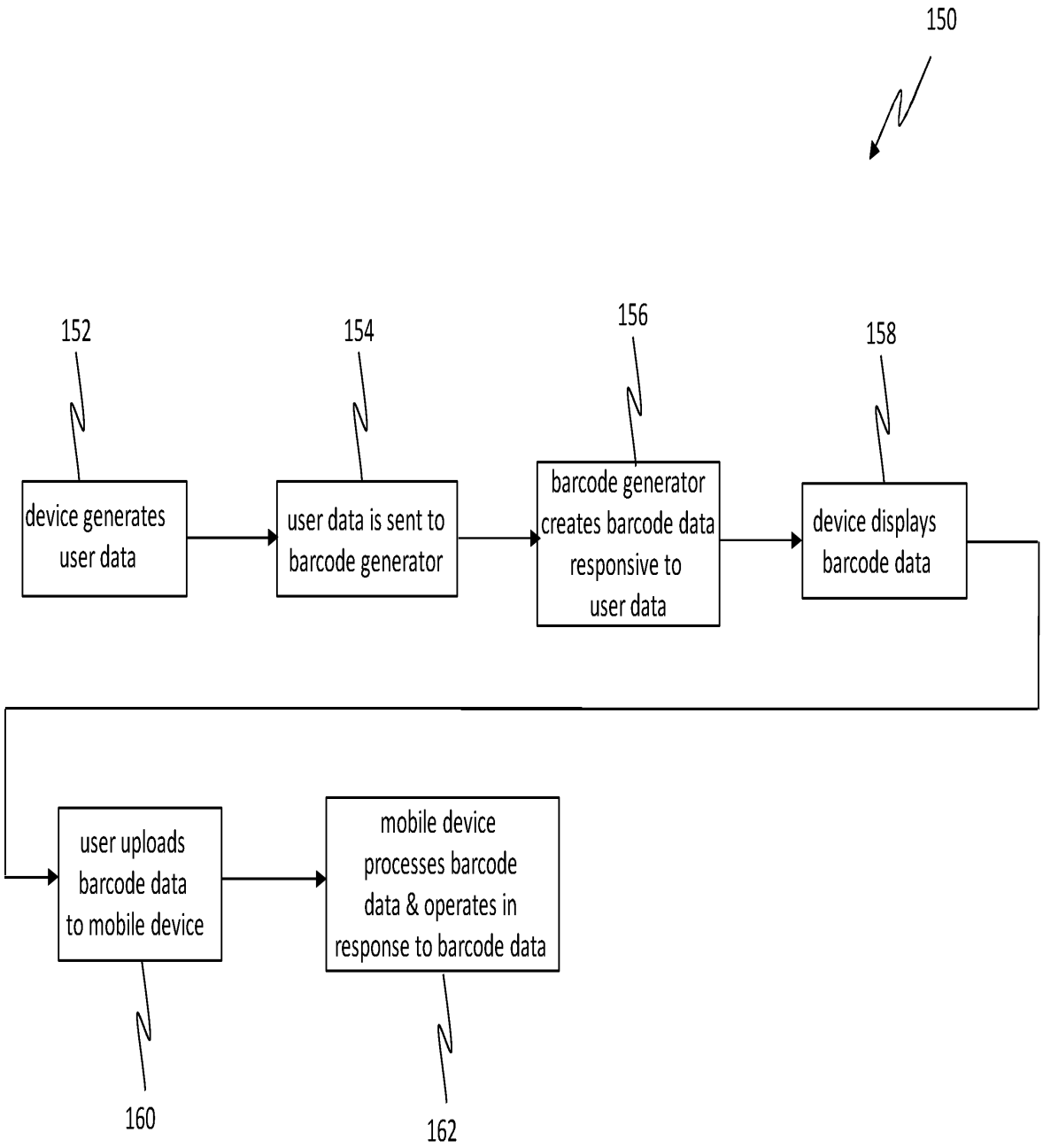

150
152
154
156
158
device generates user data
user data is sent to barcode generator
barcode generator creates barcode data responsive to user data
device displays barcode data
user uploads barcode data to mobile device
mobile device processes barcode data & operates in response to barcode data
160
162

Figure 1B

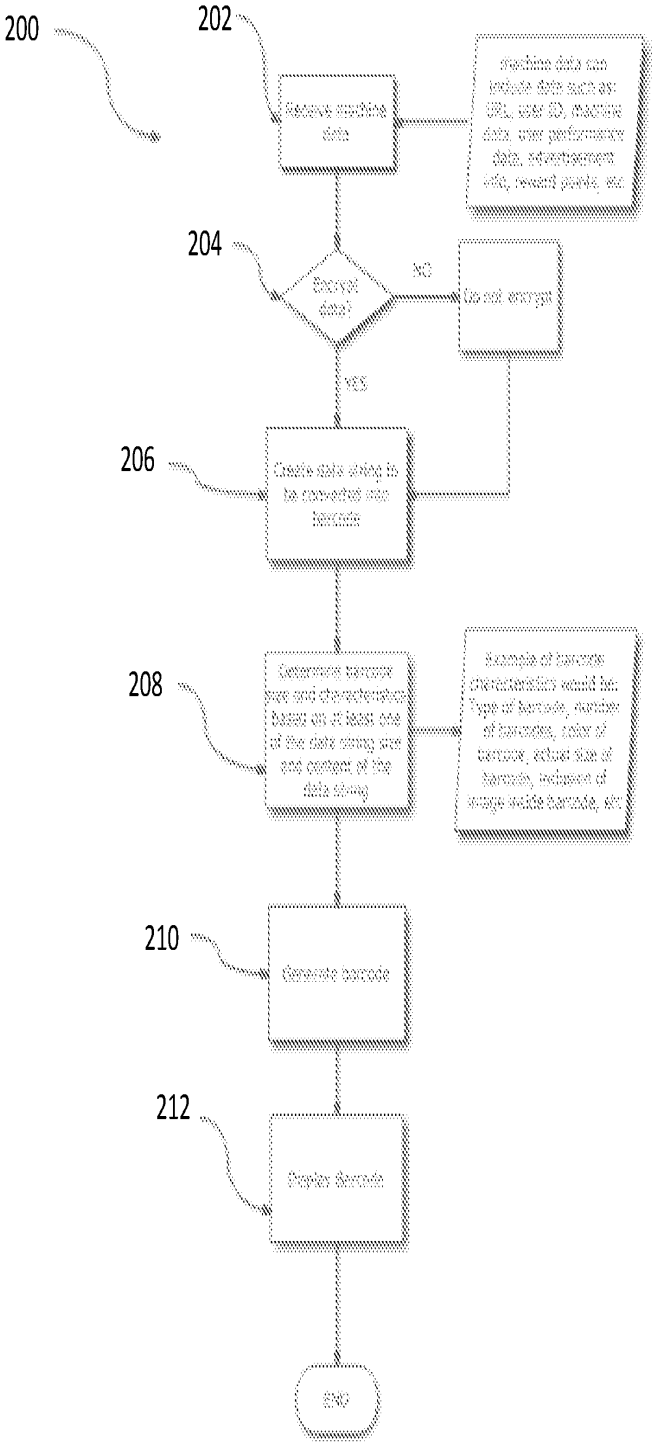

200
202
Receive machine data
machine data can include data such as: GPS, user ID, machine data, user performance data, advertisement info, reward points, etc.
204
Encrypt data?
NO
Do not encrypt
YES
206
Create data string to be converted into barcode
208
Determine barcode type and characteristics based on at least one of the data string size and content of the data string
Example of barcode characteristics would be: Type of barcode, number of barcodes, color of barcode, actual size of barcode, inclusion of image within barcode, etc.
210
Generate barcode
212
Display barcode
END

Figure 2

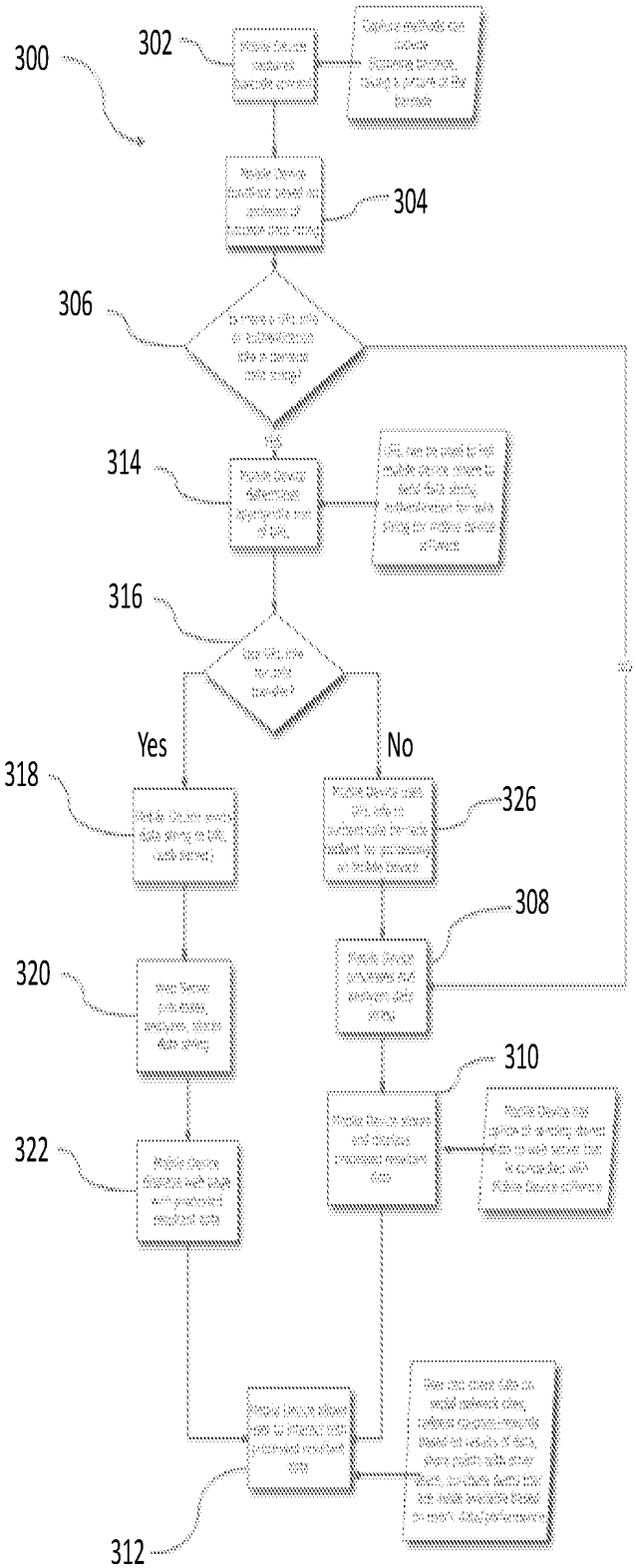


Figure 3

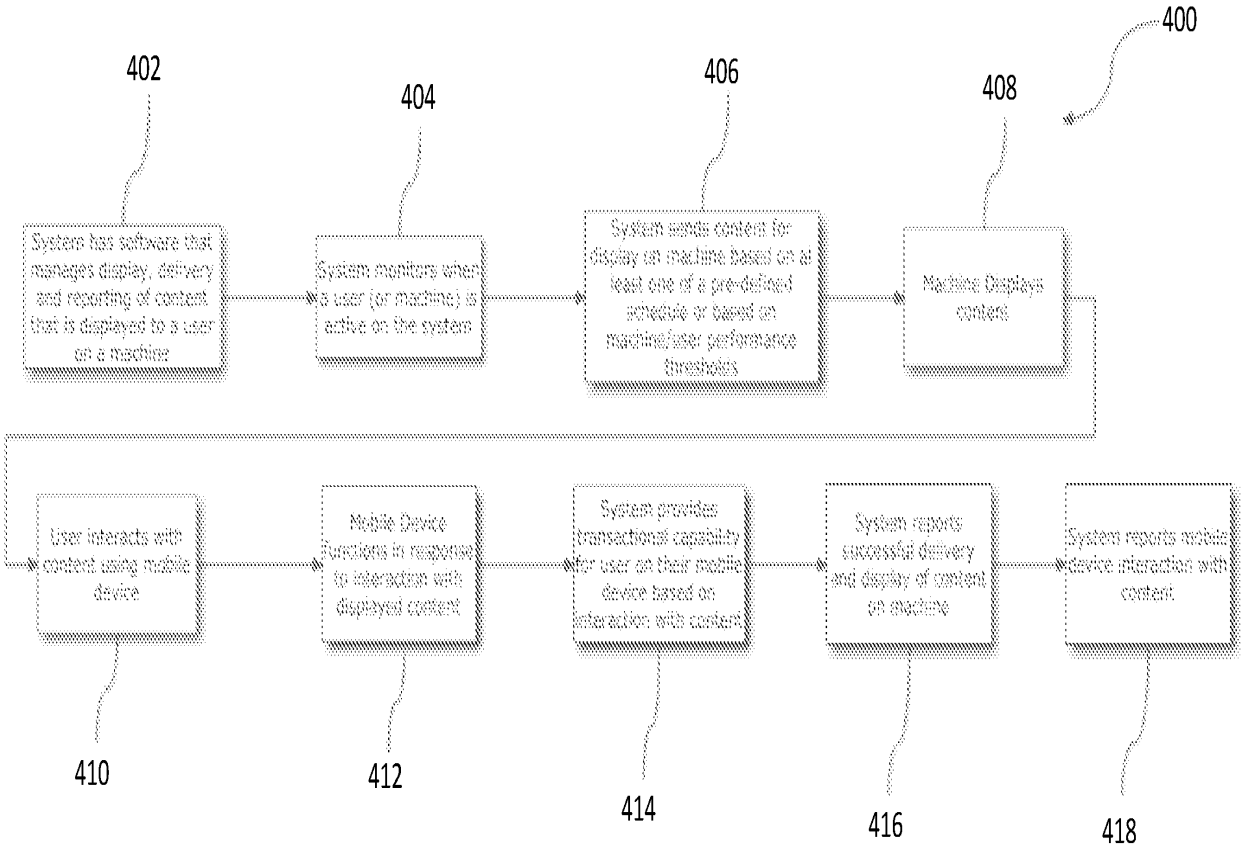

400
402
System has software that manages display, delivery and reporting of content that is displayed to a user on a machine
404
System monitors when a user (or machine) is active on the system
406
System sends content for display on machine based on at least one of a pre-defined schedule or based on machine/user performance thresholds
408
Machine Displays content
410
User interacts with content using mobile device
412
Mobile Device Functions in response to interaction with displayed content
414
System provides transactional capability for user on their mobile device based on interaction with content
416
System reports successful delivery and display of content on machine
418
System reports mobile device interaction with content

Figure 4

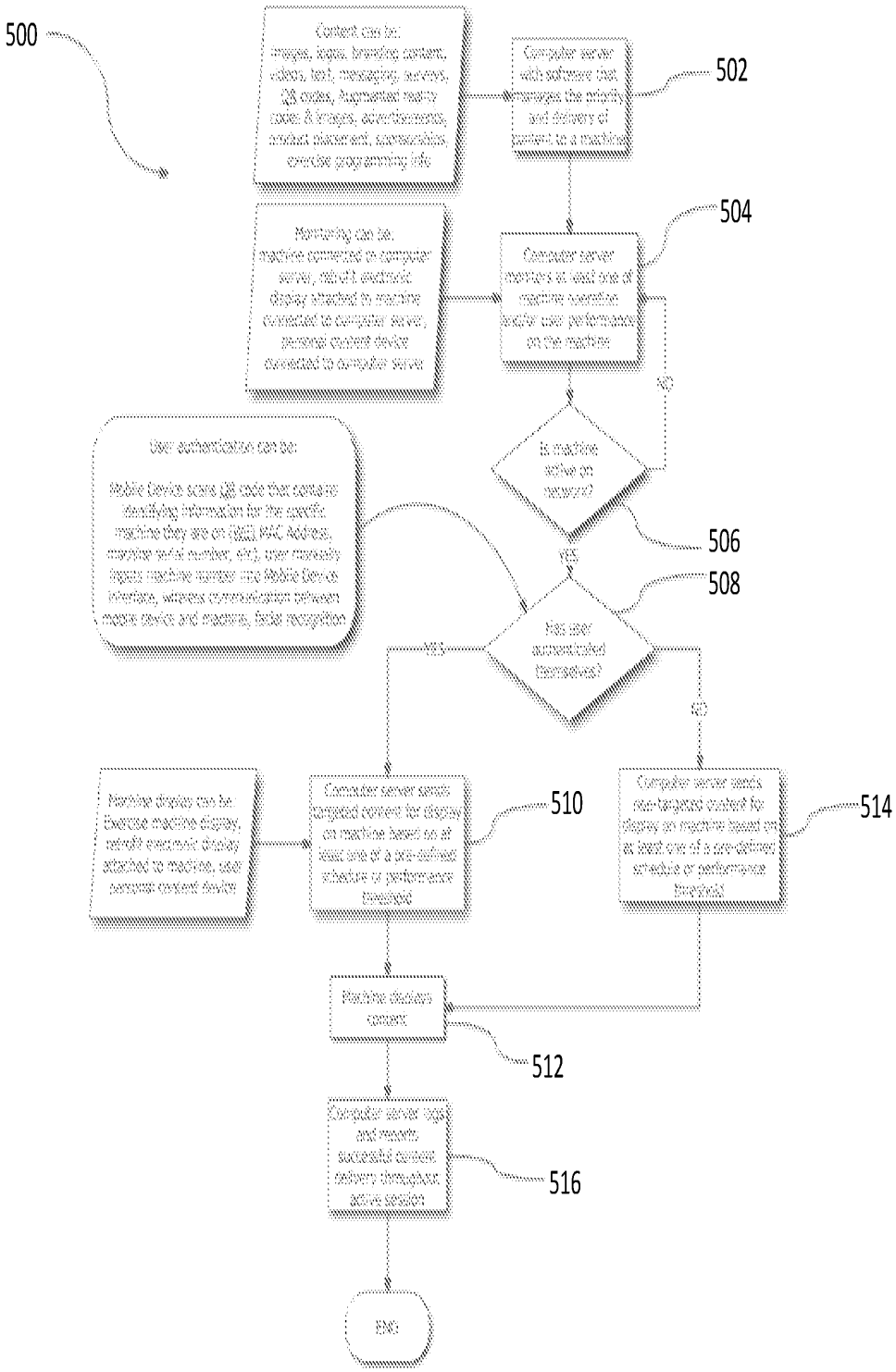

500
Content can be: images, logos, branding content, videos, text, messaging, surveys, QR codes, Augmented reality codes, 3-D images, advertisements, product placement, commercials, exercise programming info
Computer server with software that manages the initiation and delivery of content to a machine
502
Monitoring can be: machine connected to computer server, network electronic display attached to machine connected to computer server, personal content device connected to computer server
Computer server monitors at least one of machine operation and/or user performance on the machine
504
User authentication can be: Mobile device scans QR code that contains identifying information for the specific machine they are on (MAC Address, machine serial number, etc.), user manually inputs machine number into Mobile Device interface, wireless communication between mobile device and machine, facial recognition
Is machine active on network?
NO
506
YES
508
Has user authenticated themselves?
YES
NO
Machine display can be: Exercise machine display, network electronic display attached to machine, user personal content device
Computer server sends targeted content for display on machine based on at least one of a pre-defined schedule or performance threshold
510
Computer server sends non-targeted content for display on machine based on at least one of a pre-defined schedule or performance threshold
514
Machine displays content
512
Computer server logs and records successful content delivery throughout active session
516
END

Figure 5

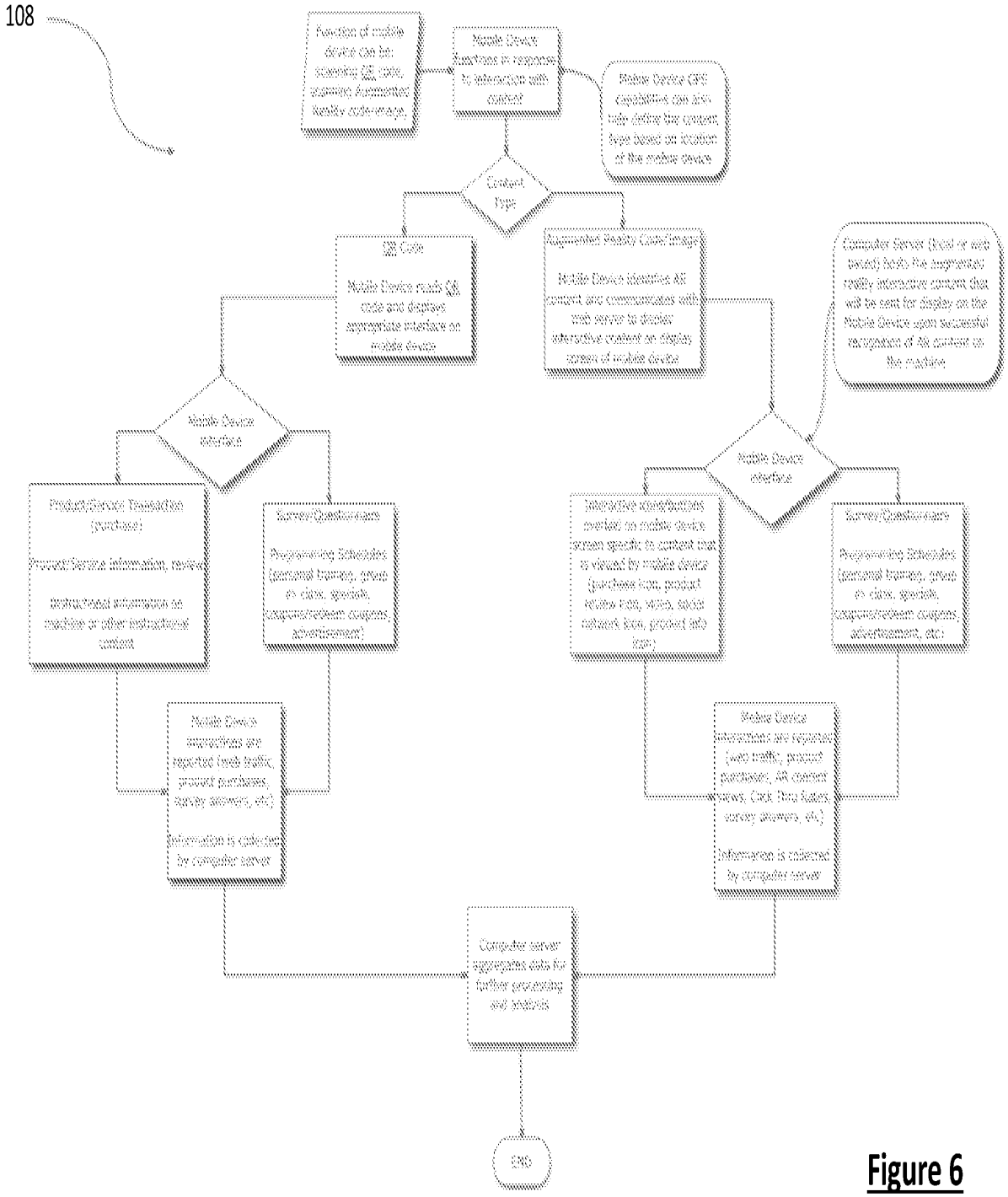

108
Function of mobile device can be: scanning QR code, scanning Augmented Reality code/image,
Mobile Device functions in response to interaction with content
Mobile Device GPS capabilities can also help define the content type based on location of the mobile device
Content Type
QR Code
Mobile Device reads QR code and displays appropriate interface on mobile device
Augmented Reality Code/Image
Mobile Device identifies AR content and communicates with web server to display interactive content on display screen of mobile device
Computer Server (local or web based) hosts the augmented reality interactive content that will be sent for display on the Mobile Device upon successful recognition of AR content on the machine
Mobile Device interface
Mobile Device interface
Product/Service Presentation (purchase)
Product/Service information, reviews
Instructional information on machine or other instructional content
Survey/Questionnaire
Programming Schedules (personal training, group ex class, specials, coupon/redeem coupon, advertisement)
Interactive icons/buttons overlay on mobile device screen specific to content that is viewed by mobile device (purchase icon, product review icon, video, social network icon, proceed into app)
Survey/Questionnaire
Programming Schedules (personal training, group ex class, specials, coupon/redeem coupon, advertisement, etc)
Mobile Device interactions are recorded (web traffic, product purchases, survey answers, etc)
Information is collected by computer server
Mobile Device interactions are recorded (web traffic, product purchases, AR content viewed, Click Thru Rates, survey answers, etc)
Information is collected by computer server
Computer server aggregates data for further processing and analysis
END

Figure 6

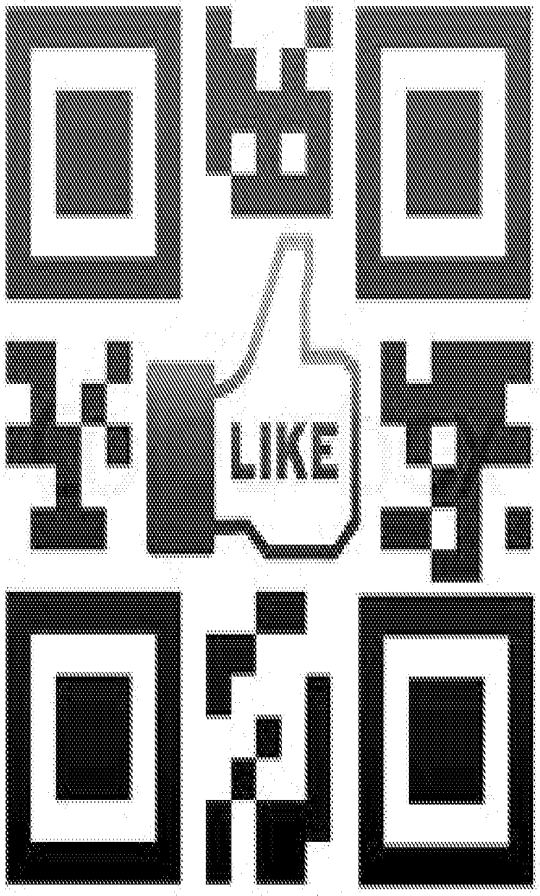


Figure 7

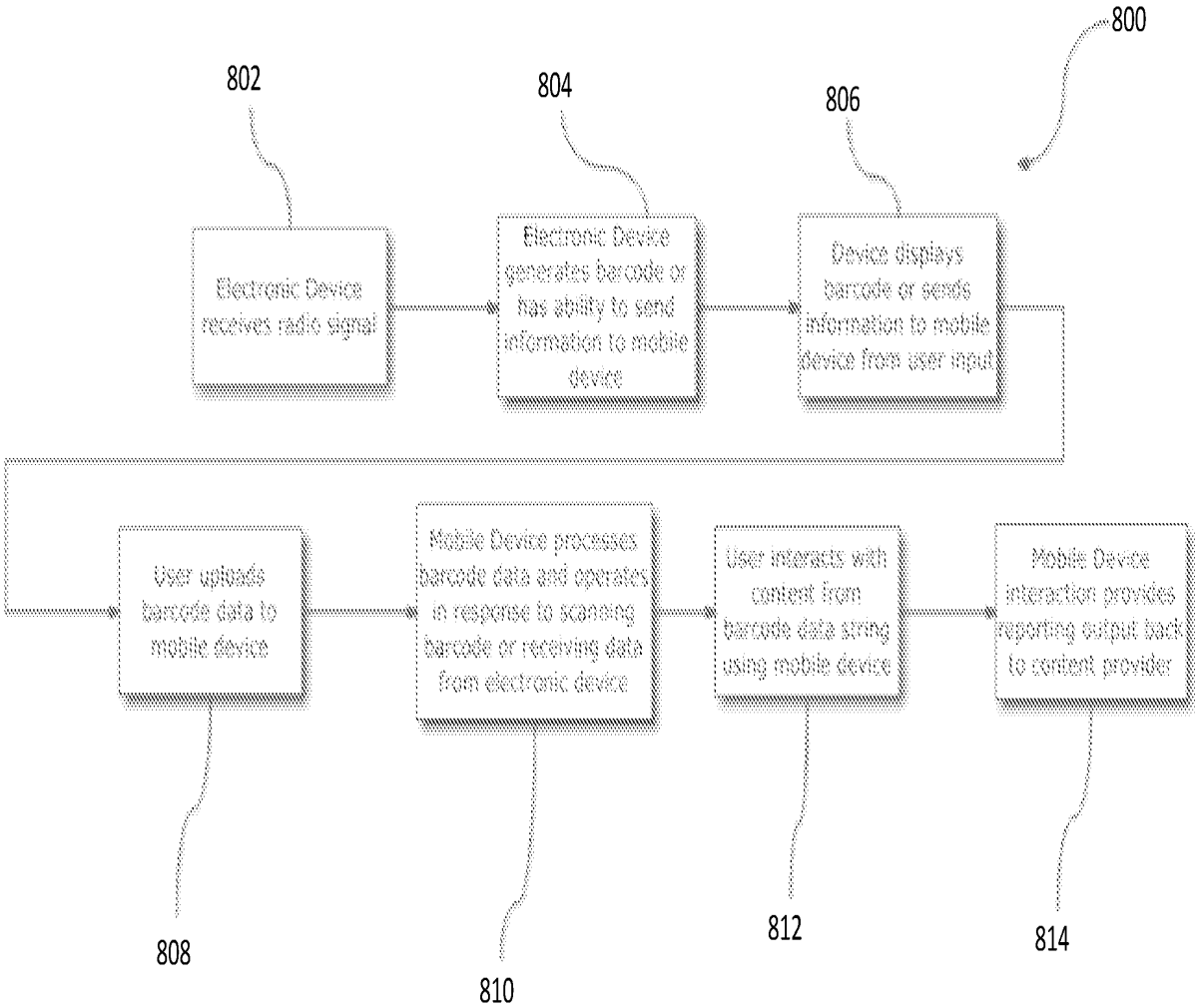

800
802
804
806
Electronic Device receives radio signal
Electronic Device generates barcode or has ability to send information to mobile device
Device displays barcode or sends information to mobile device from user input
User uploads barcode data to mobile device
Mobile Device processes barcode data and operates in response to scanning barcode or receiving data from electronic device
User interacts with content from barcode data string using mobile device
Mobile Device interaction provides reporting output back to content provider
808
810
812
814

Figure 8

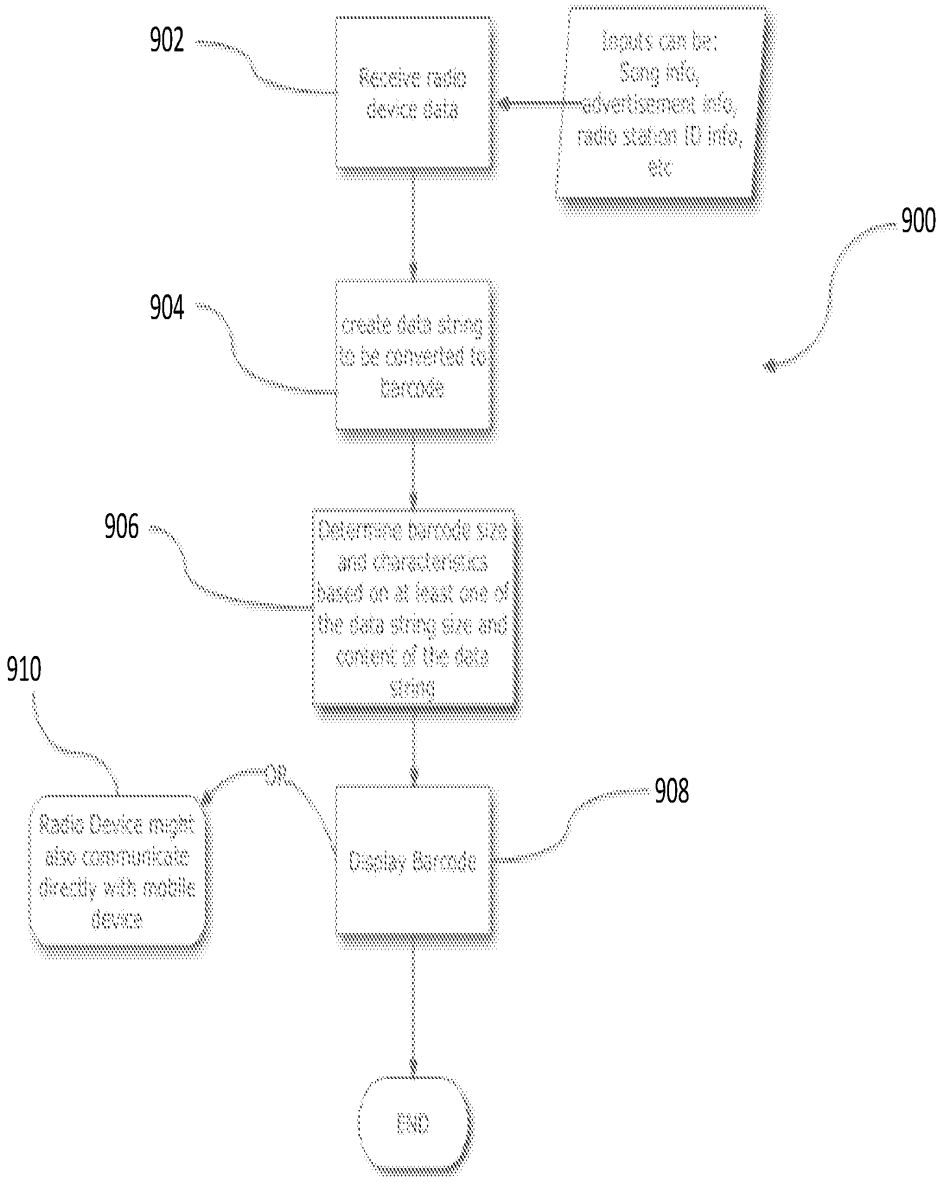

902
Receive radio device data
Inputs can be: Song info, advertisement info, radio station ID info, etc
900
904
create data string to be converted to barcode
906
Determine barcode size and characteristics based on at least one of the data string size and content of the data string
910
OR
Radio Device might also communicate directly with mobile device
Display Barcode
908
END

Figure 9

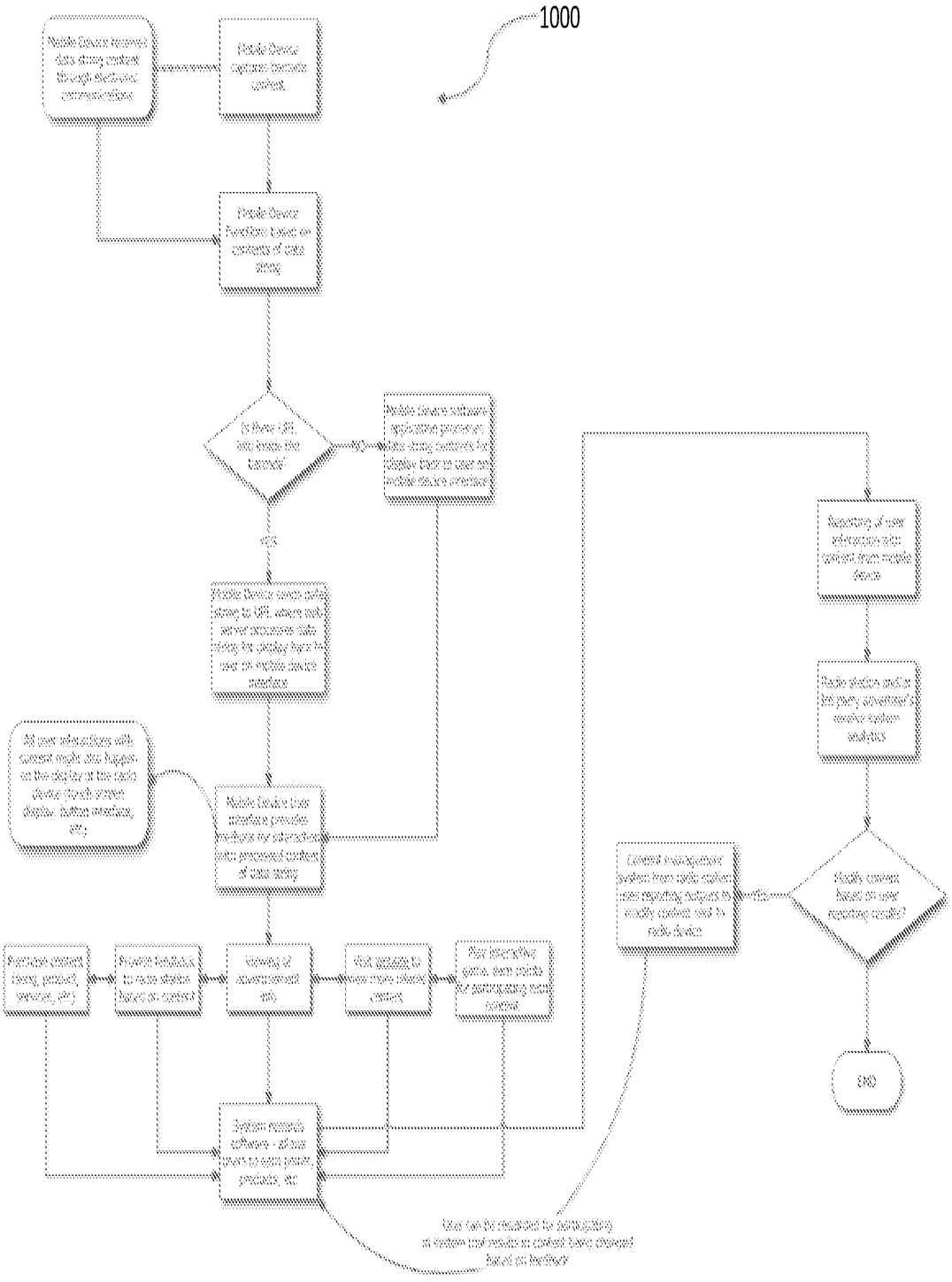

1000
Mobile Device receives data along content through electronic communication
Mobile Device captures transfer content
Mobile Device identifies based on contents of data along
Is there URL link inside the content?
Mobile Device software application processes data along contents for display back to user on mobile device interface
Mobile Device saves data along to URL where web server processes data along for display back to user on mobile device interface
All user interactions with content might also happen on the display of the mobile device (touch screen display, button interface, etc.)
Mobile Device User interface provides feedback for interaction with processed content of data along
Purchase content (song, product, service, etc.)
Provide feedback to user device based on content
Viewing of advertisement etc.
Visit website to view more about content
Play interactive game on mobile for encouraging social content
System records software - actual action to user (song, product, etc.)
Reporting of user interaction data content from mobile device
Mobile device and/or 3rd party advertiser's server system evaluates
Modify content based on user reporting results?
Content management system from web server uses reporting outputs to modify content sent to mobile device
END
User can be required to continue using a system that results in content being changed based on feedback

Figure 10

PTO/AIA/01 (06-12)
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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	A Barcode Generation and Implementation Method and System for Processing Information

As the below named inventor, I hereby declare that:

This declaration is directed to:

- [x] The attached application, or
- [ ] United States application or PCT international application number _____

filed on _____.

The above-identified application was made or authorized to be made by me.

I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

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LEGAL NAME OF INVENTOR

Inventor: Sean McKirdy Date (Optional): 6-6-2016

Signature: _____

Note: An application data sheet (PTO/SB/14 or equivalent), including naming the entire inventive entity, must accompany this form or must have been previously filed. Use an additional PTO/AIA/01 form for each additional inventor.

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Electronic Patent Application Fee Transmittal

Application Number:	
Filing Date:	
Title of Invention:	A BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION
First Named Inventor/Applicant Name:	Sean McKirdy
Filer:	Steven Michael McHugh
Attorney Docket Number:	MCK-0012-Cont-3

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
UTILITY FILING FEE (ELECTRONIC FILING)	4011	1	80	80
UTILITY SEARCH FEE	2111	1	350	350
UTILITY EXAMINATION FEE	2311	1	400	400
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**830**

Electronic Acknowledgement Receipt

EFS ID:	41984688
Application Number:	17181423
International Application Number:	
Confirmation Number:	7904
Title of Invention:	A BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION
First Named Inventor/Applicant Name:	Sean McKirdy
Customer Number:	42638
Filer:	Steven Michael McHugh
Filer Authorized By:	
Attorney Docket Number:	MCK-0012-Cont-3
Receipt Date:	22-FEB-2021
Filing Date:	
Time Stamp:	15:14:35
Application Type:	Utility under 35 USC 111(a)

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Warnings:					
Information:					
2	Application Data Sheet	MCK-0012-Cont-3_ADS.pdf	109787 ad116c544bb8702fbc7628a2a276c4add356d3e5	no	8
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4	Drawings-only black and white line drawings	MCK-0012-Cont-3_Figs.pdf	314225 542b08890b45841252c2b84f52852b856fd3446d	no	11
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5	Oath or Declaration filed	MCK-0012-Cont-3_Decl.pdf	300407 228d6e1768c9dd4dd0a5652076ac9e8bd2ef633f	no	2
Warnings:					
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6	Fee Worksheet (SB06)	fee-info.pdf	35070 b1bb7b2e931fae1713711b9d74eb0308ce73f4f6	no	2
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A BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

CROSS-REFERENCE TO RELATED PATENT APPLICATIONS

[0001] The present application is a continuation application of U.S. Non-Provisional Patent Application Serial No: 16/412,585, entitled "Barcode Generation and Implementation Method and System for Processing Information," filed May 15, 2019 and claims the benefit of priority of U.S. Non-Provisional Patent Application Serial No: 16/412,585 which claims the benefit of U.S. Non-Provisional Patent Application Serial No: 15/175,599, entitled "Barcode Generation and Implementation Method and System for Processing Information," filed June 06, 2016 which claims the benefit of priority of U.S. Patent Application Serial No: 13/567,337, entitled "Barcode Generation and Implementation Method and System for Processing Information," filed August 06, 2012 which claims benefit of U.S. Provisional Patent Application Serial Number 61/515,728, entitled "System and Method for Processing Information," filed August 05, 2011, U.S. Provisional Patent Application Serial Number 61/539,587, entitled "System and Method for Processing Information," filed September 27, 2011 and U.S. Provisional Patent Application Serial Number 61/622,175, entitled "System and Method for Processing Information," filed April 10, 2012, the contents of all of which are incorporated herein by reference in their entireties.

FIELD OF THE INVENTION

[0002] This disclosure relates generally to the processing of information and more particularly to a system and method for obtaining, processing and implementing information, such as exercise, health and gaming related information.

BACKGROUND OF THE INVENTION

[0003] For many years, people have recognized the health benefits of exercising on a regular basis. As a result, a whole industry dedicated to physical fitness and exercise was created and has grown into a multi-billion dollar a year industry. Areas of this industry, which includes

personal trainers, fitness clubs, nutrition based products, exercise gear and fitness competitions, tend to complement each other and work hand in hand with each other to help individuals achieve an effective physical fitness regimen. For example, a large number of fitness clubs employ nutritionists and personal trainers that are readily available to advise their fitness club members, wherein the basic services that these personal trainers perform are primarily three fold. First, the trainers develop an exercise regime tailored to individual clients and advise their clients on how to safely and effectively exercise. Second, the trainers track the exercise performance of the client over the duration of the training period and analyze the client's exercise performance data to identify where the client is or is not showing improvements. The trainer may then adjust the exercise regime of the client to maximize the benefit to the client. Third, the trainer provides motivation to their client, which ultimately helps the client to maintain their exercise regime. This not only aids the client in maintaining a healthy lifestyle, but also helps the fitness club retain their membership.

[0004] As mobile technology becomes more sophisticated and prevalent in the general population, applications that are specific to the health and fitness industry are being developed on a broader basis to help trainers and individuals track and process (such as information validation) the information related to their (or their clients) habits and exercise regimes. For example, as the "smart-phone" market has exploded in popularity, solutions that focus on using the smart-phone as the focal point for collecting and viewing health related information are becoming more readily available. In fact, there are systems currently available that allow a user to physically plug their mobile device into an exercise machine, such as a treadmill, to capture data generated in response to their workout. This date can then be viewed directly on the mobile device or uploaded through a cellular network to a website, where the data can be processed further and/or viewed at a later time.

[0005] Unfortunately, in spite of the popularity and sophistication of these devices several major hurdles prevent or discourage the use of these applications. Firstly, as there are no standards for these devices relative to exercise machines not all makes and models of fitness equipment have the capability installed to support data communication with the a mobile phone or device. Secondly, this is also true for the mobile phone or device. Because there are no

standards (as mentioned above) and there are many different types of mobile phone or devices available, each of which have their own proprietary communication protocols and operating systems, it is near impossible for fitness equipment manufacturers to be able to provide a universal 'plug in' solution that operates with all of the mobile phones or devices available.

[0006] Thirdly, there are also exercise tracking systems that require physical data lines to be connected to every exercise machine in order to facilitate the communications between the machine and a master server located inside the fitness facility. This approach is not only costly in that it requires the purchase and installation of upfront capital equipment, but it also requires the maintenance and repair of physical data lines that are in high foot traffic areas near the machines. Although, these systems might be able to employ a wireless data solution, the initial purchase and installation cost along with recurring maintenance cost is still substantial.

[0007] Fourthly, machines or electronic devices (exercise and non-exercise related machines) that require a person to interface with the machine/device by traditional touch actions (i.e. member buttons or touch screen interface displays) can often be susceptible to the machine interface failing for numerous reasons.

SUMMARY OF THE INVENTION

[0008] A system for generating and implementing a barcode is provided, wherein the system includes a data generation device configured to receive data and generate barcode data response to the received data, a barcode generation device, configured to receive the barcode data and generate a barcode responsive to the received barcode data, a display device, configured to display the barcode and a barcode receiving device, configured to receive the barcode and operate in response to the barcode.

[0009] A method for generating and implementing a barcode is provided and includes generating barcode data via a data generation device, sending the barcode data to a barcode generator, creating the barcode responsive to the barcode data, displaying the barcode, uploading the barcode into a mobile device and processing the barcode responsive to the barcode data.

BRIEF DESCRIPTION OF DRAWINGS

[0010] The foregoing and other features and advantages of the present invention will be better understood from the following detailed description of illustrative embodiments, taken in conjunction with the accompanying drawings in which:

[0011] **Figure 1A** is a system schematic block diagram illustrating a general overall system for obtaining, communicating and processing information via a barcode process, in accordance with one embodiment of the present invention

[0012] **Figure 1B** is a high level operational block diagram illustrating a method for obtaining, communicating and processing information via a barcode process, in accordance with one embodiment of the present invention.

[0013] **Figure 2** is an operational block diagram illustrating a method for generating a barcode, in accordance with one embodiment of the present invention.

[0014] **Figure 3** is an operational block diagram illustrating a method for uploading and processing a barcode via a mobile device, in accordance with one embodiment of the present invention.

[0015] **Figure 4** is an operational block diagram illustrating a general overall method for managing the content display is shown and includes monitoring the display, delivery and/or reporting of the content that is being displayed, in accordance with one embodiment of the invention.

[0016] **Figure 5** is a operational block diagram illustrating a general overall method for delivering, monitoring and reporting the content being displayed is shown and includes managing priority and delivery of the content delivered to the machine, in accordance with one embodiment of the present invention.

[0017] **Figure 6** is an operational block diagram illustrating a general overall method for content interaction with the mobile device, in accordance with one embodiment of the present invention.

[0018] **Figure 7** illustrates a barcode, in accordance with one embodiment of the present invention.

[0019] **Figure 8** is an operational block diagram illustrating a general overall method for delivering radio content to a mobile device is shown and includes receiving a wireless signal, in accordance with one embodiment of the present invention.

[0020] **Figure 9** is an operational block diagram illustrating a general overall method for generating a radio barcode is shown and includes receiving radio device data, in accordance with one embodiment of the present invention.

[0021] **Figure 10** is an operational block diagram illustrating a general overall method describing the radio-mobile device interaction, in accordance with one embodiment of the present invention.

DETAILED DESCRIPTION OF THE INVENTION

[0022] Referring to **Figure 1A**, as discussed further hereinafter, an overall system schematic block diagram illustrating a general system 100 for obtaining, communicating and processing information via a barcode is shown and includes a data generation device 102 that is in signal communication with a barcode generation device 104 and (optionally) a server 106. The data generation device 102 is also associated with a display (and/or printer) device 108 for displaying the barcode that is generated. A mobile device 110 is provided for scanning the generated barcode via the display device 108 and the mobile device 110 may or may not be associated with a server 112.

[0023] Referring to **Figure 1B**, an operati**onal blo**ck diagram illustrating a method 150 for obtaining, communicating and processing information via a barcode process is shown, in accordance with one embodiment of the present invention. As shown, the method 100 includes generating user data via a device (such as an exercise device, a glucometer, a pedometer, etc.) as shown in **operational block 152**. The user data is then sent to a barcode generator, as shown in **operational block 154**, where the barcode generator may be integrated into the device generating the data or the barcode generator may be a separate device. The barcode generator then processes the user data (as discussed further herein below) and generates barcode data, as shown in **operational block 156**. It should be appreciated that the barcode data may be in graphical form (i.e. a barcode) or the barcode data may be in data form where a separate device can generate the graphical barcode (such as a printer or a device with a display screen). The barcode data may then be displayed in graphical form via a display screen (or via a physical printout), as shown in **operational block 158**. A user may then upload the barcode data by scanning the barcode with their mobile device, as shown in **operational block 160**, where the mobile device processes the barcode data and if necessary, operates in response to the barcode data, as shown in **operational block 162**.

[0024] Referring to **Figure 2**, an operational block diagram illustrating a method 200 for generating a barcode is shown, in accordance with one embodiment of the present invention. As shown, the method 200 includes receiving user data, as shown in **operational block 202**, where user data may include data related to the field of the device as discussed hereinafter. For example, the user data may include hyperlink information (i.e. Universal Resource Locator data), device data, user performance data, user biological data, advertisement data, channel viewing data, etc. The method may include determining whether to encrypt the user data, as shown in **operational block 204**, however, it should be appreciated that this operation may be optional as desired. A data string is then generated using the barcode data (whether encrypted or not) as shown in **operational block 206**, and the amount of data in the data string is determined, as shown in **operational block 208**. At this point, the characteristics and size of the barcode to be generated are automatically determined responsive to the amount and type of data in the data string, and the barcode is generated responsive to the determined characteristics and size, as

shown in **operational block 210**. The generated barcode may then be displayed, as shown in **operational block 212**.

[0025] Referring to **Figure 3**, an operational block diagram illustrating a method 300 for uploading and processing a barcode via a mobile device is shown, in accordance with one embodiment of the present invention. The method 300 includes uploading the barcode data into a mobile device, as shown in **operational block 302**, where this may be accomplished by activating the scanning software on the mobile device and exposing the barcode to the camera such that the scanning software can view and receive the image of the barcode. When the image of the barcode is uploaded into the mobile device, the mobile device may operate based on the barcode data that is uploaded, as shown in **operational block 304**. The mobile device determines if there is any hyperlink to a web site (ie.. a URL), as shown in **operational block 306**, where if no URL is present, then the mobile device processes and analyzes the barcode data), as shown in **operational block 308**. The processed barcode data is then stored and displayed, as shown in **operational block 310**. It should be appreciated that the barcode data may be processed based on instructions inside of the barcode data, based on instructions in the software application processing the barcode data, based on the application for which the barcode data was generated and/or a combination of all or some of these. The processed barcode data may then be made available to the user to allow the user to interact with the processed data, as shown in **operational block 312**.

[0026] However, if there is a URL present in the uploaded barcode data, the mobile device determines how the URL is to be used, as shown in **operational block 314**, and if the URL information is to be used for data transfer, as shown in **operational block 316**. If the URL information is to be used for data transfer, then the mobile device send the data string to the web server, as shown in **operational block 318**, where the web server processes the data string, as shown in **operational block 320**. The mobile device displays the web page with the processed data, as shown in **operational block 322**, and allows the user to interact with the processed data, as shown in **operational block 312**. If the URL information is not to be used for data transfer, then the mobile device uses the URL information to authenticate the barcode content for processing on the mobile device, as shown in **operational block 326.** The mobile device then

processes the data string, as shown in **operational block 308**. The processed barcode data is then stored and displayed, as shown in **operational block 310**. It should be appreciated that the barcode data may be processed based on instructions inside of the barcode data, based on instructions in the software application processing the barcode data, based on the application for which the barcode data was generated and/or a combination of all or some of these. The processed barcode data may then be made available to the user to allow the user to interact with the processed data, as shown in **operational block 312**. As used herein, the term barcode refers to a 1D barcode, a 2D barcode, a 3D barcode, and/or an augmented reality marker/image/code.

[0027] It should be appreciated that one embodiment where the method of the invention can be applied involves includes collecting information related to an individual, an exercise device and/or an exercise routine of the individual. When the data is collected, the exercise device (or other type of equipment) may then generate a barcode responsive to the collected data and display the barcode. The barcode data may be displayed via display device (i.e. LCD, LED, etc..) or the barcode data may be printed out. It should be appreciated that the collected data may include any type of data suitable to the desired result, such as individual and/or machine performance data, machine setting/operation data, programmed regime data and/or biological data (such as heart rate, pulse rate, body fat, weight, height, pulse ox, etc..). Representing the data in a barcode format advantageously allows this data to be easily and securely collected and transfer between devices.

[0028] Accordingly, an embodiment of the present invention provides a solution whereby equipment (such as exercise or other types of equipment) may generate and display a barcode based on data relating to the performance of an individual's workout along with any other desired parameters, such as biometrics, past health data, equipment data (such as type of equipment, performance data, accuracy of equipment measurements, etc..) and/or workout regime. For example, as an individual is working out, the exercise machine (or an attachment to the exercise machine) and/or biological monitors can monitor and record machine and/or biological data as it generated during the workout. When the user is finished using the machine, a barcode generator (internal or external to the machine) receives the information that was collected and generates a barcode. The barcode generator device may be an add-on module (in

communication with sensors from the machine and/or sensors attached to the person collecting data) to or it may be a feature integrated with the exercise device. This barcode may then be displayed to the user so that the user can scan the barcode using their mobile device.

[0029] At this point, the user can upload this information or go to another exercise machine and perform another exercise routine, whereby the data from the second exercise routine may be appended to (or integrated with) the first exercise routine. One way this may be accomplished is that before (or after) the user begins the exercise routine the user enters the barcode generated by the first exercise machine into the second exercise machine (such as by scanning). Once the user completes the routine on the second exercise machine, the barcode generator device on the second exercise machine generates another barcode responsive to data obtained from both exercise machines and displays this barcode to the user who can then scan the barcode into their mobile device. In an additional embodiment, the exercise device may simply generate a barcode based on the information collected during the use of the exercise device and display the barcode to the user. The user may upload the second barcode into their device and their device would append and/or integrated the second barcode with the first barcode. It accordance with the present invention, the data may be processed and displayed directly to the user via the mobile device, exercise device and/or the data may be sent (via hardwire, cellular or wireless network) to a backend system for processing and/or display.

[0030] It should be appreciated that the method of the invention may be implemented via any device (mobile or other) that has the ability to capture digital images (i.e. scan and/or take pictures). For example, in one embodiment, rather than scanning the barcode, the device could take a picture of the barcode for scanning by a device capable of scanning or processing by a software application capable of processing the barcode image to extract the data. This advantageously allows less sophisticated mobile devices that only have the basic ability to take pictures, capture and transfer data from the exercise equipment. The software application used to process the image may reside on a mobile device or some other processing device, such as for example a local computer/server or remote computer/server. Accordingly, the image can be displayed so that a device that has the ability to scan can scan in the image or it can be sent via email or text to a device that can print the barcode and/or interpret the barcode. This approach

would also simplify the effort required in developing the mobile scanning software application, since this would allow all mobile devices with picture taking abilities to practice this method and thus benefit from the invention.

[0031] Still yet another embodiment involves the situation where an exercise machine (such as a cardio or strength device) may include a barcode reader that is capable of scanning a barcode, where the barcode contains information specific to an individual. In this case, the user can use their mobile device (cell/smart phone, iPod®, iPad®, digital camera, etc) to display their barcode (or the barcode may be on a physical card) to the scanner on the machine. The machine can scan and upload the barcode via the scanner, where the information can be used to create a workout regimen on the particular machine specific to the information that was scanned (uploaded) via the barcode. The barcode information might contain the overall exercise history of the individual, the threshold levels specific to that person (heart rate limits, weight limits for lifting, workout set limits for lifting, etc), information for how long the workout should last for the user, user biometric info (body weight, body fat%, etc), medical condition information (heart disease, diabetic, etc), etc. The machine might then automatically adjust itself based on the parameters provided by the barcode and/or the machine may also monitor the individual for over exertion or physical failure (i.e. heart attack, asthma attack, etc..) where machine can alert the fitness club workers or call emergency services.

[0032] In still yet another embodiment, the method may be used to capture bio-metric data from a kiosk (such as a health kiosk in a pharmacy) that is used to monitor and display a person's physical characteristics, such as body weight, pulse, blood pressure, body fat %, etc. This advantageously allows for an individual to capture, store and send private health information to a third party securely. For example, typically health kiosks must comply with strict HIPPA regulations and are thus constrained as to how personal health information is displayed (i.e. viewing angles, log in permissions, networking security, etc). However, by displaying the relevant health information to a person in barcode format, anyone viewing the barcode will not be able to decipher the barcode without a reader. Moreover, the data is secure because it is not linked to an individual and thus is anonymous in nature when generated by the kiosk. The information is not associated with a user until the user scans the barcode data into their mobile

device. Once uploaded into the mobile device the mobile device will link the necessary user identification to the data (or the kiosk can print out a barcode that the user can scan into a remote computer (such as a home computer) where it will be associated to the individual). It should be appreciated that as data is uploaded into the mobile device and/or remote computer, the uploaded data may be combined/integrated with and/or appended to any additional data stored within (or communicated to) the mobile device and/or remote computer (such as prior health/exercise data and/or personal information). The mobile device and/or remote computer (or other device) may then generate a barcode that incorporates the newly added or appended data.

[0033] In still yet another embodiment, the invention may also operate with facial recognition software and/or hardware where the facial features of a person can be a part of the ID process to help with user authentication. Thus, the barcode could also include information regarding features of the person's face to correlate the face with other information. For example, an individual might start working out on an exercise machine that has the ability to detect the features of a person's face (or object). When the facial recognition of the individual happens, the data from that recognition process can be used to allow the person to use the machine (or not). In this case, the facial recognition data may send the results of the facial recognition process to a computer server that is controls the machine access (i.e. operation, power, etc). The data can also be stored and made ready for use by the barcode generation component, where this recognition data can be integrated as ID information inside the barcode data string, linking the data inside the barcode to a specific user.

[0034] It should be appreciated that the control of an exercise machine could also be affected by the facial recognition ability of the invention, where the user of a machine (such as a treadmill) would be able to turn on/off, control operation (and communication with aftermarket technologies such as a CSAFE enabled LCD Television display), and control machine user interface controls (GUI). In this example, a user would get on an exercise machine that has optical sensor technology and make an identified hand motion that would be recognized by the optical sensor, thus informing the machine to either turn on, or perhaps display an option of programs for the user to choose. The optical sensor might also have the ability to identify characteristics of the person such as height, weight, gender, age, etc….where these data points

could be used to automatically adjust the available programs specific to the individual user. Additionally, the user might also have something on them that can be recognized by the sensor to help in the identification or authentication process. For example, some gym chains use a proprietary RFID key FOB or barcode (that could be on a key chain or displayed on a cell phone or other mobile device) for club access. This may allow the fitness club to utilize an authentication process for usage of equipment based on payment status of the user. If the user does not have an authenticated device, the machine might be set up to not turn on. The exercise machine may be able to communicate directly with the gyms member management software system using data networking technology. This would be advantageous in also helping a gym understand exactly when a member was using the exercise machine, allowing for critical data to be made available to the management as desired. All of this data could be sent to a smart phone, USB drive, computer, tablet PC, etc using a method such as that described in U.S. Patent No. 8,118,709, the contents of which is incorporated herein in its entirety.

[0035] Moreover, the invention contemplates a user being able to control the machine via movement, such as with pre-defined, recognized gestures. For example, a user of the exercise machine can interact with the recognition hardware/software by making hand movements and other motions to control the machine. These movements may control functions such as: speed up/down, change resistance, change program information, entering in data using a virtual keypad on the machine, change incline of the machine, control TV channels and volumes, navigate GUI menus to change the display of the machine, access of machine maintenance information of the machine, etc. Additionally, the machine/device that contains the optical sensor or other sensors might have the ability within the sensor hardware to handle all data processing of the optical sensor or other sensor devices and may be in communication with a secondary processing device that has the appropriate software to communicate with the sensors and to provides processing and further signal transmission to the exercise machine. Furthermore, the sensory hardware and the exercise device, and/or the sensory hardware and the secondary processing module, and/or the secondary processing module and the exercise machine may be communicated via at least one of a hard wired and/or wireless communication.

[0036] Additionally, it should be appreciated that optical sensory technology (XBOX KINECT for example) may be able to define a 'zone' (i.e. such as the footprint of the exercise machine itself) for the user which will allow the system to maintain a high degree of reliability with the ability to 'filter' out noise or external movements (such as by people passing by) that might occur outside the working 'zone' of the optical sensory technology. This advantageously allows a fitness center to place exercise machines in close proximity as each machine will require the optical sensors to only monitor the defined zone for the corresponding exercise machine. Since this invention describes the ability for the optical sensor hardware to create a defined working zone, any movements or actions that occur outside of the defined working zone will be ignored by the system or sensors.

[0037] One embodiment of this is illustrated in **Figure 4** and **Figure 5**. Referring to **Figure 4**, an overall general method 400 for managing the content display is shown and includes monitoring the display, delivery and/or reporting of the content that is being displayed, as shown in **operational block 402**. The system monitors when a user is active on the system, as shown in **operational block 404**, and sends content to the display for display to the user, as shown in **operational blocks 406** and **408**. The user may then interact with the content using a mobile device, as shown in **operational block 410**, and the mobile device may function in response to the user interaction, as shown in **operational block 412**. The system may provide the ability to conduct transactions, as shown in **operational block 414**, and reports the successful delivery and display of content, as shown in **operational block 416**. The system may also report the interaction between the mobile device and the content, as shown in **operational block 418**.

[0038] Referring to **Figure 5**, an overall general method 500 for delivering, monitoring and reporting the content being displayed is shown and includes managing priority and delivery of the content delivered to the machine, as shown in **operational block 502**, and the operation of the machine and or performance of a user is monitored, as shown in **operational block 504**. The system then determines if the machine is on an active network, as shown in **operational blocks 506**, and if so, the machine determines if the user has authenticated themselves, as shown in **operational block 508**. If not, the operation of the machine and or performance of a user is monitored, as shown in **operational block 504**. If the user has authenticated themselves, then

content that is targeted for display is sent for display, as shown in **operational block 510**, and the machine displays the content, as shown in **operational block 512**. If the user has not authenticated themselves, then content that has not been targeted for display is sent for display, as shown in **operational block 514**, and the machine displays the non-targeted content, as shown in **operational block** 512. The successful delivery of content is then logged and reported, as shown in **operational block 516**.

[0039] It is contemplated that a user could use their own mobile device to perform the above function as long as the mobile device has optical sensing capabilities (smart-phone, tablet PC or other mobile device). In this case the mobile device could be arranged and act as part of the exercise machine and would allow the above elements of the invention to be practiced. The mobile device could also be docked directly into a receiving port/docking station of the cardio machine. This would allow the user's personal mobile device to be used to capture data (optically) and then transmit that data to the exercise machine (either through a direct hardwired connection, wireless connection, optical data transmission, or a combination these methods).

[0040] Accordingly, the mobile device might have at least one software application that would be configured to detect, then interpret the optical feedback of the user, then process the feedback and convert the data to command signals that would be used as described above. The same software application might also be used to stream content directly to the TV for display from the users mobile device that might reside on the mobile device or that might streamed wirelessly via the users cellular plan or a LAN/WAN offered inside the facility which would allow for 'content on demand' to be displayed directly onto the exercise machines TV display (both embedded TV displays and aftermarket TV displays). The content on demand might include videos, TV shows, advertisements, video games, websites, user specific exercise program information that can be viewed and interacted with, and/or any other digital content the user would like to view and display onto their exercise display unit (emails, pictures, voicemails, etc). It should be appreciated that the exercise program information might be sent via any type of communication method between the user's mobile device and the exercise machine display, where the programming information is displayed to the user and may include the workout information of the user's current session being applied to the program graphical display. This

would allow the user to have a better understanding of how they are performing (in real time). This could also allow a user to view (and compete against) other user's program progress on the same or separate display if other user programs were also made accessible for viewing by the user's mobile device for display on the exercise machine display (or any attached display to the machine).

[0041] Additionally, the user's mobile device might also be able to communicate with both the exercise machine and/or aftermarket TV display unit using anyone of Near Field Communications (NFC) technologies to be able to benefit from what was described above for machine control, TV/GUI control, and content on demand streaming as a part of the optical sensory input of a user. This is advantageous because not all mobile devices (smart-phones for example) will be able to meet the hardware requirements the exercise machine manufacturer or aftermarket TV display manufacturers have for physically docking a mobile device. By allowing the user's mobile device to wirelessly connect to the exercise machine or aftermarket TV display or other peripheral devices using NFC technologies (RFID, Bluetooth, BlueTooth Low Energy, WiFi, ZigBee, Ant+, etc), the system can now allow the user to authenticate themselves on the system based on user profile information that might be stored already on their mobile device. One embodiment of an overall method 600 for content interaction with the mobile device is shown in **Figure 6**.

[0042] In still yet another embodiment, the optical sensor technology could also capture data from the user such as skin temperature, sweat levels, heart rate by way of skin light refraction/light absorption measurements and methods, etc, where the data can also be used to fine tune machine parameters in real time during the exercise session. This allows the system to obtain data (volitionally or non-volitionally) optically that could control the performance of the workout regimen controlled by the machine.

[0043] The data capture approach described above can also apply the data that is obtained to drive advertisements that might be responsive to exercise performance indicators (duration, exertion/intensity, exercise machine performance, evaluation of form during the exercise as compared to a standard for a scoring system). For example, targeted advertisements might be

displayed back to the user while they work-out. The advertisements might be displayed by hardware on the exercise machine (LCD display that can receive advertisement data by wired or wireless methods) or hardware associated with the machine, such as aftermarket display screens (that can also received advertisement data by wired or wireless methods such as a display screen. Moreover, in addition to advertisement data, a Gamification backend system might also send data to the exercise machine (either via wired or wirelessly) that is responsive to the performance of the user during the workout session. This would provide a user with feedback, like points earned for their performance, badges, trophies, virtual currencies, coupons that can be redeemed, etc. The user data that can be captured non-volitionally from the optical sensor would be different than the data that might be captured directly from the exercise machine (like from a CSAFE port or USB port) since the data from the optical sensor would have a much higher level of personalization. This is because exercise machines contain standardized software algorithms that make assumptions as to how many calories are burned during a workout (for example). The exercise machine is not able to differentiate between multiple users except by general inputs that might be applied to their software algorithms that are manually entered by the user (age, gender, weight). The optical sensor data would be able to detect skin temperature, sweat level, etc that are the required inputs for true caloric expenditure calculations. Thus, a higher level of motivation would be provided, allowing the user to apply their personalized workout performance data that is optically captured to motivational member rewards and loyalty programs offered to them.

[0044] It should be appreciated that an exercise machine that has an aftermarket display that is in signal communication with the exercise machine can benefit from a wireless module that is part of the aftermarket display electronics (the wireless module can be at least partially or fully integrated with the electronics of the exercise machine or the module can be a stand-alone device that by itself is in signal communication with the exercise machine). The aftermarket display may be able to receive data (advertisement data, image data or movie data) from a local computer or one that is connected to the internet or some cloud based data server. The data content can be sent wirelessly for display on the display unit as part of the menu control system display, graphics user interface of the display, or 'picture in picture' capability. This allows for content to be viewed by the user of the equipment without having to place the content on, or as

part of, traditional viewing channel programming. This ability allows for a greatly increase capability of messaging and advertising since other systems can only display ad content on a couple dedicated channels, which greatly limits the ability to target the ad placement and viewing of the content by the user since the user can change the channel to watch programming that cannot display targeted advertising or messaging.

[0045] Moreover, the data (such as advertising content) might also be displayed when a user reaches a certain milestone (such as one based on their exercise regimen or machine usage). Since the aftermarket display unit is in communication with the exercise machine, the aftermarket display unit (or stand alone wireless module) can have the ability to trigger the timing for when advertising content or other messaging is displayed to the user based on the performance of a persons workout (example: display content when duration values are reached during the session, display content when individual calorie, distance, or heartrate values are reached, or any combination thereof). The wireless module that is communicating with the exercise machine might also be in communication with a local computer in the facility that is running a software application that manages the various content and/or graphic image files. This local computer software program might also have the ability to be connected to third party servers via an internet connection that would allow for content to be dynamically updated, allowing for remote management of content on the system as well as having the ability to report the successful delivery and display of content at the exercise machine or associated displays in a fitness club environment (TV attached to machine, digital signage, etc). The content might consist of graphic images files that are in any digital form to allow for display on the aftermarket display unit or exercise machine display unit (such as, bitmap image, jpeg, PNG, M3, M3, AVI, MOV, SWF, access to web pages displayed, or any rich media file type or static image file type suitable to the desired end purpose).

[0046] In still yet another embodiment, the invention may use the facial recognition software to better control the advertising content/messaging that can be displayed to the user during a workout session. In this case, the invention can employ camera technology (webcam, mobile phone camera, etc) that is working with facial recognition software and that allows the system to gather data on the user when they are in front of the aftermarket TV display or on an exercise

machine that has either a camera hardware device integrated or externally mounted onto it. The software in this instance may be able to verify the gender and age of the user, allowing this data to be captured and used as part of a calculation that drives what type of image file/advertisement should be displayed to the user.

[0047] Moreover, the system may have a software program running on a local computer and/or on the exercise machine (or would be connected to a cloud based system) where the gender/user specific content would be streamed for viewing based on the results of the facial recognition detection process. The facial recognition software might also be able to detect when a person is viewing or not viewing the display screen during the exercise session. This could be achieved by continuously or semi-continuously monitoring the profile image of the person during the working out or by having the facial recognition software be able to detect when the persons eyes are looking at the screen and for how long during the workout session their eyes were fixed on the screen. The reporting outputs of the invention would allow the system to provide data may allow the system to provide enhanced reporting analytics that could be used to better negotiate advertising spend rates with potential content providers since the image files can be controlled for display by using data that reflects what type of person is viewing the display screen and when they actually viewed the display screen throughout a workout session. The enhanced interactivity of the invention also provides reporting capabilities as an output based on how a person interacts with the displayed content using their mobile device (either by scanning a QR code or by using augmented reality software on their mobile device). It should be appreciated that the functionality of the camera can be used with any type of mobile device (smart-phone, gaming device, etc) that might be in electronic communication with the electronic display hardware (aftermarket TV unit, embedded exercise machine display screen, etc). It should be appreciated that the functionality of the camera can be used with any type of mobile device (smart phone, gaming device, etc) that can be in electronic communication with the electronic display hardware (aftermarket TV unit, embedded exercise machine display screen, etc).

[0048] It should be appreciated that the content that is displayed to a person while on a machine can give the person the ability to interact with the content using their mobile device by

either scanning the content that might have advertisements with QR codes that would link their mobile device to websites (or through mobile device software application interface) to allow further interaction with content (example: purchasing, scheduling training appointments, product reviews, etc). The person might also use an augmented reality software on their mobile device that may further enhance their ability to interact with the displayed content (example: LAYAR), where the mobile device would be able to detect the images from the content which would then cause the mobile device to display an interactive user interface on the person's mobile device specific to the recognized content. This would allow the user to have options such as purchasing product, reading product reviews, sharing content with their peers, sending information to social networks, scheduling training appointments, earning points for rewards programs, etc.

[0049] It should be appreciated that when the workout regimen is completed, the user can then scan the dynamically generated barcode. The contents of the barcode that is being displayed might include a single data type set (only advertising info or only workout data) or it might include a combination of workout data history, machine performance information, and/or information on the various advertisements/content that the user viewed during their workout session (coupon codes for merchandise/services, a reference code linking the advertisements to the actual images that were displayed, etc). By capturing this information, the system provides a unique method for generating feedback to an advertisement content provider system that can show demographic information relative to the people that are actually viewing their advertisements. Moreover, the system may also incorporate Gamification techniques to motivate the user to scan the barcode or AR image. For example, a user might generate points (like a frequent flyer program) for every barcode they scan. When the user reaches certain thresholds, they might have the option to redeem the points for rewards/prizes through a rewards program. The user might decide not to redeem the points until they reach the next level (i.e. 'bank' the points), which might be worth more as it can provide a more valuable prize as compared to the last level they reached. The user might also decide to 'gift' their points to another person (inside or outside the fitness centers customer base). This interaction could also be used to promote new membership joining which can be used for member retention purposes.

[0050] The invention also contemplates being able to use a stand-alone device that is in signal communication with the exercise machine either through a hardwired or wireless connection (or both) where the stand-alone device (being referred to also as a information processing and generation module) can retrieve the exercise and machine performance information (such as through serial communication with the exercise machine). The information processing and generation module can request the information from the exercise machine and append (or integrate) the incoming data, process the data (packetize), and also might encrypt data (as an option for further data protection), and then generate a barcode (or any digitally generated image that has been described earlier by the invention, on include but not limited to AR codes or HCCP codes). The information processing and generation module can also passively receive the information from the exercise machine, where the exercise machine may send the information to the information processing and generation module (via hardwired or wirelessly connection) without any request from the information processing and generation module. But the information processing and generation module would have the ability to receive and store the information, to append and process the data, and possibly encrypt the data (if desired), and generate a barcode.

[0051] The information processing module may also have the ability to create the format of the barcode image where the barcode might have at least one embedded URL inside the barcode which could be used as described earlier for facilitating the flow of data transfer when the barcode is scanned by the mobile device or used as an authentication method for a mobile phone application, where the URL may be linked to the mobile phone application and may allow for data to be captured once the URL is verified. This is advantageous since the URL can be unique to a fitness center location or entity for where data embedded inside the barcode could be sent to upon scanning the barcode. Moreover, the information module might also have a communication port (serial port, USB port, or Wireless connectivity ability- wifi, Ant+, BlueTooth, Zigbee, NFC- RFID or other) that would allow the module to receive updates from peripheral devices such as USB flash drives, mobile devices (such as smart-phones, tablet PC's, iPad) or a computer, where the mobile device and or computer would be able to change the URL information (or other information such as club ID code for example) to allow for a customized solution.

[0052] The information processing and generation module might also benefit from having a firmware update or firmware command change from this second communication port/ability where the module can receive a signal (either through a hardwired connection or wireless connection from at least one of the above peripheral devices), where the signal could instruct the information processing and generation module to change operation from its default firmware operation to accommodate a change in firmware operation that would further enable its ability to periodically retrieve or receive information from the exercise machine. This would allow the information processing and generation module to adapt its communication abilities (on the fly or on demand) with the exercise machine (or peripheral devices that are attached to exercise machines that contain sensors that collect, store and process data like on strength equipment or spin bikes).

[0053] Additionally, the information processing and generation module may be in communication with at least one of the peripheral devices where based on the results of any possible communication failures due to the availability of information from the exercise machine, the module could request a firmware operation update from the peripheral device (in one example, wirelessly request this info from a local computer running software that would dictate the appropriate firmware operation change), where upon receiving and processing the request from the module and based on the results of the communication failure the module sends to the peripheral device, the peripheral device (ex: local computer) could send a signal to the information processing and generation module that would modify the operation of the firmware on the module that would then allow for successful communication with the exercise machine. Furthermore, the above information processing and generation module can have the ability to send the generated barcode image for display on an aftermarket device on an exercise machine. In this instance, the module would be in signal communication with the exercise machine (for example, using the CSAFE communication port or a USB port on a exercise machine), where the module would generate the barcode image based on the results of the incoming data from the exercise machine as well as from any other inputs (such as graphic image content images or media files that are communicated from a peripheral device to the module), and the exercise machine would have the appropriate software and hardware abilities to simply display the output

image file of the module by receiving the image file(s)back through the same (or secondary) CSAFE port or USB port on the exercise machine.

[0054] In addition to the module being able to send graphic image files (ex: bitmap image of a barcode or ad content or messaging), the module can also send the information to the exercise machine (or any aftermarket display unit) in the form of a composite video signal or other video output type (RGB, S-Video, Component video, HDMI, etc). It should be appreciated that the module may be in communication with the exercise machine via a hardwired or a wireless connection. Thus in accordance with an embodiment of the invention, a hardware (or software) module that plugs into (or communicates with) a communication port on an exercise machine is provided where the module retrieves data, generates a barcode image file, and then sends this image file back to the exercise machine (or other device) for display of the barcode image. This advantageously provides a solution to simplify software integration. The module would also be able to pass along messaging/advertising content that is sent wirelessly for display on the exercise machine or other device, as well.

[0055] In accordance with the present invention, the barcode data may include any type of information suitable to the desired end purpose. For example, the barcode data may include data entered by hand into the mobile device, machine type and characteristics, date/time stamp for the workout/data transaction (this might entered into the mobile device as well if the machine is not capable of creating this), TV channel viewing information (channel viewed, duration of viewing, facility location ID (club ID code), MAC Address info from WIFI hardware that identifies the specific machine, embedded points/rewards output based on workout performance (Gamification output), user ID info (from manual entry or from some external device that uses wireless/wired technology to input a user ID number like RFID key fobs and USB device serial number, manufacturer type, calories, duration, speed, heart rate, incline, exercise program info, resistance, distance (vertical and horizontal), all info related to the health and performance of the machine (such as error codes, utilization, serial number, software version info, etc), advertising or messaging info that is displayed and streamed by the machine interface that might be sent from some 3rd party advertising/content management source (local PC or networked server) that is directly wired into the machine or sent wirelessly). This would advantageously allow a fitness

center to display messages to a user that can be scanned onto their mobile device (such as coupons, programming information, promotions, events, etc).

[0056] Additionally, this would allow the system to provide a tracking reporting solution for member messaging since the user could interact with a message via their mobile device, where the interaction on the mobile device can be tracking by scanning barcodes or content that is linked to an augmented reality server. It should be appreciated that a user's mobile device can also have the ability to tag a data packet that is being sent with specific user information, where the user information may include (but not be limited to) credit card number, license number, phone number, phone serial number, unique ID, code specific to the user, bio-metric digital fingerprint specific to the user, GPS co-ordinates of the user from where and when the scan took place of the barcode, etc…

[0057] The messaging content data set could be anything and might be a member questionnaire about how they like the facility, equipment, staff, etc. This can be useful for helping retain memberships and provide motivation for the user to participate in such content programming by adding a reward system into the mix. Additionally, the data set might also contain 'data hooks' that can be linked to various gamification platforms to allow for a more seamless integration of health related data into the gaming platform, since the data output that is directly output from the machine might also support 'virtual currency' calls for a gamification platform that is typically used to handle all currency related transactions and processing for mobile and web based applications. This would benefit developers since it would provide a standard approach in how to incorporate Gamification principles/standards into health related data output systems, and could be used to create a standardized approach that could be adopted by other systems that recorded health data and had motivational/game based incentives as a component.

[0058] For example, 'gamification' can be seen in this invention as using inputs (workout performance data) to create a new type of output directly at the machine level, where the machine is now capable of processing the workout performance data and based on the result of that processing, creates a multitude of outputs that provide an easier method for a user to better

understand their performance. To further explain, a typical workout that might have an output of 300 calories, 22 minutes, and 3.2 miles on an exercise machine might now be displayed as 75 Points, or a symbol such as a virtual badge or trophy, meaning the multiple data outputs of a workout are now being represented as a single value that has a greater meaning to the user (like a FICO score). This new output can now become part of the barcode data string and can be used by mobile and web based applications to drive reward systems. As is known, reward systems typically require an input, where the input may have a pre-defined value to the rewards system. In this case, the pre-defined value might be the actual 'points value' that is part of the barcode data string. This 'points' input can be used to drive a 'virtual currency' system as part of the invention, where the points output from the machine can be used by a person to purchase items/services, etc.

[0059] It should also be appreciated that, as discussed above, the method of the invention allows a user to scan (or take a picture of) the barcode from the machine at anytime the barcode is available for scanning. This advantageously allows a user to append data to data already existing on the mobile device (such as data from multiple exercises in a single (or multiple workout sessions). Moreover, the invention allows data to be appended or combined with existing data as desired, such as via an algorithm, day/date/time, sequence, exercise type, machine type, etc. For example, the machine would be able to identify a data characteristic (such as a sequence number or an exercise type) that would tell the mobile device how to append or combine the new information with the existing information upon scanning the barcode. Additionally, the data code packet that is formed into a barcode can also have a unique session number generated that will help create a unique session. This would be useful in creating a system that could limit the number of times a barcode may be accepted by the system since upon a successful scan and data send transaction, a second attempt to scan the same barcode would fail because the system has already seen the exact contents of the barcode data string.

[0060] Additionally, in still yet another embodiment the size of the barcode would be automatically scaled and displayed on the machines digital display to allow for maximum data storage. This is because the size of the barcode might change based on the amount of information that is being used to create the barcode. Thus, limiting or scaling the size of the

barcode to the machine or mobile device provides for better utilization of the barcode technology thus allowing users to capture more data directly onto their mobile device. Accordingly, the size of the barcode would be automatically scaled and displayed on the digital display of the machine to allow for maximum data storage. Additionally, tones or other sounds may be used to communication information. (we might have enough on this already)

[0061] In still yet another embodiment, the method includes being able to scan augmented reality (AR) codes and content (images that are linked to a augmented reality server) that can display (or cause the device to display) various images, text, video, etc onto the user's mobile device. For example, rather than carrying a service manual for each exercise machine that is being serviced, a service technician that works on exercise equipment can scan an AR code displayed (or a code that is printed on a label) on the exercise machine being worked on and have a 3D image of that machine be displayed on his mobile device. Common accelerometer technology that is inherent in mobile devices would allow the service technician the ability to manipulate his view of the 3D virtual image by moving his mobile device in various directions. By doing this, the service tech would be able to see a configuration of components of the machine that he might not otherwise have access without taking the machine apart.

[0062] Additionally, if the machine has self-diagnostic capability, the image that the machine displays might be specific to a certain failure mode, allowing the mobile device interface to highlight which part is malfunctioning to assist the service technician in locating and repairing the problem. Thus, the service technician could select components on the virtual display of the mobile device that might require repair, allowing him the ability to also understand what tools and equipment are required to perform maintenance. Furthermore, the service technician can select components (by touching the component on the virtual display) to get information on specific components which would be displayed to the technician. For example, specific information on a component might include when that component was made, the service history on the system/component, when the component should be replaced based on usage, wear and tear, or perhaps the error codes that the machine has been reporting can create a visual color coded indicator that the component is in danger of failing (i.e. the component may turn red or another color). This method also provide the ability to link the mobile device to online systems

that can provide information and video tutorials related to processes on how to repair the equipment as well as purchase replacement parts.

[0063] Having the service/operational history for the machine and its components directly available from the user interface on his mobile device would allow the service technician to maximize the time and efficiency to resolve and repair issues. It should be further appreciated that this method can also be applied in many other industries, such as aircraft/aircraft engine repair, medical diagnostic equipment repair, vending machine repair, automobile repair, electronic device/computer repair, manufacturing equipment repair, or any industry that can benefit from the above method.

[0064] Another embodiment includes the ability for a mobile device application that allows the user to scan a digital display of a machine using their mobile device. Using Optical Character Recognition (OCR) technology, the application would be able recognize the language that is being displayed on the machine and automatically translate the language that is being displayed (such as English) into a desired language (such as French) that the user would like to or is able to read. It should be appreciated that the method of the invention can also be applied to other applications where the need for multiple language support is needed when interfacing with equipment that displays information on a digital display. This could come in handy particularly for service technicians of different origin as well where equipment manuals that are not in the native language of the user.

[0065] It should be appreciated that the method of the invention can also be applied to mobile health devices that have an ability to obtain/generate/capture data (such as bio-metric data). One example includes travel to foreign countries where translation of medical data may be needed or beneficial. In one situation, a person might use a glucometer for monitoring their blood sugar levels, where the glucometer may be able to generate and display a barcode that is generated in response to the user's blood glucose measurement. As discussed herein the generated barcode can be uploaded (i.e. scanned or email/text (image)) using any mobile device. This is beneficial because although there are companies that provide BlueTooth enabled glucometer products, there is still a large challenge in how these devices can communicate with

mobile devices due to several reasons, such as mobile device 3rd party software development restrictions and limits of data sharing on those devices with 3rd party hardware devices. The present invention allows a person to easily transfer their data simply by scanning a barcode that is generated in response to their measurements to a mobile device or other processing device.

[0066] The data that could be displayed inside the barcode specific to a measurement taken on a device like a glucometer could include the following: manufacturer ID, model type, sample detection technology code, calibration info of the unit during the sample reading, number of readings taken across a pre-determined time period, test strip type used with sample (enzyme configuration, etc), multiple sample readings all having the above data sets, the actual sample reading value specific to the test type of the health monitoring device, environmental information specific to when the test was performed (temperature, humidity, altitude, or any other significant environment reading), URL for where the data should be sent. The data string inside the barcode might also be generated by a person using a button, touchscreen, voice control interface as part of the glucometer or any device connected to the glucometer. This would allow the person to selectively display a barcode specific to their input. For example, a person might be able to speak into the glucometer that had the ability to convert speech to software code, where the speech input would be part of the data string creation process for the barcode (example: 'display last 17 days readings', 'display test strip purchase barcode', 'display test results trending barcode', 'display augmented reality image').

[0067] It should be appreciated that the amount of data that can be sent along in a single scan could also employ the use of 'character referencing', where single digits (alpha/numeric) could be generated and displayed in the barcode where the single character might represent a value of greater than one digit. Barcodes can only hold a finite amount of data (alpha/numeric). To maximize the amount of data inside a barcode, we can have a data set output be linked to a single character. For example, a heart rate value might contain three digits (150 bpm), where a single digit character ('A') could be referenced to equal the value of 150bpm. When the barcode is scanned, the mobile device or even a web application would convert the letter 'A' back to 150bpm. The character string for '150bpm' has 6 characters in it, where as now we would only need one character (i.e. the character "A"). This provides the ability to pack a lot more

information into a barcode that might be displayed on smaller devices, such as pedometers, glucometers, etc. Thus, this allows for improved abilities of holding more data inside of a dynamically generated barcode, where the reference characters would be scanned by the mobile device inside the barcode and would be converted to their full digit equivalent either on the mobile device after scanning using a software application or on a backend server capable of the same conversion.

[0068] Moreover, Augmented Reality barcodes or images on or displayed as part of the glucometer (or any mobile health monitoring device) can also be used to display interactive images on the mobile device of the user. Thus, when a user scans their glucometer reading barcode, an AR powered image can appear on their mobile device that might let them order more test strips, or other required testing supplies such as lancets, for future readings or could also be used to inform them about new services or products relative to their health condition, specific to the user performing and capturing the results of their glucometer test by scanning a barcode or AR image using their mobile device. Additionally, the invention can be used to create a motivation system/program for the user where the user may be rewarded and incentivized for scanning their glucometer readings onto their mobile device, where each time they scan their reading, the user might earn virtual points that can power a coupon redemption system (such as from third party sponsors like (retail stores, Nike, Adidas, health insurance providers, etc). Furthermore, the invention can be used to provide monetary incentive programs based on the participation levels of the user as it relates to the user using the measurement device and then also capturing their data or results off the measurement device using a method such as the barcode scan method (or any method such as wireless or direct data sync via hardwire connection) to a mobile device or computer.

[0069] In addition to a glucometer being able to display a barcode that represents blood glucose or other data points, it is contemplated that the invention might also be embodied as an aftermarket electronic device that can be in communication with the glucometer, either through a hardwired connection and/or a wireless connection. One example includes the already described approach as to how aftermarket devices can retrieve data, process data, and then display data relative to capturing data from devices such as exercise equipment. In this case, an aftermarket

device can be in signal communication with a device like a glucometer (or any other biomonitoring device such as a blood pressure cuff, pulse oximeter, heart rate belt, watch device that captures biometric data, pedometer, etc) where the aftermarket module has the ability to explicitly request or passively receive (or a combination of both) data from the glucometer. The module can retrieve the glucometer data at any time, and process the retrieved data as a dynamically generated barcode as it has been previously described earlier in this invention, and then display the barcode on a display. This barcode can be displayed as part of an electronic display on the aftermarket module or as part of a secondary module that is in signal communication with the aftermarket module and that has the ability to receive the data and display the barcode.

[0070] It should be appreciated that the aftermarket module might fit the profile of the meter (like a mobile phone case for example), where the module is acting as a case for the glucometer and can be directly plugged into an existing serial port that is part of the glucometers embedded electronics. The module may contain at least one appropriate software communication protocol that would allow the module to communicate with the corresponding glucometer (ie medical monitoring device, fitness tracking device, machine diagnostics device, etc). Moreover, the aftermarket module might also have near field communication abilities that can wireless communicate with a glucometer that also has the corresponding near-field communication abilities (NFC can be any wireless technology: RFID, Bluetooth, Bluetooth low energy, ANT+, Zigbee, WiFi, infra red, microwave, cellular, etc). This would advantageously allow the aftermarket module not to have to be plugged into any glucometer communication port, but would still allow the module to retrieve the data and process for display as a barcode.

[0071] It should be appreciated that, in the event the mobile health device (such as a glucometer) does not have the ability to generate/display a barcode in the traditional 'white/black' format due to an LCD screen display, the method of the present invention includes the ability to have use traditional 2D barcodes. For example, the mobile health device might also be used for scanning traditional barcodes. Additionally, the method of the invention includes being able to upload (such as via scanning, OCR, etc.) non-traditional barcode data and processing the non-traditional barcode data to convert that non-traditional barcode data into a

traditional barcode standard format (and vice versa). This "secondary processing" might take place on the mobile device or on a remote server running an application that is capable of such processing. Additionally, a person using a mobile device with picture/scanning/OCR abilities might also be able to take a digital picture of the display screen of the mobile health device and process the image using less complicated data recognition technologies (like OCR). This processing might take place on the mobile device or on another processing device capable of such processing.

[0072] It should be further appreciated that the method of the present invention may be integrated, in whole or in part, with an exercise machine (or other machine from which data is being gathered) and/or it may be practice via an add-on component (such as an after-market solution) to an existing machine. For example, as a user performs their work-out regime on a cardio machine that has the ability to generate and display a barcode (either internally on a screen display or externally on an after-market screen display), the barcode data string is constantly being regenerated as the workout data is being updated. Thus, a user may begin with '0' calories burned at the beginning of their workout and burn 10 calories/min during their work-out which may last 20 minutes. In this case, the barcode data string may be re-generated every time the calorie burns values are update and available or the barcode data string may be re-generated and then the barcode is displayed at the end of the work-out or the barcode may be updated during the work-out at predetermined (and changeable) periods.

[0073] Accordingly, this present invention allows for the capturing of data (biological, machine, performance, environmental, user viewing experience, etc..) related to a specific type of machine (for example, strength, cardio, pedometer, glucometer, etc.), work-out (sets, reps, distance, weight, etc..) and/or biology of an individual (fat content, heart rate, pulse, oxygen level, etc..) and the generation (and updating) of a barcode that is responsive to the data (in whole or in part) captured. Additionally, the data may include data related to the overall performance of the machine (asset info), such as error codes, mileage, total utilization, number of times machine has been used, etc. In accordance with the present invention, this ability to capture and display machine asset data is beneficial to the maintenance personnel who can use a mobile device to quickly and accurately capture important machine asset data automatically

without having to manually write down information. This machine asset data may then be processed via a mobile device or it may be uploaded to a remote server for processing (such as for diagnostics) and/or as desired for documentation and record keeping. In addition, the barcode that is generated specific to the machine asset data may also contain instructions and may also have at least one URL (via a hyperlink) to cause the mobile device to display/play specific maintenance videos for that given machine. For example, when a service technician uses the mobile device to scan the barcode on a machine that is being serviced, the instructions contained in the barcode will cause the mobile device to access, display and play a video on how to change service the machine (or change a component, etc.). This video might show information such as the types of tools the person will need to fix the machine.

[0074] One way this may be accomplished would be by scanning a QR response code (QR Code), which is typically used in marketing materials for linking magazines/newspapers/tradeshow booths to content via a Universal Resource Locator (URL). In accordance with the present invention, the QR code/2D code may include a URL embedded within along with instructions for the mobile device to auto-direct data transfer between the mobile device and a remote site. Thus, the QR code might also direct the user to a URL which has an entire list of videos related to the machine to choose from. For example, the videos may include instructions on how to perform maintenance on a specific machine. Additionally, the method of the present invention is also beneficial in other areas as well. For example, the staff of a fitness center may use the method to monitor the maintenance history of their exercise equipment, since the barcode scanning can be used as a tracking system for how often their maintenance team works on the equipment. This ability to capture machine data can also be applied to other types of equipment such as industrial machinery, vending machines, medical diagnostic equipment (i.e. CAT SCAN equipment, MRI equipment, etc). Another benefit is that a service technician can selectively network the machine type when the barcode is scanned, allowing for diagnostic updates into the remote monitoring system when service is performed, where the service technician's mobile device is also in electronic communication with the machine.

[0075] In still yet another embodiment of the invention, a mobile device can use the method of the invention as a way to send data that might be generated from equipment, such as medical diagnostic equipment (glucometer, DNA Sequencers, hematology equipment, urinalysis equipment, pathology equipment, etc). One benefit of this application involves the fact that these types of devices might not be networked due to security issues and laws. If the diagnostic equipment is able to generate a barcode that contained the results of their tests, a patient can scan the machine only readable code with their own mobile device. This would allow the patient to send their test data to multiple sources and destinations as they desire for parallel diagnostics (their DNA, personal doctor, personal data file, electronic medical record, health insurance provider, etc).

[0076] Still yet another embodiment includes a mobile device that has the ability (whether through embedded electronics or by secondary plug in devices) to capture the biometric data of a person (such as fingerprint, heart rate, DNA, etc) and use this method as a way to identify the user and link this identification information to data contained within the mobile device or uploaded to the mobile device. This would provide a real time method of authenticating a person as to provide proof of data ownership and could be used to help secure data as part of electronic records. The data from the above can also be appended to and/or integrated with the data inside of the barcode for user ID purposes.

[0077] Still yet another embodiment involves using the barcode that is scanned from a machine (such as an exercise machine) to cause the mobile device to provide information (such as instructional information) to the person on how to use the machine properly. This information might be presented to the user as a video, graphics (images) and/or as text to help the person understand how to operate the exercise machine correctly. For example, a cardio machine might have features of which the user is not aware. The user would then scan the barcode on the machine with their mobile device and the mobile device would display instructions on how to operate the machine. It should be appreciated that this information might be contained within the mobile device (via downloaded application), the cardio machine, on a remote server (via link to URL by the barcode) and/or it might be dynamically generated for the user based on how the user tries to set up the machine. This method can also be applied to any type of exercise

equipment (strength equipment, cable based equipment, free weights, suspension based systems like TRX, spin bikes, etc). The barcode can also be used to display information on how to perform specific exercises for that specific piece of exercise equipment or for related exercises that work related muscle groups as the equipment. Thus, this method would allow a person to see a plurality of exercise types related to a specific machine or muscle group. This method would provide an advantage to a person for following a custom designed workout regimen that a personal trainer or expert might have prescribed for them.

[0078] Still yet another embodiment of the invention involves the format of the data that is dynamically generated by the system to create a barcode. The method of the present invention can employ the use of data encryption techniques that can be used by the electronics of the exercise machine, so that the integrity of the data of a person is secure as they are scanning the system. This may also be relevant to the business model of how to monetize the health data of a person. By encrypting the data, the invention facilitates the generation of a business model based around licensing of data rights to third parties for having access to the data. One way for a party to have access to the data after scanning would be to have licensed the rights to the encryption key technology from the inventor (licensor). The necessary encryption key can allow third parties the ability to have access to the data where it might be used to apply data to various mobile health related software and machine asset management software applications and may be kept secure as desired.

[0079] For example, a gym chain (24 HR Fitness) has thousands of exercise equipment and millions of gym memberships. Revenue streams could be created by the invention by selling hardware to a gym that delivered the barcode generation technology to that environment. Part of that business model would be to license the rights to have access to the encrypted data from the invention, where the data of members could be used to help retain memberships by allowing members to track their workout history or allow personal trainers access to member information to build better client relationships. The gym might also want access to the machine performance information to help better maintain their equipment which would also be a data licensing opportunity.

[0080] The barcode (which may or may not be dynamically generated) can contain a URL (or more than one URL) that will allow data (all or only a portion) to be sent or redirected to the specified URL(s). This is advantageous since the user does not have to perform any operation on their mobile device (other than scanning) to have their data sent. Also, this lends itself to the business model of controlling and protecting 3rd party licensing revenue models. Since 3rd parties will have to be granted access to the 'gateway URL' that is specified in the barcode, licensing revenues from 3rd parties may be linked to the data access privileges based on conformance of royalty payments to the provider of the technology. Moreover, Augmented Reality tags/codes can also be used as a part of the barcode display to create 'virtual' interactive images on the mobile device display that might be representative of various URL's the user can choose from to have their data sent to (Nike+, Adidas MiCoach, PHR, etc).

[0081] Still yet another embodiment includes linking workout performance of an individual, that is displayed as a dynamically generated barcode, directly to a mobile application advertisement that may be driven off of how a user performed during a workout. For example, if a user workouts for a certain duration, they might, after they scan their workout barcode, see a sponsored app from a third party advertiser that is specifically targeted to the user's profile (gender, age, weight, physical condition, etc). The targeted information might be use to incentivize and provide the user additional motivation for working out by applying their workout data to a rewards system (similar to frequent flyer points). In one scenario, the more a user exercises and captures their data, the more they may be able to grow their real world or virtual currencies that can be redeemed for actual money (physical currency) or coupons from advertisers. Additionally, the advertisers might also be able to take advantage of the mobile devices GPS abilities and display even more specific advertisements based on the geographic location of the user since mobile devices can be used to identify the physical location and address of the device.

[0082] Thus, when a user scans a barcode, the data that is generated/transferred specific to that barcode could also be used to generate AR coupons that the user could redeem. For example, a user might exercise for 15 minutes, and based on the duration of their exercise a coupon having a value might be displayed on the interface of their mobile device (or sent to them via email or

txt message). If that same user were to exercise for 30 minutes, the user would receive a coupon of higher value that is based on the fact they were physically active for a longer duration. This provides further motivation for a user to exercise for longer durations based on their ability to generate and redeem higher value coupons based on their physical activity performance.

[0083] In still yet another embodiment, a barcode can also be affixed to a free weight which would allow a person to quickly scan the dumbbells they are using for exercising. When the user scans the free weight barcode, the mobile device might also apply the captured data to an existing exercise regimen that may be on the person's mobile device, allowing the user to more efficiently track adherence to a prescribed workout regimen. Additionally, the method of the invention also includes processing the scanned data to compare against the user's prescribed regimen, allowing the user to see if the free weight they are using is within the parameters of their regimen. Additionally, if the free weight is not part of the regimen, the user might have the option to accept or decline the input and choose another free weight that is recommended by the mobile device application. This again provides a novel method for exercise regimen instruction. Additionally, the invention may allow for the provision of an audible feedback to the user upon scanning the barcode on the free weight, where the voice/audible feedback might be created and played by the mobile device upon the scanning of the barcode. When the barcode is scanned and decoded, a text software script may be created (or previously created and stored) and converted to speech using a 'text to speech' algorithm. This advantageously allows the mobile device to be able to dynamically generate specific instructions and communicate the instructions to the user based on the inputs of the scanning of barcodes.

[0084] It should be appreciated that the barcode data for a free weight assembly might include: Manufacturer, model, weight amount (in kilograms or pounds). Additionally, the free weight rack might also have the barcode affixed to the frame which would also allow the user to scan. This advantageously allows a fitness center to track and ensure that the proper weights are located in their proper racks. The person might also be able to interface with their mobile device to enter in the amount of sets they did for each exercise to further complete their workout log. It should be appreciated that the present invention can also be applied to other types of exercise devices that are not classified as free weight exercise types. For example, a BOSU ball might

have a barcode on it that can allow the user to scan, and then view exercise types that can be performed using the device (push-ups, step programs, plyometrics, etc). Moreover, the present invention can be used with exercise apparatus that can be classified as group exercise apparatus's.

[0085] For example, TRX training is a type of suspension based exercise platform that allows a person to perform various resistance based exercises using their body weight along with suspension cable systems to create resistance that results in exercise sessions. The amount of exercise types are numerous for this type of system, and a person would typically have a placard that describes general instructions on how to perform the exercise. By scanning a barcode on the exercise equipment that is capable of causing a mobile device to display video or graphical tutorials on how to perform a specific exercise, a complicated training system can be more efficiently explained allowing the person to benefit more from the exercise. The barcode may be affixed to the TRX suspension cable gear or even to a frame that is used to support the suspension cables or, the barcode may be on a placard for the TRX exercise instruction booklet.

[0086] It should be appreciated that the use of a 3D barcode might be advantageous since 3D barcodes can be physically embedded or embossed into a plurality of materials (such as the metal supports) versus being printed out on a label.

[0087] Still yet another embodiment includes applying the biometric data of an individual to drive 'game based' applications. For example, a user might have a mobile phone application that can convert real world data to virtual currencies or use the real world data to affect the attributes and characteristics of an avatar or environment, where the avatar may assume some or all of the characteristics of the user, machine and/or environment via a barcode that was generated and that was scanned in using the mobile device. One advantage of this embodiment is that it acts to motivate a person to sustain a level of physical activity participation at a higher level than when not applying the biometric data to a game type solution. The real world data collected from this system might also be used to earn virtual achievements set up by the mobile application (or remote server application). These virtual achievements can be used to create a social status inside a community of other players, and even allow the user to share their activity achievements

on social networks like Facebook® and/or Twitter®. One advantage is that the user can seamlessly handle data transactions directly from their mobile device (these data transactions may include uploaded workout data, process data for display, apply data to gaming application, send data instantaneously to multiple server side applications).

[0088] Another advantage includes the ability to more easily share data across multiple software applications without having to develop complicated backend web services type solutions that are typically used for sharing data between systems. The Gamification application of the data can also be used to create a leveling system for the user, where the scanned data can be applied towards status levels. Thus, in order to reach the next level, the user may have to increase levels of activity or commit to achieving levels of activity participation over a pre-determined time-frame. This creates another layer of motivation for the user and helps encourage a more healthy lifestyle.

[0089] Still yet another embodiment includes having logos, pictures, and/or animations embedded into the dynamically generated barcode (See an example in Figure 7). These elements might be generated based on the quality of the workout routine that was completed by the user, or they also might indicate the overall health of the exercise machine or be linked to an advertisement or message (overall health of the machine means that the barcode might have a 'human readable' image as part of the barcode. Barcodes are only machine readable and by adding the human readable element as part of the barcode display would help a person understand more about what type of content is inside the barcode) that is displaying the barcode. In one application, this might aid the user in understanding whether they are on target for hitting a specific goal. In another application, if a service technician is working on the machine, the user could quickly be notified (such as via a thumbs up or thumbs down image inside the barcode) that they should scan the barcode to find out more details on the health and operation of the unit.

[0090] Still yet another embodiment is related to monitoring the eating habits of a person and involves a person being able to more efficiently capture data relative to their eating habits. For example, most grocery stores have touch screen point of sale computers that consumers will use

to check out food from the store. In this example, a person would ring up all of their purchased food, and then have a dynamically generated barcode be displayed on the touch screen display that may include information regarding the food they purchase. This Information may include items such as total fat content, calories, portion sizes, protein, carbohydrates, sodium, etc and can all be captured by the user when they use their mobile device to scan the barcode. This would allow the user to keep track of their weekly/monthly food intake. By allowing a consumer to track this information, the person's food data can be applied to diet programs they are engaged in (Jenny Craig, Weight Watchers, etc), where points are used to dictate the amount of food consumption on a weekly basis. Using the information obtained (such as health condition, diet, nutrition requirements and food nutrition data) the invention may include suggesting foods to eat along with healthy preparation methods and recipes. This would allow the person to better manage their overall food intake by allowing their data to be tracked historically over time and then compared to the diet plan they are on. If the person purchases food high in fat, carbohydratess, sugars, etc…they might receive a notification that their food purchase will bring them over the allotted point (or calories, fats, carbs, etc.) total for a given time period and they should either increase physical activity levels to counter additional food intake or be mindful in their consumption. By participating in a system like this, a person would be able to better manage their diet goals.

[0091] In accordance with the present invention, the method may also include keeping track of foods costs along with food content, where the method could suggest menus, recipes and purchase choices to a user based on cost budget, family members, food content and/or time constraints. For example, the method of the invention could be used to help plan meals and thus purchases for a particular time period. Because lower income individuals and families typically purchase food based on their budget, the food is usually not the healthiest choice. The present invention could suggest meals and food purchases based on budget (and other parameters) and thus would advantageously allow lower income individuals and families the ability to maximize their nutrition and health while minimizing their cost.

[0092] This method could also be applied to standard paper receipts that are generated in the event a touch screen display is not available during the purchase of their food. By applying

Gamification principles, the user might be rewarded for simply scanning the barcode to initiate participation. This would further provide incentives for the person since they might be awarded coupons towards discounts on future purchases or build a social status on a virtual online community that includes other participants. Additionally, if the person visits a restaurant, they can also scan the food receipt that might have a barcode on the paper that represents a report on their specific meal they just consumed. This could also be useful in helping the person manage their diet plan by allowing them access to calorie, fat, sugar, etc intake at restaurants or fast food places. This method can also be useful for people that suffer from chronic diseases such as hypoglycemia or diabetes, where their food intake is critical to the state of their disease and must or should be controlled. By offering a solution that can immediately identify the composition of a food purchase, a person with a chronic disease could be notified by the system via their mobile device (or by any electronic means) that their food purchase is either good or bad for their condition. This information might also be shared with an electronic medical record, doctor, insurance provider, nutrionist, or other expert. Additionally, by sustaining participation in this type of approach, a health insurance provider would be more inclined to review the risk levels based (at least in part) on their ability to report their general food intake history. The more you participate, the greater opportunity you may have for an insurance premium savings. This model fits perfectly into the consumerism approach taken by most health care providers.

[0093] Referring to **Figure 8**, one embodiment of an overall general method 800 for delivering radio content to a mobile device is shown and includes receiving a wireless signal, as shown in **operational block 802**, and generating barcode data responsive to the wireless signal, as shown in **operational block 804**. A barcode is generated based on the barcode data and is either displayed or sent to a mobile device for user input, as shown in **operational block 806**. The user uploads the barcode data to the mobile device, as shown in **operational block 808**, and the mobile device processes the barcode data and may operate in response, as shown in **operational block 810**. The user may interact with the content, as shown in **operational block 812**, and the mobile device may report interaction to content provided, as shown in **operational block 814**.

[0094] In still yet another embodiment, the invention involves using dynamically generated barcodes in regards to secured payment transactions. For example, there are vending machines (such as RedBox®) that allows a person to purchase/rent a movie. Typically, these machines have a credit card reader that the person swipes to make a payment. The same vending machine might also have a digital display that is capable of displaying information relative to their purchase. In accordance with one embodiment of the present invention, instead of using their credit card for payment, the user could use their mobile device to pay for an item by opening a web based software application on their mobile device, where the application has their credit card information already stored. The vending machine is connected to a server and by scanning the barcode being displayed on the interface of the vending machine, this would cause the server to charge the charge the cost of the product to the credit card and release the product to the user. By doing this, the user's credit card information would remain more secure since the vending machine would be able to authenticate the person's payment info via the internet by communicating with a remote server that is also in communication with the user's mobile device software application. Additionally, this method might also provide a good secondary payment solution for the vending machine when the credit card reader might malfunction and not be useable. Also, this method also has the ability for the vending machine vendor and any other parties, to see demographic information on the person since that data might be more readily available than when using a standard credit card.

[0095] Referring to **Figure 9**, one embodiment of an overall general method 900 for generating a radio barcode is shown and includes receiving radio device data, as shown in **operational block 902**, and generating barcode data responsive, at least in part, to the radio device data, as shown in **operational block 904**. The barcode size and characteristics are determined, as shown in **operational block 906**, and the barcode may be displayed, as shown in **operational block 908** and/or the radio device may communicate directly with the mobile device, as shown in **operational block 910**.

[0096] Still yet another embodiment involves data compression content and how the dynamically generated barcode can be displayed in various ways to handle data sets that are not typically capable of being displayed inside a single barcode format. Besides displaying a single

barcode that would contain the majority if not all of the exercise performance data of a person, the exercise machine may also display multiple barcodes that may be identified within the barcode as representing various segments of the person's workout. These multiple barcodes could be displayed all at once for sequential scanning by the user or might appear one at time allowing the user to scan each barcode separately. Additionally, the method might periodically flash the barcode on the screen to allow a single scan attempt to capture multiple barcodes all in one scan via the mobile device.

[0097] Still yet another embodiment involves a dynamically generated barcode that could be created by a video gaming system that is connected to a digital display. For example, Nintendo® offers a peripheral device called Wii Fit®. This device allows a person to follow an exercise regimen allowing their performance data to be sensed by the Wii Fit® device, or even by the Wii® controllers that have accelerometers built into them and allows for the bio-metric exercise data to be displayed as a dynamically generated barcode on the users digital display (TV, computer monitor, etc), allowing the user to capture their workout info directly onto their mobile device. This allows for easier access for sharing and storing workout data, so the user might have direct access to their workout history themselves, or they might allow a third party software application the ability to process the bio-metric data from their video game console system and apply it into various software application uses (mobile apps that send data to social networks, create leaderboards, team challenges, etc). Typically, third party developers do not have any access to this type of data and the method allows for the seamless flow of user bio-metric data, where the user is in complete control of the data transfer process. Other exercise video game systems can supply the same solution (Xbox® Kinect®, Playstation® Move, or any other game based product). This method can also be applied to traditional arcade games that are installed in shopping malls and amusement parks. By displaying participation data of an arcrade game using a barcode, the data can now be 'networked' without having to create a physical data connection with the actual gaming hardware. One embodiment of an overall method 1000 describing the radio-mobile device interaction is shown in **Figure 10**.

[0098] Still yet another embodiment involves video game systems that might be found inside a sports bar, arcade, or other recreational area can have the scores of a play session be generated

into a barcode that might be scanned. These machines are typically not networked and only have the ability to display leader boards at a local level for that single machine. The present invention would allow similar machines from multiple locations to have the highest scores networked online by allowing players to scan their scores via barcodes and then submit them for competition. Users could use this type of system to create virtual competitions of arcade based games, allowing for improved level of competition outside of their normal peer groups in their geographical area (or other parameters). These barcodes may also be dynamically generated based on how the players performed during their game sessions (or other parameters as desired, such as age, frequency of play, etc).

[0099] Another embodiment involves the format types of the barcode being generated, where the barcode might also use colors as part of the barcode. This will allow for a higher amount of data that can be included in the barcode. High Capacity Color Barcode (HCCP) is one example of how color can be used to increase the amount of data represented by the barcode. Additionally, the use of color can also be used to quickly signify the intensity of the workout by the user (for example: red = too high, yellow = too low, green = just right). Color can also be used to quickly and visually identify the health of the machine as well, allowing a maintenance person to identify whether any error codes are active simply by looking at a color barcode. Color might also be used to identify a facility the equipment is in (by using a mix of color combinations). Color might also be used as part of a 'gamification' solution, where points are awarded to the user for hitting exercise related milestones (number of calories burned, heart rate zone minutes earned, distance completed, duration completed, etc). In this instance, the color barcode may signify an achievement that was earned based on the user's performance. By using a colored barcode approach, the system can more easily provide data to a backend system for displaying information for reporting purposes without the need for intense data processing of encrypted data formats. The barcodes can also be a combination of the standard 'black-white' pixel along with the use of colored pixels to allow for optimization of data formatting by combining both barcode display options.

[00100] It should be appreciated that as used herein a mobile device can be a cell phone, smartphone, PDA®, iPod®, iPad®, iTouch®, Tablet® PC or any other mobile device capable of

receiving (visually) and transmitting information. The gaming devices may also be able to generate a dynamic bio-metric barcode which could be displayed on their display screens. These devices have built in accelerometers and other sensors that capture data such as heart rate, as well as peripheral devices that can monitor blood sugar/glucose levels. All of this data can be compiled on the portable gaming device and displayed as a barcode where the user could scan the barcode for processing and/or forwarding.

[00101] Still yet another embodiment involves the use of a dynamically generated barcode for the capture of data that may be displayed on a device that is used to listen to radio stations or capture music from a satellite service. When a person is driving in their car, the typical radio display might display the artist name, name of the song, etc that is playing. The present invention contemplates that the radio may display a barcode containing information related to the audio output (ie. artist, author, song, song title, book, interview, etc) where the user would simply have to scan the displayed barcode. The information in the barcode could then allow the user to purchase and upload the audio immediately or the information can be stored for later consideration and purchase. When the person(s) in the car scan the radio display with a mobile device, the software application on their mobile device can store the information specific to the song for review later. Additionally, the same software application can submit an automatic request to one of many internet based music download solutions (iTunes® for example) where a person with a mobile device that can be connected to the music service will have the song selected inside their account for a possible download, at their discretion, at a later time. Or, they can have their iTunes® service set up such that simply by scanning the barcode will prompt their cell phone to start downloading the music they are listening to, directly onto their mobile device. The barcode may be generated by the car radio, by another entity or by both.

[00102] Additionally, the use of colors inside the barcode symbol that is generated and displayed by the car radio can help the person driving the car understand how popular the song is by the number of total downloads for that song on a given day/week/month/year, etc. In one embodiment, since users would scan the barcode to initiate the download process onto their mobile device, this can also be used to track downloads by providing data to a backend system from the internet connected mobile device that would scan the barcode since the barcode could

also have a unique identifier that might be specific to a radio station, or time of day the barcode was displayed. It should be appreciated that the present invention may benefit from facial recognition technology (OCR) from a wireless sync to a mobile device, benefit from speech/voice input controls by the user into the radio device or mobile device and even a combination of both a wireless and scanning method.

[00103] Moreover, the invention contemplates a wireless sync from the car radio device to a person's mobile device, where the user would have a touch screen display as part of their car radio interface. On the touch screen interface, there may be options for a user to press a button on the display to send data information of a song they liked that was currently playing directly to the wirelessly sync'd devices, or the music transaction might start automatically downloading onto the mobile device where it would be stored for future use. Also, this same wirelessly enabled radio display would also have the ability to display the popularity of the song being played to help inform the person that the music is a popular or favorite song amongst other participants/subscribers in the system. The person's mobile device may also have the ability to send specific profile information of the user to the radio display device that might contain preferences on music types, bands, artists, songs, etc. This information could be used by the wirelessly enabled radio device to help filter and pre-select songs for the person based on their preferences. All of the above described tracking benefits for scanning the barcode may also apply to the method of a wireless sync to a mobile device since the user would be able to provide traceability for the content they select by how they interface with the radio device.

[00104] Still yet another embodiment may be related to advertising. When a user scans the barcode from their car radio using their mobile device, the user might see a sponsored add displayed on their mobile device that is from a radio station sponsor. The information for the advertisement might be embedded into the data of the dynamically generated barcode or the barcode might contain a URL link for the specific advertisement that would direct the user to the advertisement before they would be able to download the song to their mobile device. This is a novel approach for providing a return on investment (ROI) for 3rd party sponsor's that sponsor over the air radio adds by providing a method of tracking the adds that are viewed by using the barcode scan feature. This advantageously allows radio stations the ability to sell air time that is

related to music being played since an advertisement can be strategically placed over air time when music is playing. Thus, advertisements can be displayed as the music is playing whereas traditional methods of radio advertising are typically done only in between music sets on a radio station. Accordingly, the present invention allows 1) 3rd party advertisers to see a true ROI for their efforts, and 2) radio stations to be able to expand their capacity in their ability to sell advertising time because the advertisements (in the form of a dynamically generated barcode) can be running at the same time as the music is playing. Furthermore, the scanning of the advertisement might prompt an automatic text message to be sent to the user's phone when the barcode from the radio display is scanned. That text message might also be an email or other message variant that is used to communicate the advertising message, all the while allowing tracking of the advertisement back to the 3rd party and the radio station for ROI reporting purposes. Additionally, radio stations can create business models around selling music air time that is linked to the most popular songs or even talk show radios.

[00105] Moreover, the present invention may allow a user to communicate to the radio station that they 'like' a particular song that is playing. When a user indicates that they 'like' a certain song, the corresponding advertisement data might be displayed directly to the user. The display may have the option to have controls for the duration of the advertisement display before the process of sending the music related data to the mobile device begins. Additionally, the radio device display might also have a list of 'free' content on the device that have been pre-paid for by sponsors. This content might be in the form of music, pictures, videos, games, etc….that might be available for download to a mobile device when the person initiates the transaction of downloading/syncing data to their mobile device. The sponsor of the content may benefit from additional viewing of their advertisements as part of the requirement for completing the download of the sponsored content onto the user's mobile device. Additionally, when the user initiates the wireless data send for the content, the associated data that is sent to the mobile device may also contain 3rd party advertising information. This allows content providers (such as radio stations) the ability to strategically place advertising information with the most popular songs for syncing, which would allow the content providers to generate additional advertising revenue by allowing advertisements to be initiated by users of the system as they engage with the system. As described earlier, this system provides tracking and ROI for the 3rd party advertiser

since each transaction can be tracked specifically to a user. Furthermore, the reporting metrics back to the content provider and 3rd party advertiser would also provide insight into the demographic information of the user. The advertising information might be displayed on the mobile device as a mobile web page, banner add, sponsor tag, or other method of display. As users engage with the system, they might be rewarded with free uploads if they pay for a subscription to the service. Furthermore, the users that use the service frequently might benefit from free content based on their usage.

[00106] Still yet another embodiment involves an interactive user interface of a car radio while listening to content. As a person listens to music, they may have the ability to inform the content provider on the quality of their content (say by pressing a button on the radio display interface that would signify a sign of approval or disapproval). This would allow content providers the ability to apply traditional continuous improvement methodologies to their programming design by using the feedback of subscribers. When the person initiates feedback for the content, the feedback may be sent back to the content provider by wireless communication directly from the radio interface device or by using a wirelessly connected mobile device to facilitate the feedback via a cellular network (or by any other means of data transmission). This feedback could be used to generate popularity ratings for the content that is distributed from the content provider. This feedback mechanism could also be applied more specifically to talk radio where users are typically unable to call into radio stations successfully due to busy lines. By allowing a more open method of communication with the station listeners, listeners can be rewarded for their participation during the talk show session which in turn may reduce the amount of station changing. By applying the principles of 'gamification', listeners might generate social status as part of that talk show by how often they provide feedback on a comment or topic that is being discussed via the interface on their radio device.

[00107] Additionally, the user's mobile device may be used to provide a user ID data set for each feedback response back to the station, which would allow the content provider the ability to track who is actually providing the feedback. This method of tracking the feedback data can be used to create a user leveling system that is designed to engage the listener to promote loyalty and 'stickyness' for the content provider. In addition to a leveling system, specific achievement

levels could also be created that are based on the amount of content that is sync'd from the radio device to the mobile device, or by monitoring the amount of time the person is listening to the radio station. This game-based mechanism may promote adoption of content transfer by the user as part of the system since it will further create a unique social status that could be shared with other participants of the system via a website or social media platform (Facebook/Twitter for example). The system may also reward users for when they would bring in or refer their friends or others into the service through sharing their experience by either interfacing with the radio interface or by using their mobile device to share their performance on the system with their friends and contact list.

[00108] Additionally, the radio station may be able to offer specific meta-games that would promote user listening since the users would be incentivized to 'play' the game by staying tuned to the station for a duration of time. One example of this might be where a radio station solicits an advertiser (example: Budweiser®), and when the name of the specific sponsor is mentioned by the radio broadcaster, the user would enter feedback into the system either by their radio device interface or by their mobile device. The radio broadcaster would then be able to tally up and report back on how many users participated and achieved the maximum number of feedback points based on the number of times the sponsors named was mentioned during the 'game'. The result of this game based listener participation strategy would be a further detailed understanding on the demographics of the users who are listening which may leads to a better ROI for the advertiser.

[00109] It should also be appreciated that user/listener feedback, while it has been so far described as being submitted by interfacing with the radio display interface or the user's mobile device, can also be submitted into the system by voice, sound, and speech activation. The radio device, the user's mobile device (or any mobile device in proximity to the radio device or by itself), and/or other peripheral sensory interfaces (steering wheel embedded controls, blue tooth headsets, GPS units, etc may be used to support the feedback interface as well as the voice activated feedback solution. Moreover, this approach could be applied to rank content that is traditionally ranked by the content providers (example: American Top 40 Pop music list). By allowing the content feedback system to control the ranking, new and upcoming artists that

might not have traditional methods of obtaining status due to traditional ranking metrics might find themselves on a 'Top 40' list, granting the artists accelerated recognition for their content. The radio content providers backend system would be able to process the feedback accordingly and then display updated rankings on a pre-determined time basis that corresponds to their programming schedule.

[00110] Still yet another embodiment involves the ability for a mobile device to share content from the mobile device directly to the radio device. This would allow for user generated content to be potentially distributed to the radio content providers (radio stations). This might be in the form of a video taken from a mobile phone, voice note/recording, picture, media content such as a MP3 file, music, streaming video, etc. The content provider would then be able to (at their discretion) redistribute content from the user base to the entire user population. This content may be available for viewing or download by other users either on the radio device or on another user's wirelessly synced mobile device. It should be appreciated that although the use of wireless data transmission and barcode scanning has been described, other methods of data transmission can be used to achieve the same desired result (physical data connection between radio device and mobile device, USB (means mobile device is plugged into radio device), Zigbee, BlueTooth and all variations of BlueTooth, Wi-Fi, RFID, Infrared/Microwave, etc).

[00111] It should be appreciated that in still yet another embodiment, the barcodes might also include links to a social media site (like Facebook® or Twitter®), or other website which by the simple act of scanning the barcode from the radio display may create an action that may link the person scanning the barcode to the end destination website. For example, scanning the barcode could provide a 'like' on a topic on Facebook®, or a 'Retweet' on a topic running on Twitter®. Also, it may be used to provide additional information on topics from the radio talk show or newscast that were not covered during the conversation, but that may be available as additional content by scanning the barcode and having access via the mobile device for further review. Accordingly, the present invention contemplates transferring and storing songs, videos, etc via the barcode.

[00112] The above can also benefit from a wireless sync to a person(s) mobile device, where the radio display interface would be configured to allow a user to press a button that would link the user's feedback directly to a social media site as described above. Also, if there was additional content for review by the content provider, the user could be prompted to press a button on the radio device interface that would send a link (wirelessly) to the person's mobile device that would allow them to review the content at their leisure.

[00113] It should also be appreciated that the radio display device might be completely replaced by the user's mobile device, where the mobile device would have the capabilities of performing the duties of the radio device. In one embodiment, it can be assumed that all functionality would be easily consolidated into a single device the user might carry on their person, allow for even more access to content as technology advances in the mobile device markets

[00114] For example, a person might use their mobile device as their radio device. This would allow for the content from the radio station displayed on their mobile device (song info, advertisement, etc) allowing the user to benefit from interacting with the content directly on their mobile device. The interaction, feedback, and reporting ability of the invention could all be handled by the mobile device since it could be in two way communications with the radio station whereas the radio device is only receiving data and not pushing data.

[00115] It should be appreciated that the present invention may also be used in relation to venues like concerts or bars and clubs where music is being played. For example, in one embodiment patrons might be able to scan a projected image of a barcode that is displayed via a projector where the barcode would be information about the song or a link purchase or download the song. The music/DJ system would be able to output a digital signal that would be converted to the name and artist of the song, or perhaps specific info for a website where a DJ where music mixes might be available for download via a mobile device or computer with an internet connection.

[00116] It should be appreciated that data that can be communicated via barcode (or any data send method for that matter) can be applied to the field of social gaming. For instance, the online game Farmville offers an online gaming social community that provides people the ability to interact with virtual avatars/items/environments they have created. When the users take part in 'missions' their virtual avatars expend energy. Thus, the invention provides a novel data input that is generated from the real world and that can be used to 're-energize' the virtual avatarso the player can keep playing. The present invention contemplates a unique type of virtual social environment (such as "Muscleville"), where the data is related to the users building and maintenance of their own bodies and/or fitness center. In this environment, a user can compete against other users in the virtual world by using the exercise/health data they generate and upload into their virtual game account. For example, a user might sign up for a virtual body building competition that is using data responsive to their physical condition. In this case, data that is based on the level of physical activity the user performs in a real world fitness center or other environment, their personalized avatar may apply this data resulting in a modified version (obese, heavy, thin frame, athletic, muscular, etc) of the avatar. Thus, users can earn medals, real or virtual currency rewards, sponsor and other coupons, social status, etc for participating in the many games that can be created and administered. Users might also be able to 'gift' their real world earned/captured data to users in their friends list to help the other user meet a virtual fitness goal (peer motivation). It is contemplated that in one embodiment the state of the fitness center can also be linked to the performance of a person's overall health and activity data. As a user's health/activity levels change (i.e. decrease or increase), the virtual fitness center might have issues with its virtual staff moral, operational capability, equipment problems, cleanliness issues, or virtual default issues that might signify loss of gym membership levels meaning a facility closure is coming near. Thus, the responsibility for the upkeep, employee morale, financial success, machine upkeep, and cleanliness of the fitness center all fall upon the performance of the user in the real world.

[00117] It should be appreciated that the present invention as related to dietary tracking can also be applied to the social gaming environment. This would provide an additional data input set that can be used to modify the attributes of the game play (health of the avatar, currencies/pts/XP rewarded to player based on weekly results of food purchased that are related

to the real world condition of the player and how much calorie intake they are consuming). The player's food purchases might also affect the virtual physical shape of the user and/or the type of virtual food/drink options that become available to the 'gym members' of the players virtual fitness center. For example, if a player is using the scanning system in the real world to capture data on their dietary intake, the total nutritional value of the food items scanned can be used to generate a virtual equivalent of what is available to the gym members in the fitness center. This may help the player in the real world make more healthy eating choices since the player wants to keep playing the game and keep his fitness center and gym members healthy. Also by not using the barcode system for tracking the dietary data, the user might end up starving his virtual gym members. It should be appreciated that any type of exercise/health data may be applied to this embodiment as well as data coming from various sources, such as personal wearable devices, exercise equipment, mobile devices, health kiosks with biological monitoring abilities, personal mobile health devices (glucometers), data from video game console systems using exercise tracking or motion control technology, etc.

[00118] Accordingly, the present invention can be used to teach the user how to stick to a diet regime and eat healthy (or healthier) for their particular physical condition and may be integrated with existing dieting systems, such as Weightwatchers®, Nutrisystem®, etc. to help motivate and keep track of their customers and members. Moreover, the present invention may be used by insurance companies for various reasons, such as to keep track of customers, or establish rates, etc.

[00119] In still yet another embodiment, the invention may be applied to the automotive industry to aid a user in adhering to prescribed maintenance procedures, tracking of service history on vehicle, understanding the warning lights/symbols (i.e. 'check engine light'), part replacement warning (muffler, brakes, etc) and how consumers can get pre-emptive real time up to date information on how much a repair might cost. A hardware device that is communicating with a vehicle's computer system can generate a barcode that has the On-Board-Diagnostics information. When this data is scanned by a mobile device, a person may receive information discounts for local service providers based on their GPS co-oridinates provided by the mobile device. This might allow the person the ability to remotely schedule an appointment for the

repair service from the selected discount provider specific to the error code that was detected by scanning the barcode. The person might also receive a recall notification based on the results of scanning the barcode. This allows car manufactures to monitor in field repair statistics and measure efficiency of car components being serviced or replaced by make or model. ,The barcode generation device may have the ability to capture data on all fluid levels, tire pressure, etc and perform self assessments for emissions. The barcode would be scanned and the mobile device might send data to state DMV websites allowing the user and DMV to save time and money compared to the current process and can also identify vehicles that are not running in a safe emission zone more readily since users can capture data more frequently using mobile devices.

[00120] The system can also capture information on speed data that might be able to help prove how fast a person was going moments before an accident (internally memory can store hours and hours of data), where this data can also be shared with car insurance providers on a monthly basis as part of an incentive program for reduced premiums based on safe speed levels. A vehicle might have sensors that detect cigarette/cigar smoke and can report if a person was smoking inside the car (applicable to rental car companies where they could charge an added fee if people smoke when they aren't supposed to), this could also be applied to detected various drugs as well (weed, crack, etc).

[00121] In still yet another embodiment, the present invention may have application in fields involving industrial/commercial equipment.

[00122] In still yet another embodiment, the present invention may include augmented reality codes that can be used to simplify the user interface of a machine. For example, a consumer fitness exercise machine might have a code that can be scanned by a mobile device. When the mobile device scans the code, a virtual user interface can be generated specific to the operation of the exercise machine. The advantageously allows equipment manufacturers to focus on simplifying and reducing their cost of manufacturing by creating equipment that can simply plug into the mobile device. The mobile device's virtually generated user interface can be configured to control all operation of the exercise machine and can be used with any type of exercise

machine (strength, cardio, cables, etc). The mobile devices interface (iPad® or other tablet® PC's for example) can also be customized by the user. This might allow them to share or bring their mobile device to other places where compatible fitness equipment can support this augmented reality custom generated interface. This augmented reality user interface can be useful for allowing the equipment provider to constantly keep their look and feel as well as software updated with the latest and greatest user interface technologies. Since the mobile device can be networked independent of the exercise machine, this allow for seamless content management and on the fly updates and improvements that can be seamless to the user. This interface can also be perfect for sharing data out of the exercise machine since the display could be configured to generate barcodes as described herein.

[00123] Accordingly, one embodiment of the invention includes the generation of barcodes and exercise equipment (and associated display hardware) that display the barcodes via an electronic display, where the barcode includes desired information (inside the barcode image), such as, exercise performance data from the exercise machine and/or from other sensors worn on the person, exercise machine performance data (error codes, serial number, software info, make/model, utilization info, etc), advertising information from content that was displayed during the exercise session, specific channel information as to what channel(s) the user was watching during the session and for how long each channel was on, coupons or other messaging info that was displayed to the user allowing them to purchase or redeem data when scanned on their mobile device, value points (a metric that was outputted from the exercise machine based on performance of session or other factors), URLs used for pointing data to a web server or used for authenticating data set for a mobile device application, and other unique aspects (such as digital dynamic barcode generation component can allow for the size of the barcode to change based on the amount and types of data that are used to create the barcode). It is contemplated that the barcode can also include a combination of colors to further enhance the amount of data capture (reference the HCCP barcode type).

[00124] Additionally, another embodiment of the invention includes a content/media delivery and display system that allows a user to scan the media that is displayed to them. The scannable media can be a barcode or any image or media type that allows a user's mobile device to scan

and create interaction with the media on their mobile device (such as smart phone). It should be appreciated that the scannable media can be delivered to the exercise machine wirelessly and be displayed on the machine or any aftermarket display, the media can be triggered for display based on the performance of the workout session (example: burn 300 calories and a specific image file is displayed to the user when they hit that milestone) and/or the media can contain static QR code links that allow the user to have a transactional capability with the system as part of their workout (they can purchase products, claim coupons, purchase services from the venue, claim points, etc). When scanned with a mobile device, the system can use augmented reality techniques to present dynamic content on the user's mobile device, allowing the user to interact with the AR content on their mobile device. This allows the static media content to now become interactive, further promoting a transactional capability. Moreover, the system can allow a user to authenticate themselves on the system by scanning the media which can be linked to a specific machine (example: a barcode that has a wifi MAC address linked to the display electronics of the machine), or also by wirelessly communicating with the machine with their mobile device as a way to authenticate their presence on the machine. This allows more specific content related to a profile of the user to be displayed during their workout session. Furthermore, the system can also provide a method of rewarding the user for interacting with the scannable media. For example, when the user interacts or scans the media with their mobile device, they can earn points, rewards, etc on the system. The scannable media can be delivered to the user not only at the exercise machine, but also on digital signage and printed media that would be found in the venue.

[00125] In still yet another embodiment, the system may enables medical devices to have similar data capture capabilities, where a device like a blood glucose meter can display a digital barcode (QR code) that has information related to the test results of the user. For example, the digital barcode display can have an embedded URL that allows ANY mobile device scanning application to be able to send the data to a predetermined web server (this requires no need for any mobile application development). Moreover, multiple test results can be inside the dynamic QR code display. Data such as number of test strips consumed can also be provided and this data can also power a QR code image that allows the system to provide consumption information on test supplies that can be used to help accurately fulfill the next batch of test supplies for the

user, thus eliminating cost out of current test supply fulfillment systems. Furthermore, an aftermarket module can plug into the medical device (or communicate wirelessly) requesting data from onboard memory of the medical device. This module may process and also have display capabilities for generating a QR code for scanning. It should be appreciated that this can also be applied to any type medical device such as DNA sequencers, hemotology equipment, etc allowing test results to be easily captured on mobile device (included machine performance data characteristics as well for machine diagnostics).

[00126] Additionally, other embodiments contemplate that the exercise machine might have scannable media (either printed or digitally displayed) that would allow a user to interact with the media with their mobile device allowing for instructions on how to use the machine or provide information on programming information that the machine has. The mobile device may be able to display this information through a website viewable on the mobile device or through augmented reality content that is display on the mobile device through interaction with the scannable media. For example, one use may include a grocery store system that would allow a user to scan nutritional information from a display or even a receipt that has a barcode that contains a summary of all of the nutrition information on the food products they had just purchased. This data can be shared into any software application that would be able to apply the data as part of a prescribed nutrition program specific to the user. Another use may include a payment system that allows a user to scan a barcode display on a machine that has information specific to a purchase of a product or service.The mobile device would be connected online to a server so when the user scans the machine interface (example: Red Box), where the user's payment information would come from their mobile device and then the server would communicate with the machine completing the transaction.

[00127] Still yet another embodiment may include a system for interacting with audio devices (such as, a car or portable radio) where content such as music, advertisements, coupons, etc, can be contained in a digital QR code displayed on the audio device allowing the user to gain access to content that is typically not delivered to the user when music is playing. Thus, this allows for content to be delivered to a user listening to a audio device where the content is generated in scannable format for the user. Moreover, the user could also interact with the audio device

display to provide feedback or trigger other actions such as purchases, where the content is sent wirelessly to their mobile device. This would allow the radio station to have feedback on the content their users are listening to as well as provide a ranking system for content that is powered in real time by the users. The mobile device would be connected via a software application that would receive the content from the audio device and then also be connected to a webserver that is hosted by the radio station content system. This provides a full feedback system for the radio station and also allows them to sell a new type of advertisement inventory to companies since they can know benefit from ads sent to a user while music is being played.

[00128] In still yet another embodiment, a system for controlling a machine (treadmill, car radio, etc) where sensors are used to optically detect parameters of a person during use of the machine is provided. The sensor (xBox® Kinect® for example) may be in communication with the machine allowing for the system to detect heat signatures of the person during a workout non-volitionally, hand gestures, etc. This sensor configuration would allow the user to control the machine characteristics by not having to press a display control button on the machine. The sensor could also use hand gestures by the user to control the volume of a TV, channel, speed, incline, etc. The sensor can also detect the profile of the user (age, gender, weight, etc) and use this information to set the controls of the machine and use the data to better predict calorie expenditure. The sensor configuration can fully integrated into the machine, part of an TV display attached to the machine, or part of a smart phone (or other device) that is in communication with the machine.

[00129] In still yet another embodiment, a system for using facial recognition during an exercise session is provided, where the sensor technology can detect when a user is looking at a video display screen (on the treadmill or aftermarket TV), and where the sensor is able to report how frequently a user is looking at the screen. This can allow the system to report on when a user is looking at a screen that might have advertising content display, allowing the system to verify the effectiveness of the content and report the amount of time the user is spending looking at the screen during a workout session. This sensor technology may also be able to identify the profile of the user, and would further allow the system to send more relevant content to the user for display while the workout since this information can be used by a content management

system to filter less relevant content. The sensor can also be used to authenticate a user that might allow the machine to turn on if they are authenticated as being allowed to use that specific machine based on payment status for access to the facility or even having a valid membership.

[00130] In accordance with an exemplary embodiment, the invention may be implemented through a controller operating in response to a computer program. In order to perform the prescribed functions and desired processing, as well as the computations therefore (e.g. execution control algorithm(s), the control processes prescribed herein, and the like), the controller may includes, but not be limited to, a processor(s), computer(s), memory, storage, register(s), timing, interrupt(s), communication interface(s), and input/output signal interface(s), as well as combination comprising at least one of the foregoing. Moreover, the invention may be embodied in the form of a computer or controller implemented processes.

[00131] The methods and embodiments of the invention described herein and illustrated in the several figures may be embodied in the form of computer-implemented processes and apparatuses for practicing those processes. As such, the methods and embodiments described hereinabove and in the several figures may also be embodied in the form of computer program code containing instructions embodied in tangible media, such as floppy diskettes, CD-ROMs, hard drives, or any other computer-readable storage medium, wherein, when the computer program code is loaded into and executed by a computer, the computer becomes an apparatus for practicing the invention.

[00132] The methods and embodiments described hereinabove and in the several figures may also be embodied in the form of computer program code, for example, whether stored in a storage medium, loaded into and/or executed by a computer, or transmitted over some transmission medium, such as over electrical wiring or cabling, through fiber optics, or via electromagnetic radiation, wherein, when the computer program code is loaded into and executed by a computer, the computer becomes an apparatus for practicing the invention. It should be further appreciated that the methods and embodiments described hereinabove may also be practiced, in whole or in part, via any device suitable to the desired end purpose, such as a computer, iPod, MP3 Player, a PDA, a Pocket PC, Tablet PC, Smartphone and/or a Cell phone with connection capability.

[00133] While the invention has been described with reference to an exemplary embodiment, it will be understood by those skilled in the art that various changes may be made and equivalents may be substituted for elements thereof without departing from the scope of the invention. In addition, many modifications may be made to adapt a particular situation or material to the teachings of the invention without departing from the scope thereof. Therefore, it is intended that the invention not be limited to the particular embodiment disclosed as the best mode contemplated for carrying out this invention, but that the invention will include all embodiments falling within the scope of the appended claims. Moreover, unless specifically stated any use of the terms first, second, etc. do not denote any order or importance, but rather the terms first, second, etc. are used to distinguish one element from another. An apparatus and method for processing exercise information is provided, wherein the method includes obtaining exercise information, processing exercise information responsive to predetermined goals to generate resultant information and displaying the resultant information.

What is claimed is:

1. An exercise machine, wherein the exercise machine is comprised of:

a display device;

wireless communication circuitry, wherein the wireless communication circuitry is configured to establish a wireless communications link with a mobile device;

at least one processor with software, wherein the processor is associated with a memory device and wherein the processor is in signal communication with the display device and the wireless communication circuitry;

the memory device, wherein the memory device is configured to store information associated with the wireless communication circuitry;

wherein the processor software is configured to;

obtain, from the memory device, the information associated with the wireless communication circuitry,

generate a data string, wherein the data string includes the wireless communication circuitry information,

generate a digital scannable media image responsive to the data string,

control the display device, wherein the display device is configured to display the digital scannable media image, and

establish, via the wireless communication circuitry, the wireless communications link with the mobile device responsive to the mobile device scanning and decoding the displayed digital scannable media.

2. The exercise machine of claim 1, wherein the exercise machine is at least one of a cardio exercise machine and a strength exercise machine.

3. The exercise machine of claim 1, wherein the wireless communication circuitry is further configured to establish at least one of a near field communications link, a wide area network communications link, and a personal area network communications link with the mobile device.

4. The exercise machine of claim 1, wherein the mobile device is at least one of a smartphone and a tablet device.

5. The exercise machine of claim 1, wherein the information associated with the wireless communication circuitry is a MAC address identifier associated with the wireless communication circuitry.

6. The exercise machine of claim 1, wherein the data string is at least partially encrypted by the processor software.

7. The exercise machine of claim 1, wherein the data string further includes a combination of the wireless communication circuitry information and exercise machine information.

8. The exercise machine of claim 7, wherein the exercise machine information is at least one of the exercise machine type, an error code associated with the exercise machine, workout performance data generated by the exercise machine, date and time stamp information generated by the exercise machine, facility location identifier associated with the physical location of the exercise machine, user ID information associated with a user of the exercise machine, exercise machine software information, and exercise machine utilization information.

9. The system of claim 1, wherein the display device is at least one of an embedded display device and a display device external to the exercise machine.

10. The exercise machine of claim 1, wherein the display device is at least one of a touchscreen display and a LCD display.

11. A method for establishing a communications link between an exercise machine and a mobile device, the method comprising;

storing, by a memory device associated with the exercise machine, information associated with wireless communication circuitry disposed within the exercise machine,

receiving, by a processor associated with the exercise machine, information associated with the wireless communication circuitry from the memory device,

generating, by the processor, a data string wherein the data string is comprised of the wireless communication circuitry information,

generating, by the processor, a digital scannable media image responsive to the data string,

displaying, by a display device associated with the exercise machine, the digital scannable media image,

detecting, by the mobile device, the digital scannable media image, and

establishing, by the mobile device, a wireless communications link with the exercise machine responsive to the mobile device processing the digital scannable media image.

12. The method of claim 11, wherein the exercise machine is at least one of a cardio exercise machine and a strength exercise machine.

13. The method of claim 11, wherein the wireless communication circuitry is further configured to establish at least one of a near field communications link, a wide area network communications link, and a personal area network communications link with the mobile device.

14. The method of claim 11, wherein the mobile device is at least one of a smartphone and a tablet device.

15. The method of claim 11, wherein the information associated with the wireless communication circuitry is a MAC address identifier associated with the wireless communication circuitry.

16. The method of claim 11, wherein the data string is at least partially encrypted by the processor software.

17. The method of claim 11, wherein the data string further includes a combination of the wireless communication circuitry information and exercise machine information.

18. The method claim 17, wherein the exercise machine information is at least one of the exercise machine type, an error code associated with the exercise machine, workout performance data generated by the exercise machine, date and time stamp information generated by the exercise machine, facility location identifier associated with the physical location of the exercise machine, user ID information associated with a user of the exercise machine, exercise machine software information, and exercise machine utilization information.

19. The method of claim 1, wherein the display device is at least one of an embedded display device and a display device external to the exercise machine.

20. The method of claim 1, wherein the display device is at least one of a touchscreen display and a LCD display.

ABSTRACT OF THE INVENTION

[00134] A system and method for generating and implementing a barcode is provided, wherein the system includes a data generation device configured to receive data and generate barcode data response to the received data, a barcode generation device, configured to receive the barcode data and generate a barcode responsive to the received barcode data, a display device, configured to display the barcode and a barcode receiving device, configured to receive the barcode and operate in response to the barcode.

DocCode – SCORE

SCORE Placeholder Sheet for IFW Content

Application Number: 17181423 Document Date: 02/22/2021

The presence of this form in the IFW record indicates that the following document type was received in electronic format on the date identified above. This content is stored in the SCORE database.

Since this was an electronic submission, there is no physical artifact folder, no artifact folder is recorded in PALM, and no paper documents or physical media exist. The TIFF images in the IFW record were created from the original documents that are stored in SCORE.

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Form Revision Date: March 1, 2019

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 17/181,423

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY FEE($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	80		N/A	
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	350		N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	400		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	20 minus 20 =	*	x 50 =	0.00	OR		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	2 minus 3 =	*	x 240 =	0.00			
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00			
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	830		TOTAL	

APPLICATION AS AMENDED - PART II

AMENDMENT A

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

AMENDMENT B

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

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
17/181,423	02/22/2021	Sean McKirdy	MCK-0012-Cont-3

CONFIRMATION NO. 7904

42638
THE LAW OFFICES OF STEVEN MCHUGH, LLC
213 COURT STREET
SUITE 102
MIDDLETOWN, CT 06457

FORMALITIES LETTER

OC000000123795217

Date Mailed: 03/04/2021

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
  - The drawings submitted to the Office are not electronically reproducible because portions of figures 2-6, 8-10 are missing and/or blurry.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

Replies must be received in the USPTO within the set time period or must include a proper Certificate of Mailing or Transmission under 37 CFR 1.8 with a mailing or transmission date within the set time period. For more information and a suggested format, see Form PTO/SB/92 and MPEP 512.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web, including a copy of this Notice and selecting the document description "Applicant response to Pre-Exam Formalities Notice". https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at http://www.uspto.gov/ebc.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

/afessehaye/

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
17/181,423	02/22/2021	3784	830	MCK-0012-Cont-3	20	2

CONFIRMATION NO. 7904

FILING RECEIPT

42638
THE LAW OFFICES OF STEVEN MCHUGH, LLC
213 COURT STREET
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OC000000123795216

Date Mailed: 03/04/2021

Receipt is acknowledged of this non-provisional utility patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF FIRST INVENTOR, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection.

Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a corrected Filing Receipt, including a properly marked-up ADS showing the changes with strike-through for deletions and underlining for additions. If you received a "Notice to File Missing Parts" or other Notice requiring a response for this application, please submit any request for correction to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections provided that the request is grantable.

Inventor(s)

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Applicant(s)

Sean McKirdy, Newington, CT;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 16/412,585 05/15/2019 PAT 10926135

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.) - None.
Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Permission to Access Application via Priority Document Exchange: Yes

Permission to Access Search Results: Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 03/02/2021

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 17/181,423**

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****
Title

BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

Preliminary Class

482

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

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

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

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

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

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

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Title 37, Code of Federal Regulations, 5.11 & 5.15

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SelectUSA

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit http://www.SelectUSA.gov or call +1-202-482-6800.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Sean McKirdy; **EXAMINER:** TBA

SERIAL NO: 17/181,423 **ART UNIT:** 3784

FILED: February 22, 2021 **CONF. NO:** 7904

FOR: BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is electronically filed via EFS with the United States Patent and Trademark Office on August 04, 2021.

Steven M. McHugh, Esq.
Attorney for Applicant

47,784
USPTO Registration No.

Mail Stop: Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

In response to the Notice to File Corrected Application Papers dated March 04, 2021, for which a response is due on or before May 04, 2021, the applicants submit herewith drawing replacement sheets for Figures 2-6 and 8-10 and requests entry of these replacement drawings into the application. No new matter is added. Additionally, the applicant submits herewith a request for an extension of time of three (3) months along with the appropriate fee for a small entity.

If additional issues still remain or if more information is required, the Office is encouraged to contact the undersigned attorney ASAP.

Respectfully submitted,

Steven M. McHugh, Esq.
USPTO Reg. No. 47,784
Attorney for the Applicant

Dated: August 04, 2021

REPLACEMENT SHEET

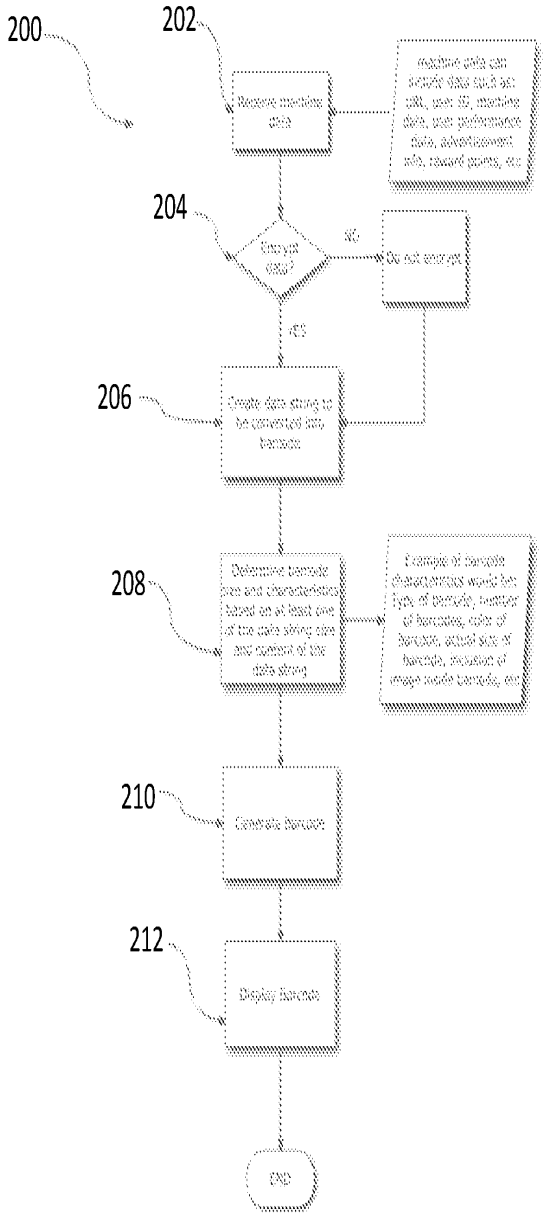


FIGURE 2

REPLACEMENT SHEET

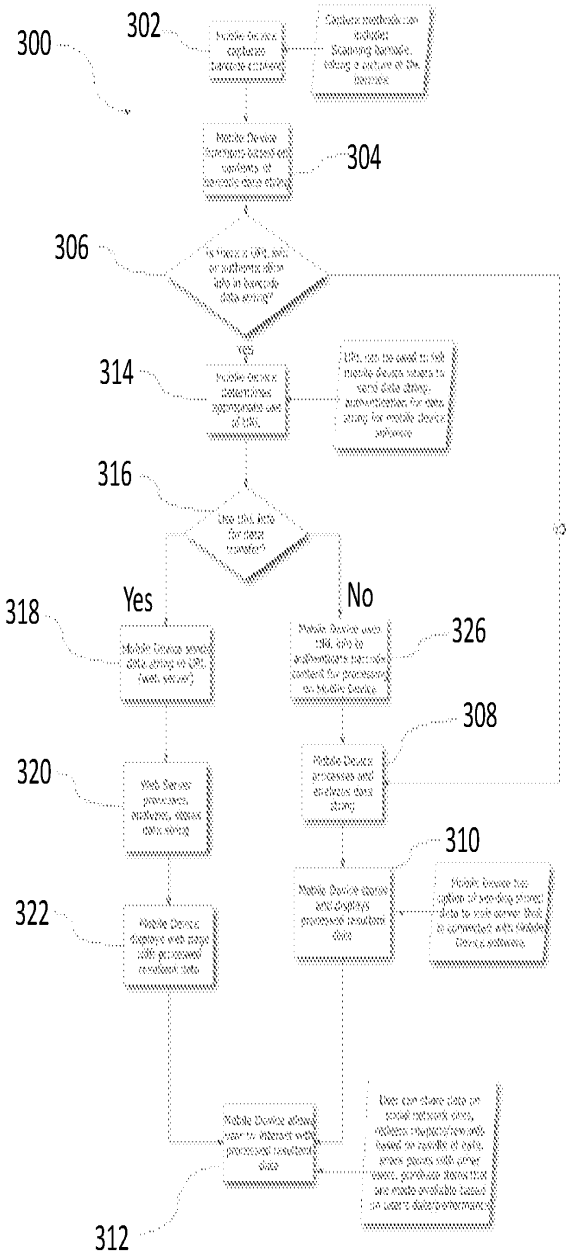


FIGURE 3

REPLACEMENT SHEET

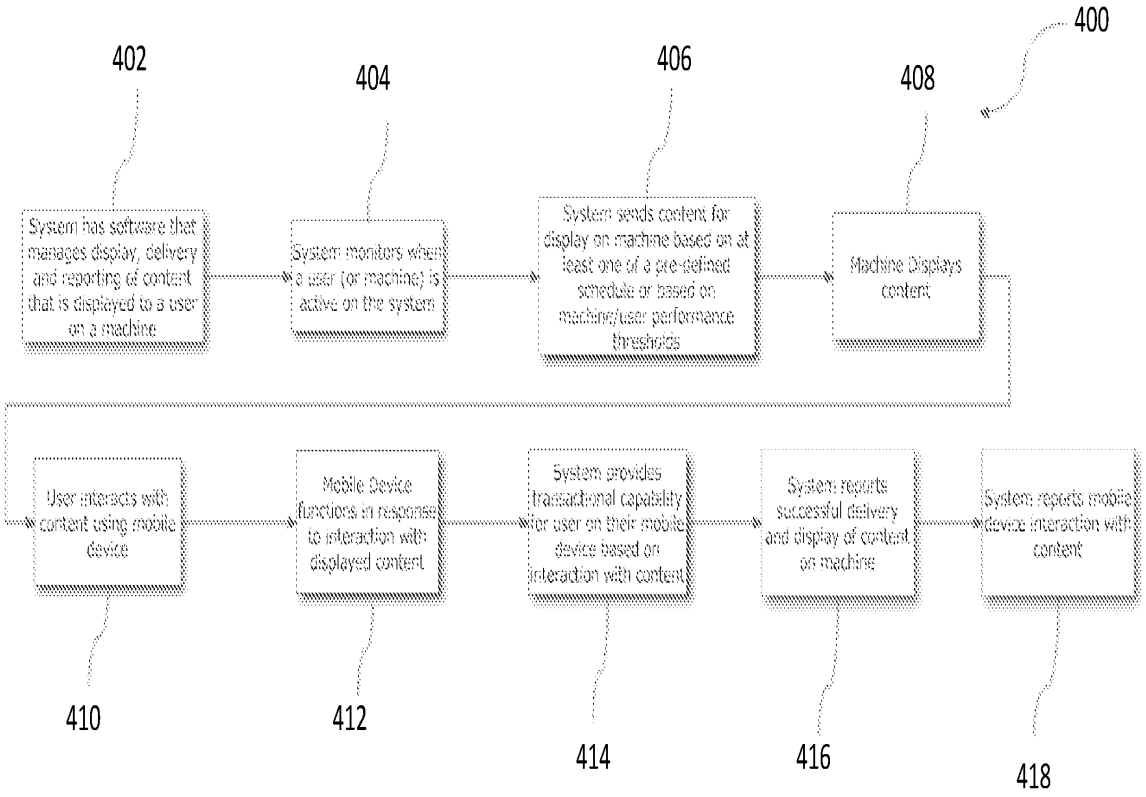


FIGURE 4

REPLACEMENT SHEET

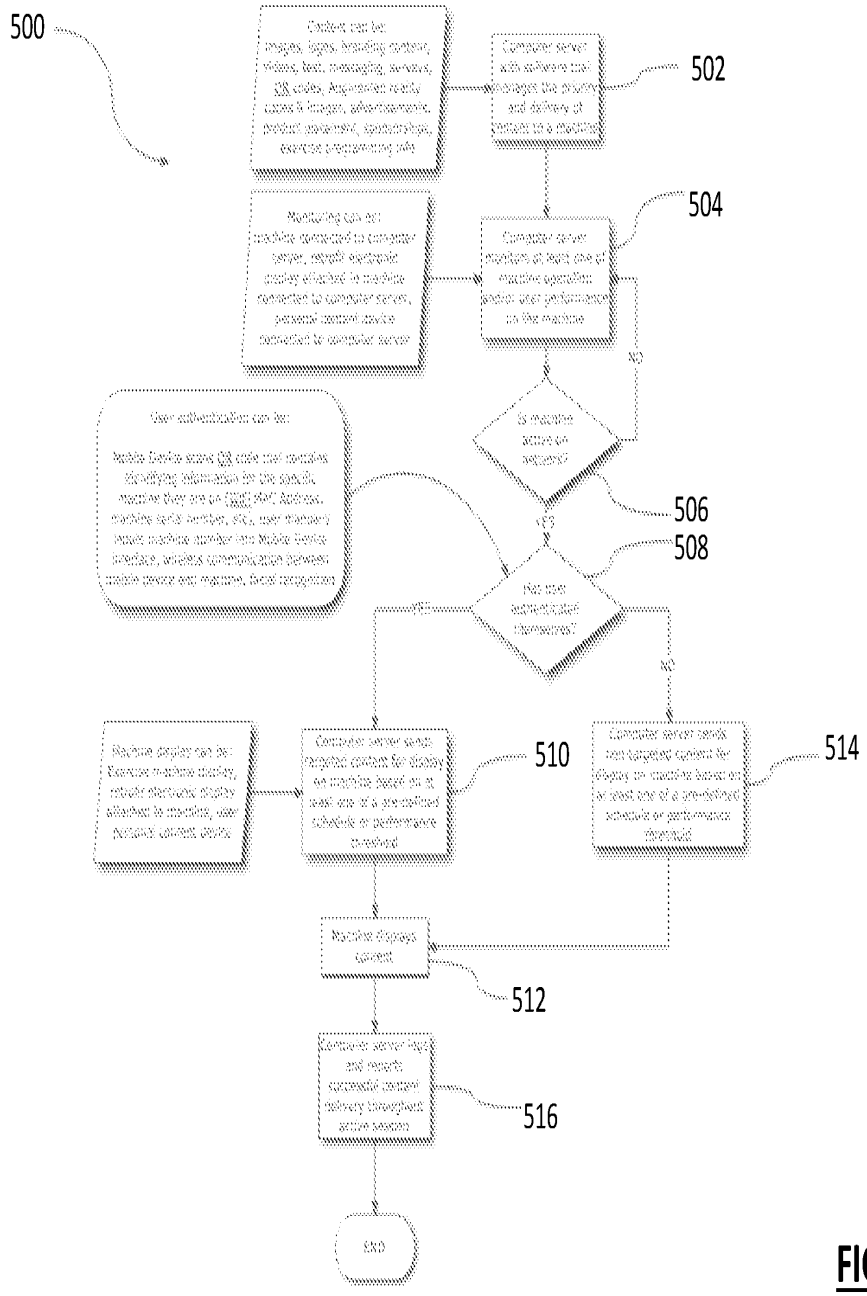


FIGURE 5

REPLACEMENT SHEET

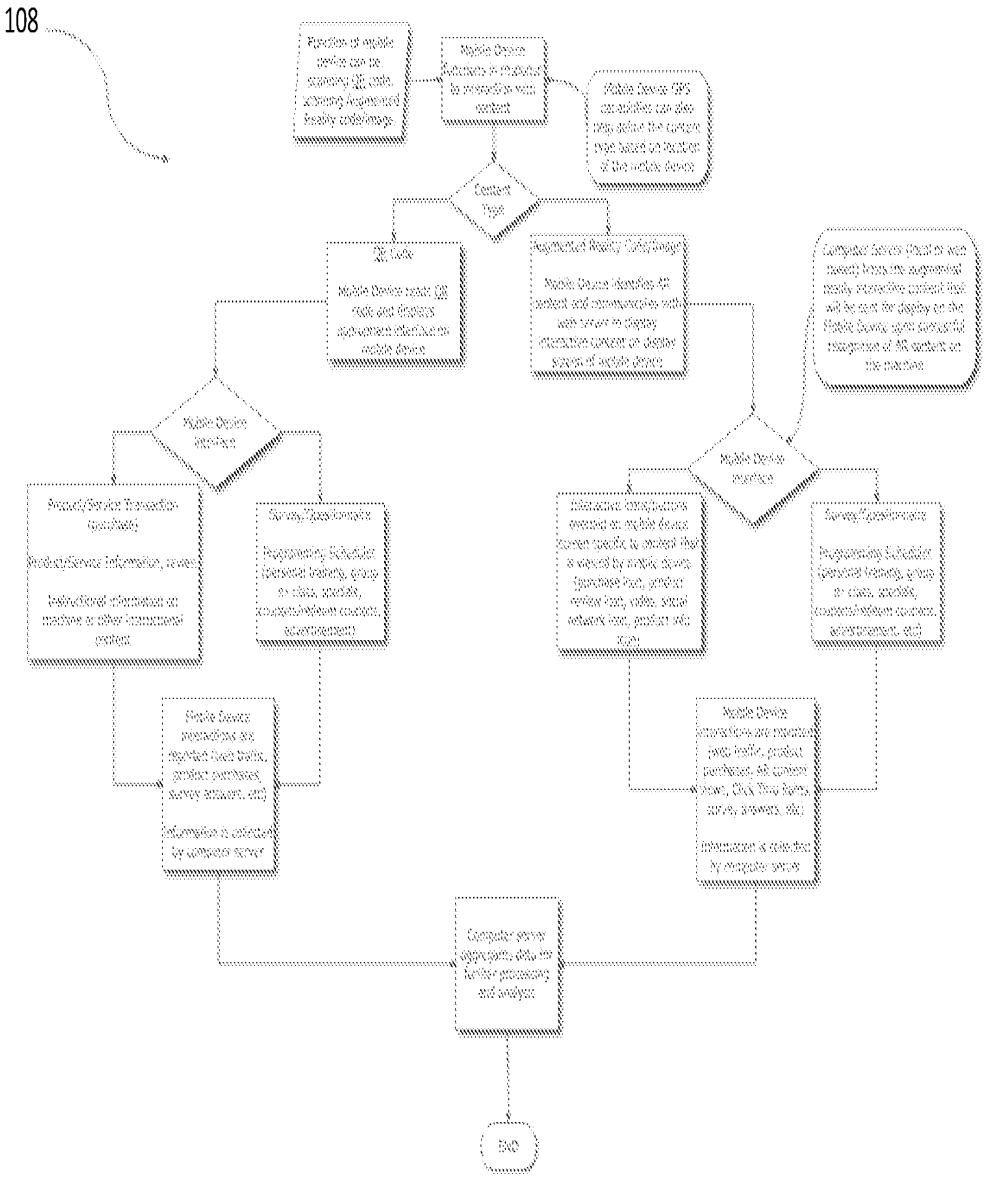


FIGURE 6

REPLACEMENT SHEET

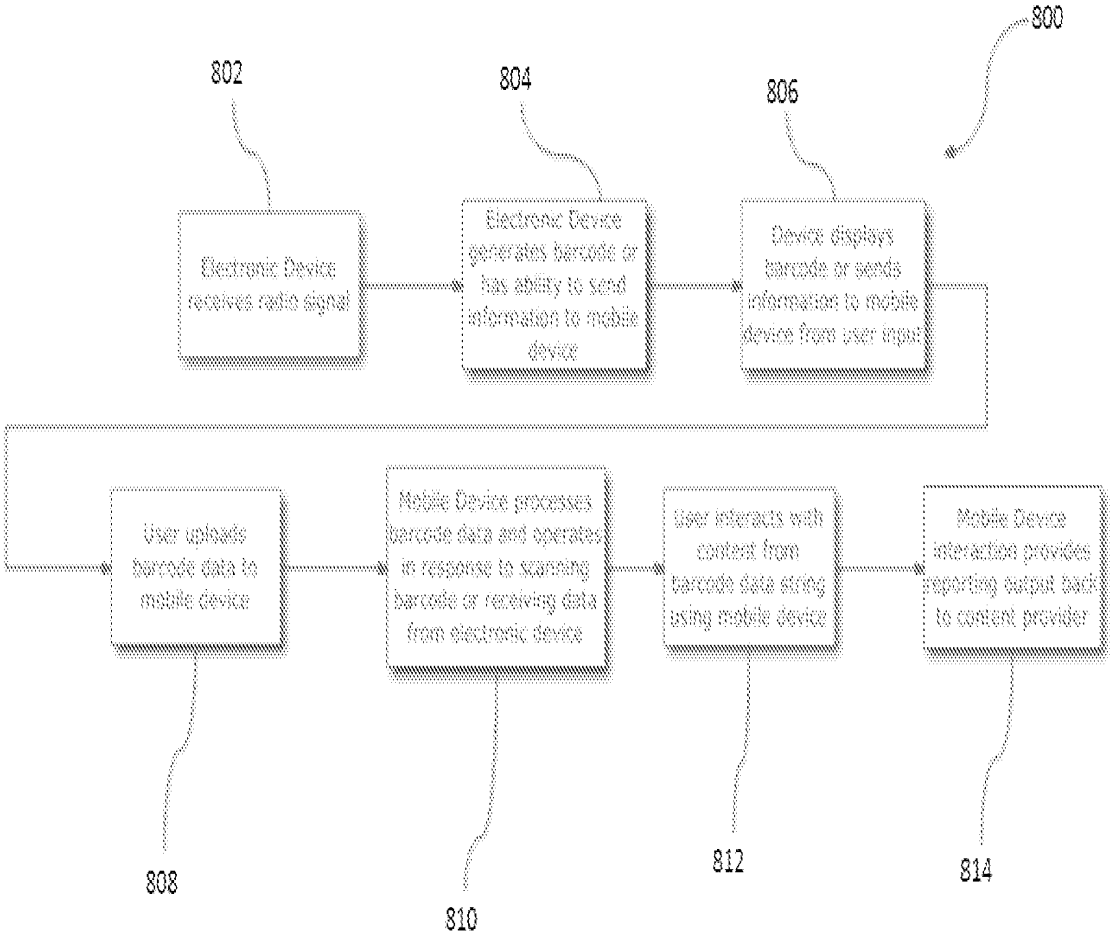


FIGURE 8

REPLACEMENT SHEET

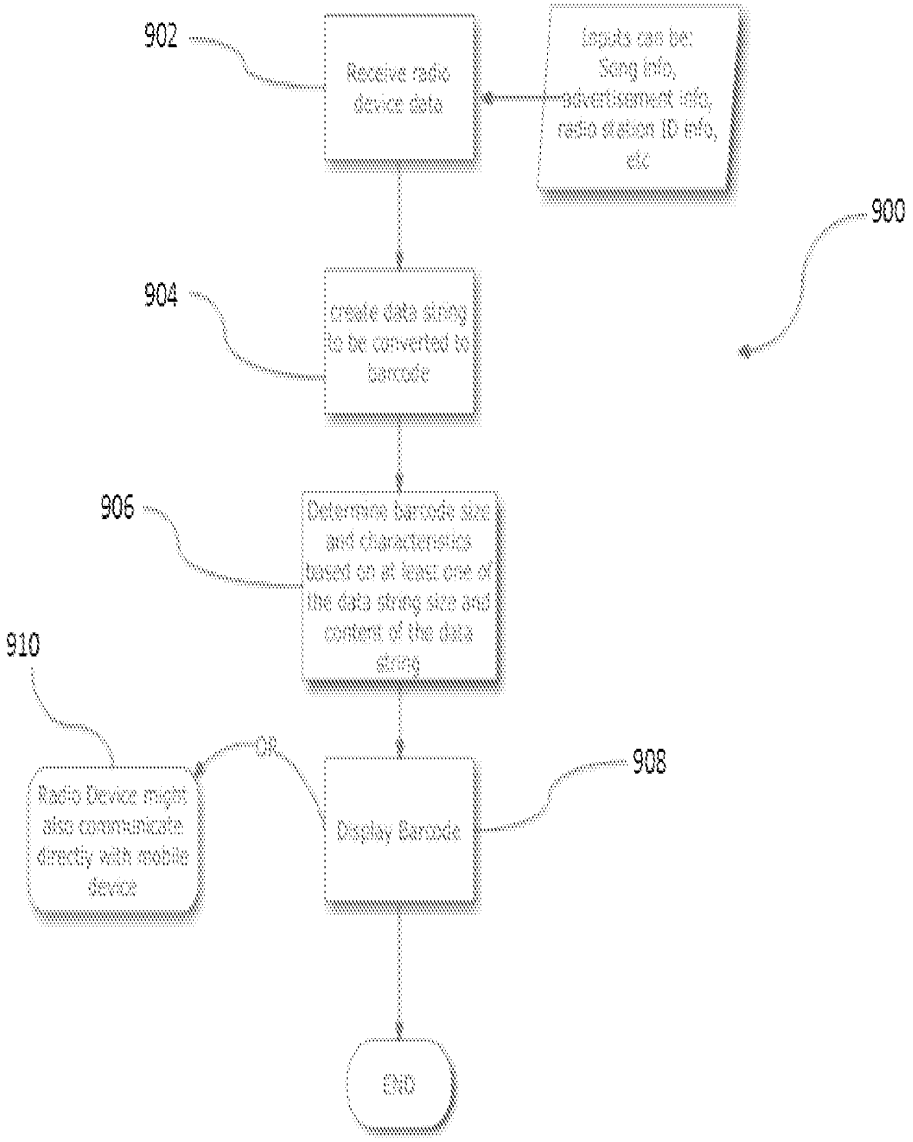


FIGURE 9

REPLACEMENT SHEET

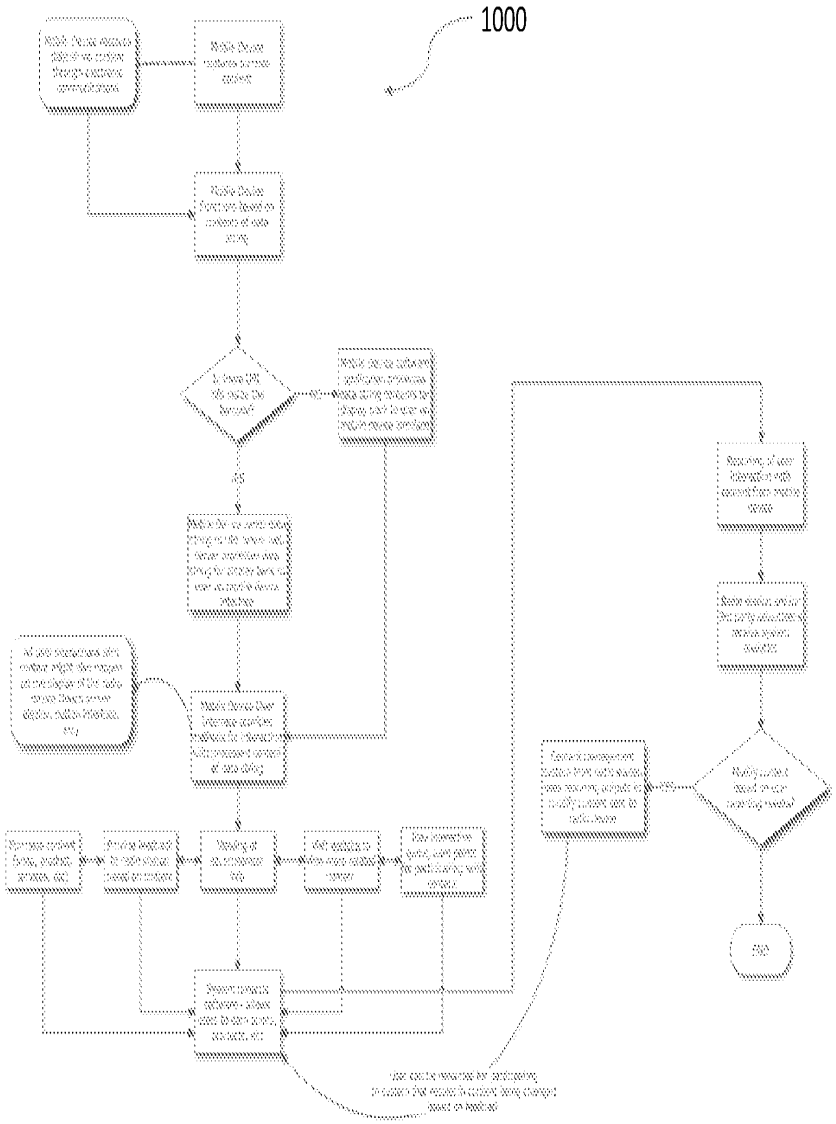


FIGURE 10

PTO/AIA/22 (10-20)
Approved for use through 11/30/2020. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)	Docket Number (Optional) MCK-0012-CONT-3
Application Number 17/181,423	Filed February 22, 2021
For BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION	
Art Unit 3784	Examiner TBA

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

		Fee	Small Entity Fee	Micro Entity Fee	
☐	One month (37 CFR 1.17(a)(1))	$220	$110	$55	$
☐	Two months (37 CFR 1.17(a)(2))	$640	$320	$160	$
☑	Three months (37 CFR 1.17(a)(3))	$1,480	$740	$370	$ 740
☐	Four months (37 CFR 1.17(a)(4))	$2,320	$1,160	$580	$
☐	Five months (37 CFR 1.17(a)(5))	$3,160	$1,580	$790	$

☑ Applicant asserts small entity status. See 37 CFR 1.27.

☐ Applicant certifies micro entity status. See 37 CFR 1.29.
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____.

☑ Payment made via EFS-Web.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant.

☑ attorney or agent of record. Registration number 47784.

☐ attorney or agent acting under 37 CFR 1.34. Registration number _____.

/SMM/	August 04, 2021
Signature	Date
Steven M. McHugh	860-343-9454
Typed or printed name	Telephone Number

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.

☐ * Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

Application Number:	17181423
Filing Date:	22-Feb-2021
Title of Invention:	BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION
First Named Inventor/Applicant Name:	Sean McKirdy
Filer:	Steven Michael McHugh
Attorney Docket Number:	MCK-0012-Cont-3

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

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

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 3 months with $0 paid	2253	1	740	740
Miscellaneous:				
			Total in USD ($)	**740**

Electronic Acknowledgement Receipt

EFS ID:	43424261
Application Number:	17181423
International Application Number:	
Confirmation Number:	7904
Title of Invention:	BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION
First Named Inventor/Applicant Name:	Sean McKirdy
Customer Number:	42638
Filer:	Steven Michael McHugh
Filer Authorized By:	
Attorney Docket Number:	MCK-0012-Cont-3
Receipt Date:	04-AUG-2021
Filing Date:	22-FEB-2021
Time Stamp:	13:36:08
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$740
RAM confirmation Number	E202184D36301088
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Applicant Response to Pre-Exam Formalities Notice	MCK-0012-Cont-3_Reply_to_NFCAP.pdf	75746 ca0554077e15d1924cf9dbfcde919aee210289aa	no	1
Warnings:					
Information:					
2	Applicant Response to Pre-Exam Formalities Notice	MCK-0012-Cont-3_Replacement-Figs.pdf	504518 6f72fd49d82acdf99336126d8e6acd65356e3f12	no	8
Warnings:					
Information:					
3	Extension of Time	MCK-0012-Cont-3_Ext-Time.pdf	78660 e50d782fee490effb0fc845f474211924 9f60ce3	no	2
Warnings:					
Information:					
4	Fee Worksheet (SB06)	fee-info.pdf	38358 fa37349d0bbf11170053f6d79ef4aac90a374876	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	697282		

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

New Applications Under 35 U.S.C. 111

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

National Stage of an International Application under 35 U.S.C. 371

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

New International Application Filed with the USPTO as a Receiving Office

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

DocCode – SCORE

SCORE Placeholder Sheet for IFW Content

Application Number: 17181423 Document Date: 08/04/2021

The presence of this form in the IFW record indicates that the following document type was received in electronic format on the date identified above. This content is stored in the SCORE database.

Since this was an electronic submission, there is no physical artifact folder, no artifact folder is recorded in PALM, and no paper documents or physical media exist. The TIFF images in the IFW record were created from the original documents that are stored in SCORE.

- Drawing

At the time of document entry (noted above):

- USPTO employees may access SCORE content via DAV or via the SCORE web page.
- External customers may access SCORE content via PAIR using the Supplemental Content tab.

Form Revision Date: March 1, 2019

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
17/181,423	02/22/2021	3784	830	MCK-0012-Cont-3	20	2

CONFIRMATION NO. 7904

UPDATED FILING RECEIPT

42638
THE LAW OFFICES OF STEVEN MCHUGH, LLC
213 COURT STREET
SUITE 102
MIDDLETOWN, CT 06457

OC000000127513283

Date Mailed: 08/05/2021

Receipt is acknowledged of this non-provisional utility patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF FIRST INVENTOR, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection.

Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a corrected Filing Receipt, including a properly marked-up ADS showing the changes with strike-through for deletions and underlining for additions. If you received a "Notice to File Missing Parts" or other Notice requiring a response for this application, please submit any request for correction to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections provided that the request is grantable.

Inventor(s)

Sean McKirdy, Newington, CT;

Applicant(s)

Sean McKirdy, Newington, CT;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CON of 16/412,585 05/15/2019 PAT 10926135

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.) - None.
Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Permission to Access Application via Priority Document Exchange: Yes

Permission to Access Search Results: Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 03/02/2021

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 17/181,423**

Projected Publication Date: 11/11/2021

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****
Title

BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

Preliminary Class

482

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SelectUSA

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit http://www.SelectUSA.gov or call +1-202-482-6800.

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number: 17/181,423

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA	SMALL ENTITY RATE($)	SMALL ENTITY FEE($)	OR	OTHER THAN SMALL ENTITY RATE($)	OTHER THAN SMALL ENTITY FEE($)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	80		N/A	
SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	350		N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	400		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	20 minus 20 =	*	x 50 =	0.00	OR		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	2 minus 3 =	*	x 240 =	0.00			
APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).			0.00			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				0.00			
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL	830		TOTAL	

APPLICATION AS AMENDED - PART II

AMENDMENT A

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

AMENDMENT B

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

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/181,423	02/22/2021	Sean McKirdy	MCK-0012-Cont-3	7904

42638 7590 09/10/2021

THE LAW OFFICES OF STEVEN MCHUGH, LLC
213 COURT STREET
SUITE 102
MIDDLETOWN, CT 06457

EXAMINER	
HAUPT, KRISTY A	

ART UNIT	PAPER NUMBER
2876	

MAIL DATE	DELIVERY MODE
09/10/2021	PAPER

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

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

Office Action Summary	Application No. 17/181,423	Applicant(s) McKirdy, Sean	
	Examiner KRISTY A HAUPT	Art Unit 2876	AIA (FITF) Status Yes

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1)☑ Responsive to communication(s) filed on 2/22/21.

☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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

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

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

Disposition of Claims*

5) ☑ Claim(s) 1-20 is/are pending in the application.

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

6) ☐ Claim(s) _____ is/are allowed.

7) ☑ Claim(s) 1-20 is/are rejected.

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

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

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to **PPHfeedback@uspto.gov.**

Application Papers

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

11)☑ The drawing(s) filed on 8/4/21 is/are: a)☑ accepted or b)☐ objected to by the Examiner.

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

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

Priority under 35 U.S.C. § 119

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

Certified copies:

a)☐ All b)☐ Some** c)☐ None of the:

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

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

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

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

Attachment(s)

1) ☑ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b) Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

4) ☐ Other: _____.

Notice of Pre-AIA or AIA Status

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

DETAILED ACTION

This office action is in response to application 17/181,423 filed 2/22/21. Claims 1-20 are pending with claims 1 and 11 in independent form.

Claim Rejections - 35 USC § 102

2. In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

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

> A person shall be entitled to a patent unless –
>
> (a)(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

4. Claim(s) 1-5, 7-9, 11-15 and 17-19 is/are rejected under 35 U.S.C. 102(a)(2) as being anticipated by Karkanias et al. US 2008/0300109 A1.

Karkanias teaches:

With respect to claim 1, An exercise machine, wherein the exercise machine is comprised of: a display device (paragraph 0056; fig. 3,4 – step 308 indicia such as barcode can be generated and rendered (e.g. printed, displayed, transmitted) directly from an exercise apparatus (step 402)); wireless communication

circuitry, wherein the wireless communication circuitry is configured to establish a wireless communications link with a mobile device (paragraphs 0065-0066, 0077 – barcode or other indicia can be electronically transferred to a user by way of electronic protocols or automatically transferred to a mobile device via network connections); at least one processor with software, wherein the processor is associated with a memory device and wherein the processor is in signal communication with the display device and the wireless communication circuitry (paragraphs 0031, 0065-0066, 0077 – barcode or other indicia can be electronically transferred to a user by way of electronic protocols or automatically transferred to a mobile device via network connections); the memory device, wherein the memory device is configured to store information associated with the wireless communication circuitry (paragraphs 0040, 0065-0066, 0077 - information can be stored within the particular exercise device and barcode or other indicia can be electronically transferred to a user by way of electronic protocols or automatically transferred to a mobile device via network connections); wherein the processor software is configured to; obtain, from the memory device, the information associated with the wireless communication circuitry, generate a data string, wherein the data string includes the wireless communication circuitry information, generate a digital scannable media image responsive to the data string, control the display device, wherein the display device is configured to display the digital scannable media image, and establish, via the wireless communication circuitry, the wireless communications link with the mobile device responsive to the mobile device scanning and decoding the displayed digital scannable media (paragraphs 0056-0066, 0077 – activity information from an exercise machine can be monitored and aggregated (step 512), a barcode incorporating the information can be generated (step 514) and can be printed (step 516) or displayed (step 308 - indicia such as barcode can be generated and rendered (e.g. printed, displayed, transmitted)) into an individual's mobile device).

With respect to claim 2, The exercise machine of claim 1, wherein the exercise machine is at least one of a cardio exercise machine and a strength exercise machine (paragraph 0056 – exercise machine can be a treadmill or stair stepper).

With respect to claim 3, The exercise machine of claim 1, wherein the wireless communication circuitry is further configured to establish at least one of a near field communications link, a wide area network communications link, and a personal area network communications link with the mobile device (paragraphs 0065, 0077 – information can be automatically transferred via a network connection).

With respect to claim 4, The exercise machine of claim 1, wherein the mobile device is at least one of a smartphone and a tablet device (paragraph 0065 – mobile device can be a cell phone, smartphone, personal digital assistant).

With respect to claim 5, The exercise machine of claim 1, wherein the information associated with the wireless communication circuitry is a MAC address identifier associated with the wireless communication circuitry (paragraph 0077 – wireless protocol can include Bluetooth or Wi-Fi).

With respect to claim 7, The exercise machine of claim 1, wherein the data string further includes a combination of the wireless communication circuitry information and exercise machine information (paragraphs 0064-0065, 0077 – exercise equipment information such as distance traveled, etc. can be automatically transferred via a network connection to an individual's mobile device).

With respect to claim 8, The exercise machine of claim 7, wherein the exercise machine information is at least one of the exercise machine type, an error code associated with the exercise machine, workout

performance data generated by the exercise machine, date and time stamp information generated by the exercise machine, facility location identifier associated with the physical location of the exercise machine, user ID information associated with a user of the exercise machine, exercise machine software information, and exercise machine utilization information (paragraph 0064 – exercise machine information can include data such as type of exercise, distance traveled, number of repetitions, etc.)

With respect to claim 9, The system of claim 1, wherein the display device is at least one of an embedded display device and a display device external to the exercise machine (paragraph 0056; fig. 3,4 – step 308 indicia such as barcode can be generated and rendered (e.g. printed, displayed, transmitted) directly from an exercise apparatus (step 402) therefore it is inherent that a display must either be embedded in an exercise machine or external to an exercise machine).

With respect to claim 11, A method for establishing a communications link between an exercise machine and a mobile device, the method comprising; storing, by a memory device associated with the exercise machine, information associated with wireless communication circuitry disposed within the exercise machine (paragraphs 0040, 0065-0066, 0077 - information can be stored within the particular exercise device and barcode or other indicia can be electronically transferred to a user by way of electronic protocols or automatically transferred to a mobile device via network connections), receiving, by a processor associated with the exercise machine, information associated with the wireless communication circuitry from the memory device (paragraphs 0031, 0065-0066, 0077 – barcode or other indicia can be electronically transferred to a user by way of electronic protocols or automatically transferred to a mobile device via network connections), generating, by the processor, a data string wherein the data string is comprised of the wireless communication circuitry information, generating, by the processor, a digital scannable media image responsive to the data string (paragraphs 0056-0066,

0077 – activity information from an exercise machine can be monitored and aggregated (step 512), a barcode incorporating the information can be generated (step 514) and can be printed (step 516) or displayed (step 308 - indicia such as barcode can be generated and rendered (e.g. printed, displayed, transmitted)) into an individual's mobile device), displaying, by a display device associated with the exercise machine, the digital scannable media image (paragraph 0056; fig. 3,4 – step 308 indicia such as barcode can be generated and rendered (e.g. printed, displayed, transmitted) directly from an exercise apparatus (step 402)), detecting, by the mobile device, the digital scannable media image, and establishing, by the mobile device (paragraphs 0065-0067, 0077 – barcode is received directly from each exercise apparatus), a wireless communications link with the exercise machine responsive to the mobile device processing the digital scannable media image (paragraphs 0065-0066, 0077 – barcode or other indicia can be electronically transferred to a user by way of electronic protocols or automatically transferred to a mobile device via network connections).

With respect to claim 12, The method of claim 11, wherein the exercise machine is at least one of a cardio exercise machine and a strength exercise machine (paragraph 0056 – exercise machine can be a treadmill or stair stepper).

With respect to claim 13, The method of claim 11, wherein the wireless communication circuitry is further configured to establish at least one of a near field communications link, a wide area network communications link, and a personal area network communications link with the mobile device (paragraphs 0065, 0077 – information can be automatically transferred via a network connection).

With respect to claim 14, The method of claim 11, wherein the mobile device is at least one of a smartphone and a tablet device (paragraph 0065 – mobile device can be a cell phone, smartphone, personal digital assistant).

With respect to claim 15, The method of claim 11, wherein the information associated with the wireless communication circuitry is a MAC address identifier associated with the wireless communication circuitry (paragraph 0077 – wireless protocol can include Bluetooth and Wi-Fi).

With respect to claim 17, The method of claim 11, wherein the data string further includes a combination of the wireless communication circuitry information and exercise machine information (paragraphs 0064-0065, 0077 – exercise equipment information such as distance traveled, etc. can be automatically transferred via a network connection to an individual's mobile device).

With respect to claim 18, The method claim 17, wherein the exercise machine information is at least one of the exercise machine type, an error code associated with the exercise machine, workout performance data generated by the exercise machine, date and time stamp information generated by the exercise machine, facility location identifier associated with the physical location of the exercise machine, user ID information associated with a user of the exercise machine, exercise machine software information, and exercise machine utilization information (paragraph 0064 – exercise machine information can include data such as type of exercise, distance traveled, number of repetitions, etc.).

With respect to claim 19, The method of claim 1, wherein the display device is at least one of an embedded display device and a display device external to the exercise machine (paragraph 0056; fig. 3,4 – step 308 indicia such as barcode can be generated and rendered (e.g. printed, displayed, transmitted)

directly from an exercise apparatus (step 402) therefore it is inherent that a display must either be embedded in an exercise machine or external to an exercise machine).

Claim Rejections - 35 USC § 103

5. In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

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

> A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries for establishing a background for determining obviousness under 35 U.S.C. 103 are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.

3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 6 and 16 is/are rejected under 35 U.S.C. 103 as being unpatentable over Karkanias et al. US 2008/0300109 A1 in view of Arguello US 2011/0210170 A.

The teachings of Karkanias have been discussed above.

Karkanias fails to specifically teach:

With respect to claims 6 and 16, wherein the data string is at least partially encrypted by the processor software.

However, Arguello teaches:

With respect to claims 6 and 16, wherein the data string is at least partially encrypted by the processor software (paragraph 0042 teaches data can be encrypted and transposed into a barcode).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the teachings of Karkanias to encrypt the data to be transposed into a barcode, as taught by Arguella, as an obvious matter of design choice thereby increasing security to prevent unauthorized viewing or use (paragraph 0042).

9. Claims 10 and 20 is/are rejected under 35 U.S.C. 103 as being unpatentable over Karkanias et al. US 2008/0300109 A1 in view of Hakki US 2008/0032864 A1.

The teachings of Karkanias have been discussed above.

Karkanias teaches a display device for a treadmill (see rejection of claim 1 above) but fails to specifically teach:

With respect to claims 10 and 20, wherein the display device is at least one of a touchscreen display and a LCD display.

However, Hakki teaches with respect to claims 10 and 20, a treadmill that includes an LCD touch screen display (paragraph 0017; fig. 1-3, touch screen LCD display 15).

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Karkanias to incorporate an LCD and/or touch screen display as the display device, as taught by Hakki, as an obvious matter of design choice thereby allowing a user to input selected information to enable specific exercise routines and goals (paragraph 0017).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTY A HAUPT whose telephone number is (571)272-8545 and email address is kristy.haupt@uspto.gov. The examiner can normally be reached on Mon-Sun 5:30 AM- 10PM; Flex during day.

If all attempts to reach the examiner ***by telephone and email*** are unsuccessful, the examiner's supervisor, Michael Lee can be reached on 5712722398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/KRISTY A HAUPT/
Primary Examiner, Art Unit 2876

KAH

Notice of References Cited	Application/Control No. 17/181,423	Applicant(s)/Patent Under Reexamination McKirdy, Sean	
	Examiner KRISTY A HAUPT	Art Unit 2876	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	CPC Classification	US Classification
*	A	US-20080300109-A1	12-2008	Karkanias; Chris Demetrios	A63B24/0087	482/8
*	B	US-20110210170-A1	09-2011	Arguello; DJ	H04M17/00	235/380
*	C	US-20080032864-A1	02-2008	Hakki; Ayman	A63B71/0622	482/8
	D					
	E					
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	L					
	M					

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

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

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

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/181,423	McKirdy, Sean
	Examiner	Art Unit
	KRISTY A HAUPT	2876

CPC - Searched*		
Symbol	Date	Examiner
G06K19/0718; G06Q30/0271; G16H20/30; G16H40/63; A61B5/021; A61B5/024; A61B5/4872; A63B2230/01; A63B2230/06; A63B2230/30 A63B2230/70 (text search)	09/09/2021	KAH

CPC Combination Sets - Searched*		
Symbol	Date	Examiner

US Classification - Searched*			
Class	Subclass	Date	Examiner

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	Date	Examiner
Inventor search	09/09/2021	KAH
East search	09/09/2021	KAH

Interference Search			
US Class/CPC Symbol	US Subclass/CPC Group	Date	Examiner

/KRISTY A HAUPT/ Primary Examiner, Art Unit 2876	

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/181,423	McKirdy, Sean
	Examiner	**Art Unit**
	KRISTY A HAUPT	2876

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

CLAIMS

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

CLAIM		DATE								
Final	Original	09/09/2021								
	1	✓								
	2	✓								
	3	✓								
	4	✓								
	5	✓								
	6	✓								
	7	✓								
	8	✓								
	9	✓								
	10	✓								
	11	✓								
	12	✓								
	13	✓								
	14	✓								
	15	✓								
	16	✓								
	17	✓								
	18	✓								
	19	✓								
	20	✓								

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S138	47	(treadmill with ("LCD" (touch adj screen) touch$1screen) adj display)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2021/09/09 18:24
S137	7	("20080090703" | "20130267287").PN. OR ("9393460").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2021/09/09 14:21
S136	27	(smart$1phone ((mobile cellular smart) adj phone) tablet pda) with ((bar$1code barcode (bar adj code) (machine adj read$4 adj code)) with (imag$4 scan$4 read$4)) with camera same ((health with (kiosk monitor)) exercise cardio workout fitness rowing rower "ERG" ergometer elliptical (stationary adj bike)) adj (machine equipment)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2021/09/09 14:17
S135	33	(treadmill ((exercise cardio workout fitness rowing rower "ERG" ergometer elliptical (stationary adj bike)) adj (machine equipment))) with (barcode bar$1code (bar adj code) (machine adj read$4 adj code)) with (mobile adj (phone device apparatus))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2021/09/09 14:13
S134	186	("4817940" | "4891785" | "5213555" | "5387164" | "5435799" | "5785632" | "5799281" | "5816443" | "5888172" | "5973696" | "6042519" | "6193631" | "6450922" | "6464618").PN. OR ("6746371").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2021/09/09 14:04
S133	33	("20070201727" | "20090219159" | "20110010188" | "20120309192" | "6601016" | "6702719" | "6746371" | "7507183" | "7988598" | "8529409").PN. OR ("9305141").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2021/09/09 14:03
S132	144	("3767195" | "4112928" | "4358105" | "4571682" | "4642769" | "4708337" | "4828257" | "4842274" | "4907795" | "4934694" | "5006983" | "5020795"	US-PGPUB; USPAT; USOCR	OR	ON	2021/09/09 13:51

		| "5067710" | "5142358" | "5207621" | "5213555" | "5246411" | "5361091" | "5374227" | "5387164" | "5410472" | "5429361" | "5462504" | "5502806" | "5512025" | "5516334" | "5547439" | "5553860" | "5591104" | "5655997" | "5706822" | "5785630" | "5810747" | "5890997" | "5916063" | "5931763" | "5944633" | "5947869" | "5949951" | "5961332" | "5978770" | "6042519" | "6050924" | "6059692" | "6171218" | "6464618" | "6497638" | "6638198").PN. OR ("7056265").URPN.				
S131	59	("20050107216" | "20050197063" | "20050202934" | "20050209050" | "20060205564" | "20070219059" | "20080051256" | "20080096726" | "5213555" | "6605038" | "7013175" | "7041032" | "7056265" | "7254516").PN. OR ("8529409").URPN.	US-PGPUB; USPAT; USOCR	OR	ON	2021/09/09 13:42
S130	33	(treadmill ((exercise cardio workout fitness rowing rower "ERG" ergometer elliptical (stationary adj bike)) adj (machine equipment))) with (barcode bar$1code (bar adj code) (machine adj read$4 adj code)) with (mobile adj (phone device apparatus))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2021/09/09 13:33
S129	205,254	A63B24/0062.cpc. or G16H40/67.cpc. or A61B5/0205.cpc. or G06K7/1413.cpc. or G06K19/06028.cpc. or G06K19/06112.cpc. or G06K19/0718.cpc. or G06Q30/0271.cpc. or G16H20/30.cpc. or G16H40/63.cpc. or A61B5/021.cpc. or A61B5/024.cpc. or A61B5/4872.cpc. or A63B2230/01.cpc. or A63B2230/06.cpc. or A63B2230/30.cpc. or A63B2230/70.cpc.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2021/09/09 13:14
S128	25	sean.in. near mckirdy.in.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2021/09/09 13:12

9/9/2021 7:50:10 PM
C:\Users\khaupt\Documents\EAST\Workspaces\17 181 423.wsp

Bibliographic Data

Application No: 17/181,423

Foreign Priority claimed: ○ Yes ◉ No

35 USC 119 (a-d) conditions met: ☐ Yes ☑ No ☐ Met After Allowance

Verified and Acknowledged: /KRISTY A HAUPT/ (Examiner's Signature) KAH (Initials)

Title: BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
02/22/2021	235	2876	MCK-0012-Cont-3
RULE			

APPLICANTS

INVENTORS

Sean McKirdy, Newington, CT, UNITED STATES

CONTINUING DATA

This application is a CON of 16412585 05/15/2019 PAT 10926135

FOREIGN APPLICATIONS

IF REQUIRED, FOREIGN LICENSE GRANTED**

03/02/2021

** SMALL ENTITY **

STATE OR COUNTRY

UNITED STATES

ADDRESS

THE LAW OFFICES OF STEVEN MCHUGH, LLC
213 COURT STREET
SUITE 102
MIDDLETOWN, CT 06457
UNITED STATES

FILING FEE RECEIVED

$830

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
17/181,423	02/22/2021	Sean McKirdy	MCK-0012-Cont-3

CONFIRMATION NO. 7904

42638
THE LAW OFFICES OF STEVEN MCHUGH, LLC
213 COURT STREET
SUITE 102
MIDDLETOWN, CT 06457

PUBLICATION NOTICE

OC000000129764608

Title:BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

Publication No.US-2021-0350923-A1
Publication Date:11/11/2021

NOTICE OF PUBLICATION OF APPLICATION

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

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

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

PTO/SB/06 (09-11)
Approved for use through 1/31/2014. OMB 0651-0032
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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875	Application or Docket Number 17/181,423	Filing Date 02/22/2021	☐ To be Mailed

ENTITY: ☐ LARGE ☑ SMALL ☐ MICRO

APPLICATION AS FILED - PART I

FOR	(Column 1) NUMBER FILED	(Column 2) NUMBER EXTRA		RATE ($)	FEE ($)
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A		N/A	
☐ SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A		N/A	
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A		N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*		x $50 =	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*		x $240 =	
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is $310 ($155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).				
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))					
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL	

APPLICATION AS AMENDED - PART II

AMENDMENT	03/10/2022	(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	* 20	Minus	** 20	= 0		x $50 =	0
	Independent (37 CFR 1.16(h))	* 2	Minus	*** 3	= 0		x $240 =	0
	☐ Application Size Fee (37 CFR 1.16(s))							
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
							TOTAL ADD'L FEE	0

AMENDMENT		(Column 1) CLAIMS REMAINING AFTER AMENDMENT		(Column 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Column 3) PRESENT EXTRA		RATE ($)	ADDITIONAL FEE ($)
	Total (37 CFR 1.16(i))	*	Minus	**	=		x $0 =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=		x $0 =	
	☐ Application Size Fee (37 CFR 1.16(s))							
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							
							TOTAL ADD'L FEE	

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

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

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional): MCK-0012-CONT-3

Application Number: 17/181,423

Filed: February 22, 2021

For: BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

Art Unit: 2876

Examiner: Haupt, Kristy A.

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above-identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

		Fee	Small Entity Fee	Micro Entity Fee	
☐	One month (37 CFR 1.17(a)(1))	$220	$110	$55	$
☐	Two months (37 CFR 1.17(a)(2))	$640	$320	$160	$
☑	Three months (37 CFR 1.17(a)(3))	$1,480	$740	$370	$ 740
☐	Four months (37 CFR 1.17(a)(4))	$2,320	$1,160	$580	$
☐	Five months (37 CFR 1.17(a)(5))	$3,160	$1,580	$790	$

☑ Applicant asserts small entity status. See 37 CFR 1.27.

☐ Applicant certifies micro entity status. See 37 CFR 1.29.
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number _____.

☑ Payment made via EFS-Web.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant.

☑ attorney or agent of record. Registration number 47784.

☐ attorney or agent acting under 37 CFR 1.34. Registration number _____.

/SMM/ — Signature

March 10, 2022 — Date

Steven M. McHugh — Typed or printed name

860-343-9454 — Telephone Number

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.

☐ * Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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

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7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

Application Number:	17181423
Filing Date:	22-Feb-2021
Title of Invention:	BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION
First Named Inventor/Applicant Name:	Sean McKirdy
Filer:	Steven Michael McHugh
Attorney Docket Number:	MCK-0012-Cont-3

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

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

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 3 months with $0 paid	2253	1	740	740
Miscellaneous:				
		Total in USD ($)		**740**

Electronic Acknowledgement Receipt

EFS ID:	45201198
Application Number:	17181423
International Application Number:	
Confirmation Number:	7904
Title of Invention:	BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION
First Named Inventor/Applicant Name:	Sean McKirdy
Customer Number:	42638
Filer:	Steven Michael McHugh
Filer Authorized By:	
Attorney Docket Number:	MCK-0012-Cont-3
Receipt Date:	10-MAR-2022
Filing Date:	22-FEB-2021
Time Stamp:	20:24:13
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$740
RAM confirmation Number	E202230K24343294
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment/Request for Reconsideration-After Non-Final Rejection	MCK-0012-CONT-3_Reply-to-NFOA.pdf	108224 045277a4ea3e2b8e182b6ff262200440921df85d	no	10
Warnings:					
Information:					
2	Extension of Time	MCK-0012-CONT-3_Ext-Time.pdf	122667 001a4fb62c21f21c58300bf9c6f79cf32c496c2f	no	2
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	38359 95366ea737a0dee153ff979e4b9250ea4a2c0ae6	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	269250		

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If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.
<u>National Stage of an International Application under 35 U.S.C. 371</u>
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.
<u>New International Application Filed with the USPTO as a Receiving Office</u>
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Sean McKirdy;**	**Confirmation No.: 7904**
Application No.: 17/181,423	**Group Art Unit: 2876**
Filing Date: February 22, 2021	**Examiner: Haupt, Kristy A.**

For: BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office via EFS, on:

03/10/2022
Date

By: _____

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO NON-FINAL OFFICIAL ACTION

With regards to the Non-Final Official Action dated **September 10, 2021** for which a reply was due by December 10, 2021, the following reply and request for a three month extension of time is submitted herewith and reconsideration is respectfully requested in view of the remarks as indicated below:

☐ **Amendments to the Specification** begin on page N/A of this paper.

☒ **Amendments to the Claims** are reflected in the listing of the claims which begin on page 2 of this paper.

☐ **Amendments to the Drawings** begin on page N/A of this paper and include attached replacement sheets.

☒ **Remarks** begin on page 8 of this paper.

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

Listing of Claims:

1. (Currently amended) An exercise ~~machine~~ device, wherein the exercise ~~machine~~ device is comprised of:

a display device;

at least one of an accelerometer configured to track activity and an embedded bio-metric monitoring sensor;

wireless communication circuitry, wherein the wireless communication circuitry is configured to establish a wireless communications link with a mobile device;

at least one processor with software, wherein the processor is associated with a memory device and wherein the processor is in signal communication with the display device and the wireless communication circuitry;

the memory device, wherein the memory device is configured to store wireless pairing information associated with the wireless communication circuitry;

wherein the processor software is configured to;

obtain, from the memory device, the wireless pairing information associated with the wireless communication circuitry,

~~generate a data string, wherein the data string includes the wireless communication circuitry information,~~

generate a color coded digital scannable media ~~image~~ responsive to the ~~data string~~ wireless pairing information,

control the display device, wherein the display device is configured to display the color coded digital scannable media ~~image~~, ~~and~~

establish, via the wireless communication circuitry, the wireless communications link with the mobile device responsive to the mobile device scanning and decoding the color coded displayed digital scannable media[,]

generate at least one of activity tracking information and bio-metric information, and

communicate, via the wireless communications link, at least one of the activity tracking information and the bio-metric information to the mobile device.

2. (Currently amended) The exercise ~~machine~~ device of claim 1, wherein the exercise machine is at least one of a cardio exercise machine, a wearable activity device, a wearable health monitoring device, and a strength exercise machine.

3. (Currently amended) The exercise ~~machine~~ device of claim 1, wherein the wireless communication circuitry is further configured to establish at least one of a near field communications link, a wide area network communications link, and a personal area network communications link with the mobile device.

4. (Currently amended) The exercise ~~machine~~ device of claim 1, wherein the mobile device is at least one of a smartphone and a tablet device.

5. (Currently amended) The exercise ~~machine~~ device of claim 1, wherein the wireless pairing information associated with the wireless communication circuitry is at least one of a MAC address identifier associated with the wireless communication circuitry and an identification identifier associated with the exercise device.

6. (Currently amended) The exercise ~~machine~~ device of claim 1, wherein the ~~data string~~ wireless pairing information is at least partially encrypted by the processor software.

7. (Currently amended) The exercise ~~machine~~ device of claim 1, wherein the ~~data string~~ wireless pairing information further includes a combination of the wireless communication circuitry information and at least one of user identification identifier and exercise ~~machine~~ device information.

8. (Currently amended) The exercise ~~machine~~ device of claim 7, wherein the exercise ~~machine~~ device information is at least one of the exercise ~~machine~~ device type, an error code associated with the exercise ~~machine~~ device, workout performance data generated by the exercise ~~machine~~ device, date and time stamp information generated by the exercise ~~machine~~ device, facility location identifier associated with the physical location of the exercise ~~machine~~ device, user ID information associated with a user of the exercise ~~machine~~ device, exercise ~~machine~~ device software information, and exercise ~~machine~~ device utilization information.

9. (Currently amended) The ~~system~~ exercise device of claim 1, wherein ~~the display device is at least one of an embedded display device and a display device external to the exercise machine~~ the color coded digital scannable media includes at least one of a QR code, a 2D Matrix code, a 3D barcode, a representation of non-human readable information using colored pixels, an augmented reality marker, an augmented reality image, and an augmented reality code.

10. (Currently amended) The exercise ~~machine~~ device of claim 1, wherein the display device is at least one of a touchscreen display, a LED display and a LCD display.

11. (Currently amended) A method for establishing a communications link between an exercise ~~machine~~ device and a mobile device, the method comprising[;][:]

storing, by a memory device associated with the exercise ~~machine~~ device, wireless pairing information associated with wireless communication circuitry disposed within the exercise machine,

receiving, by a processor associated with the exercise ~~machine~~ device, the wireless pairing information associated with the wireless communication circuitry from the memory device,

~~generating, by the processor, a data string wherein the data string is comprised of the wireless communication circuitry information,~~

generating, by the processor associated with the exercise device, a color coded digital scannable media ~~image~~ responsive to the ~~data string~~ wireless pairing information,

displaying, by a display device associated with the exercise ~~machine~~ device, the color coded digital scannable media ~~image~~,

scanning ~~detecting~~, by the mobile device, the color coded digital scannable media ~~image~~,

processing, by the mobile device, the color coded digital scannable media, and

establishing, by the mobile device, a wireless communications link with the exercise ~~machine~~ device responsive to the mobile device processing the color coded digital scannable media ~~image~~,

generating, by the exercise device processor, at least one of activity information and bio-metric information, wherein the at least one of the activity information and bio-metric information is stored in the memory device associated with the exercise device, and

communicating, via the wireless communications link, at least one of the activity tracking information and the bio-metric information to the mobile device.

12. (Currently amended) The method of claim 11, wherein the exercise ~~machine~~ device is at least one of a cardio exercise machine, a wearable activity tracking device, a wearable health monitoring device, and a strength exercise machine.

13. (Original) The method of claim 11, wherein the wireless communication circuitry is further configured to establish at least one of a near field communications link, a wide area network communications link, and a personal area network communications link with the mobile device.

14. (Original) The method of claim 11, wherein the mobile device is at least one of a smartphone and a tablet device.

15. (Currently amended) The method of claim 11, wherein the wireless pairing information associated with the wireless communication circuitry is at least one of a MAC address identifier associated with the wireless communication circuitry and a exercise device identification number associated with the exercise device.

16. (Currently amended) The method of claim 11, wherein the ~~data string~~ wireless pairing information is at least partially encrypted by the exercise device processor software.

17. (Currently amended) The method of claim 11, wherein the ~~data string~~ wireless pairing information further includes a combination of at least one of a user identification identifier, the wireless communication circuitry information and exercise ~~machine~~ device information.

18. (Currently amended) The method claim 17, wherein the exercise ~~machine~~ device information is at least one of the exercise ~~machine~~ device type, an error code associated with the exercise ~~machine~~ device, workout performance data generated by the exercise ~~machine~~ device, date and time stamp information generated by the exercise ~~machine~~ device, facility location identifier associated with the physical location of the exercise ~~machine~~ device, user ID information associated with a user of the exercise ~~machine~~ device, exercise ~~machine~~ device software information, and exercise ~~machine~~ device utilization information.

19. (Currently amended) The method of claim ~~1, wherein the display device is at least one of an embedded display device and a display device external to the exercise machine~~11, wherein the digital scannable media is at least one of a QR code, a 2D Matrix code, a 3D barcode, a representation of non-human readable information using colored pixels, a augmented reality marker, a augmented reality image, and a augmented reality code.

20. (Currently amended) The method of claim ~~1~~ 11, wherein the display device is at least one of a touchscreen display, a LED display and a LCD display.

REMARKS

Claims 1-20 are currently pending in the present application. No claims are cancelled. Claims 1-12, and 15-20 are amended. Claims 1-20 will still be pending in this application upon entry of these amendments. No new matter is added due to these amendments or introduced by this reply.

Claim to Priority

The applicant's note that the instant application should not be examined under the first inventor to file provisions of the AIA as the instant application claims valid priority to U.S. Non-Provisional Patent Application Serial No: 16/412,585, entitled "Barcode Generation and Implementation Method and System for Processing Information," filed May 15, 2019 which claims the benefit of priority of U.S. Non-Provisional Patent Application Serial No: 15/175,599, entitled "Barcode Generation and Implementation Method and System for Processing Information," filed June 06, 2016 which claims further benefit of priority of U.S. Patent Application Serial No: 13/567,337, entitled "Barcode Generation and Implementation Method and System for Processing Information," filed August 06, 2012 which claims further benefit of priority of U.S. Provisional Patent Application Serial Number 61/515,728, entitled "System and Method for Processing Information," filed August 05, 2011, U.S. Provisional Patent Application Serial Number 61/539,587, entitled "System and Method for Processing Information," filed September 27, 2011 and U.S. Provisional Patent Application Serial Number 61/622,175, entitled "System and Method for Processing Information," filed April 10, 2012. Accordingly, the priority dates of the instant application are August 05, 2011, September 27, 2011 and April 10, 2012 and therefore should be examined under Pre-AIA provisions. The applicant hereby requests that the examiner correct this examination approach and priority on the filing receipt.

Claim Rejections under 35 U.S.C. §102

Claims 1-5, 7-9, 11-15 and 17-19 are rejected under 35 U.S.C. §102 (a)(2) as being anticipated by U.S. Patent Publication No. 2008/0300109 to Karkanias et al.

(hereinafter "Karkanias"). The applicant disagrees with these rejections for the following reasons.

In order to anticipate a claim under 35 U.S.C. §102, a single source must contain all of the elements of the claim[1] and the single source must disclose all of the claimed elements "arranged as in the claim."[2] Furthermore, missing elements may not be supplied by the knowledge of one skilled in the art or by the disclosure of another reference.[3]

Regarding the rejections of the claims recited hereinabove, the applicant asserts that, to expedite prosecution, the claims have been amended to more clearly claim the applicant's invention and to better distinguish over the cited art. Accordingly, applicant's amended independent claims 1 and 11 are clearly not anticipated by Karkanias. Also, as claims 2-10 and 12-20 depend from amended independent claims 1 and 11, respectively, they too are clearly not anticipated by Karkanias for at least the same reasons.

Accordingly, the applicant asserts that claims 1-20 are allowable under 35 U.S.C. §102 (a)(2) and requests favorable reconsideration and withdrawal of these rejections.

Rejections under pre-AIA 35 U.S.C. §103

Claims 6 and 16 have been rejected under 35 U.S.C. §103 as being unpatentable over Karkanias in view of U.S. Patent Publication No. 2011/0210170 to Arguello (hereinafter "Arguello"). Claims 10 and 20 have been rejected under 35 U.S.C. §103 as being unpatentable over Karkanias in view of U.S. Patent Publication No. 2008/0032864 to Hakki (hereinafter "Hakki"). The applicant respectfully disagrees and requests favorable reconsideration in light of the following discussion.

Regarding the rejections of the claims as indicated hereinabove, the applicants assert that the cited references do not disclose, teach or suggest the applicant's invention as claimed in independent claims 1 and 11 and dependent claims 6, 16, 10 and 20. However, to expedite prosecution, the applicants amend the claims to more clearly claim

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1 *Lewmar Marine Inc. v. Barient, Inc. 827 F.2d 744, 747, 3 U.S.P.Q. 2d 1766, 1768 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988)*
2 *Structural Rubber Prods. Co. v. Park Rubber Co., 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984)*
3 *Titanium Metals Corp. v. Banner, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985)*

the applicant's invention and to better distinguish over the cited art. In amending these claims and incorporating the comments from the prior replies, the applicants assert that neither Karkanias, Arguello or Hakki disclose, teach or suggest the applicant's invention as claimed in amended independent claims 1 and 11. Accordingly, applicant's amended independent claims 1 and 11 are patentably non-obvious over Karkanias, Arguello and/or Hakki, together or singly. Additionally, as claims 2-10 and 12-20 depend from amended independent claims 1 and 11, respectively, they too are patentably non-obvious over Karkanias, Arguello and/or Hakki for at least the same reasons. Thus, the applicant respectfully requests favorable reconsideration and withdrawal of the Section 103 rejections.

CONCLUSION

In view of the foregoing, the applicant respectfully submits that the claims are allowable and that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are thereby respectfully requested.

Additionally, the applicant includes herewith a request for a three (3) month extension of time for a small entity thereby extending the time for reply until March 10, 2022 along with the appropriate fees for a small entity. In the event that the examiner cannot allow the present application for any reason, the examiner is encouraged to contact the undersigned attorney, Steven M. McHugh, at (860) 343-9454 to discuss the resolution of any remaining issues.

Respectfully submitted,



Date: 03/10/2022

Steven M. McHugh
Registration No. 47,784
Attorney for Applicant

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

42638 7590 06/06/2022

THE LAW OFFICES OF STEVEN MCHUGH, LLC
213 COURT STREET
SUITE 102
MIDDLETOWN, CT 06457

EXAMINER
HAUPT, KRISTY A

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 06/06/2022

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/181,423	02/22/2021	Sean McKirdy	MCK-0012-Cont-3	7904

TITLE OF INVENTION: BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$600	$0.00	$0.00	$600	09/06/2022

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

42638 7590 06/06/2022

THE LAW OFFICES OF STEVEN MCHUGH, LLC
213 COURT STREET
SUITE 102
MIDDLETOWN, CT 06457

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

(Typed or printed name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/181,423	02/22/2021	Sean McKirdy	MCK-0012-Cont-3	7904

TITLE OF INVENTION: BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$600	$0.00	$0.00	$600	09/06/2022

EXAMINER	ART UNIT	CLASS-SUBCLASS
HAUPT, KRISTY A	2876	235-375000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

❑ Change of correspondence address (or Change of Correspondence Address form PTO/AIA/122 or PTO/SB/122) attached.

❑ "Fee Address" indication (or "Fee Address" Indication form PTO/AIA/47 or PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ❑ Individual ❑ Corporation or other private group entity ❑ Government

4a. Fees submitted: ❑ Issue Fee ❑ Publication Fee (if required) ❑ Advance Order - # of Copies _____

4b. Method of Payment: *(Please first reapply any previously paid fee shown above)*

❑ Electronic Payment via EFS-Web ❑ Enclosed check ❑ Non-electronic payment by credit card (Attach form PTO-2038)

❑ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

5. **Change in Entity Status** (from status indicated above)

❑ Applicant certifying micro entity status. See 37 CFR 1.29

❑ Applicant asserting small entity status. See 37 CFR 1.27

❑ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/181,423	02/22/2021	Sean McKirdy	MCK-0012-Cont-3	7904

42638 7590 06/06/2022

THE LAW OFFICES OF STEVEN MCHUGH, LLC
213 COURT STREET
SUITE 102
MIDDLETOWN, CT 06457

EXAMINER	
HAUPT, KRISTY A	
ART UNIT	**PAPER NUMBER**
2876	

DATE MAILED: 06/06/2022

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 17/181,423	Applicant(s) McKirdy, Sean	
	Examiner KRISTY A HAUPT	Art Unit 2876	AIA (FITF) Status Yes

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☑ This communication is responsive to 3/10/22.
   ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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

3. ☑ The allowed claim(s) is/are 1-20 . As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see **http://www.uspto.gov/patents/init_events/pph/index.jsp** or send an inquiry to **PPHfeedback@uspto.gov.**

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

   Certified copies:

   a) ☐ All b) ☐ Some* c) ☐ None of the:

   1. ☐ Certified copies of the priority documents have been received.
   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
   3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____.
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____.
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date. _____.
5. ☐ Examiner's Amendment/Comment
6. ☑ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

/KRISTY A HAUPT/
Primary Examiner, Art Unit 2876

DETAILED ACTION

This office action is in response to applicant's response filed 3/10/22. Claims 1-20 are pending with claims 1 and 11 in independent form.

Allowable Subject Matter

1. Claims 1-20 are allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach or fairly suggest to one of ordinary skill in the art, in conjunction with all the other limitations of the claims: An exercise device, wherein the exercise device is comprised of: a display device; at least one of an accelerometer configured to track activity and an embedded bio- metric monitoring sensor; wireless communication circuitry, wherein the wireless communication circuitry is configured to establish a wireless communications link with a mobile device; at least one processor with software, wherein the processor is associated with a memory device and wherein the processor is in signal communication with the display device and the wireless communication circuitry; the memory device, wherein the memory device is configured to store wireless pairing information associated with the wireless communication circuitry; wherein the processor software is configured to; obtain, from the memory device, the wireless pairing information associated with the wireless communication circuitry, generate a color coded digital scannable media image responsive to the wireless pairing information, control the display device, wherein the display device is configured to display the color coded digital scannable media, and establish, via the wireless communication circuitry, the wireless communications link with the mobile device responsive to the mobile device scanning and decoding the color coded displayed digital scannable media generate at least one of activity tracking information and bio- metric information, and communicate, via the wireless communications link, at least one of the activity tracking information and the bio-metric information to the mobile device. With respect to claim 11 and

all its dependencies, A method for establishing a communications link between an exercise device and a mobile device, the method comprising: storing, by a memory device associated with the exercise device, wireless pairing information associated with wireless communication circuitry disposed within the exercise machine, receiving, by a processor associated with the exercise device, the wireless pairing information associated with the wireless communication circuitry from the memory device, generating, by the processor associated with the exercise device, a color coded digital scannable media responsive to the wireless pairing information, displaying, by a display device associated with the exercise device, the color coded digital scannable media, scanning, by the mobile device, the color coded digital scannable media, processing, by the mobile device, the color coded digital scannable media, and establishing, by the mobile device, a wireless communications link with the exercise device responsive to the mobile device processing the color coded digital scannable media, generating, by the exercise device processor, at least one of activity information and bio-metric information, wherein the at least one of the activity information and bio- metric information is stored in the memory device associated with the exercise device, and communicating, via the wireless communications link, at least one of the activity tracking information and the bio-metric information to the mobile device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTY A HAUPT whose telephone number is (571)272-8545 and email address is kristy.haupt@uspto.gov. The examiner can normally be reached on Mon-Sun 5:30 AM- 10PM; Flex during day.

If all attempts to reach the examiner ***by telephone and email*** are unsuccessful, the examiner's supervisor, Michael Lee can be reached on 5712722398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/KRISTY A HAUPT/
Primary Examiner, Art Unit 2876

KAH

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/181,423	McKirdy, Sean
	Examiner	**Art Unit**
	KRISTY A HAUPT	2876

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

CLAIMS

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

CLAIM		DATE								
Final	Original	09/09/2021	05/19/2022							
	1	✓	=							
	2	✓	=							
	3	✓	=							
	4	✓	=							
	5	✓	=							
	6	✓	=							
	7	✓	=							
	8	✓	=							
	9	✓	=							
	10	✓	=							
	11	✓	=							
	12	✓	=							
	13	✓	=							
	14	✓	=							
	15	✓	=							
	16	✓	=							
	17	✓	=							
	18	✓	=							
	19	✓	=							
	20	✓	=							

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/181,423	McKirdy, Sean
	Examiner	**Art Unit**
	KRISTY A HAUPT	2876

CPC						
Symbol					**Type**	**Version**
G16H	/	40	/	67	F	2018-01-01
G06Q	/	30	/	0271	I	2013-01-01
A61B	/	5	/	0205	I	2013-01-01
A63B	/	24	/	0062	I	2013-01-01
G06K	/	7	/	1413	I	2013-01-01
G06K	/	19	/	06028	I	2013-01-01
G06K	/	19	/	06112	I	2013-01-01
G06K	/	19	/	0718	I	2013-01-01
G16H	/	20	/	30	I	2018-01-01
G16H	/	40	/	63	A	2018-01-01
G16H	/	20	/	60	A	2018-01-01
A61B	/	5	/	021	A	2013-01-01
A61B	/	5	/	024	A	2013-01-01
A61B	/	5	/	4872	A	2013-01-01
A63B	/	2230	/	01	A	2013-01-01
A63B	/	2230	/	06	A	2013-01-01
A63B	/	2230	/	30	A	2013-01-01
A63B	/	2230	/	70	A	2013-01-01

CPC Combination Sets							
Symbol					**Type**	**Set**	**Ranking**	**Version**
	/		/					

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	20	
/KRISTY A HAUPT/ Primary Examiner, Art Unit 2876	19 May 2022	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	8

U.S. Patent and Trademark Office — Part of Paper No.: 20220519

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/181,423	McKirdy, Sean
	Examiner	**Art Unit**
	KRISTY A HAUPT	2876

INTERNATIONAL CLASSIFICATION				
CLAIMED				
A63B24/00	/	24	/	00
G06K7/14	/	7	/	14
G06K19/06	/	19	/	06
G06K19/07	/	19	/	07

NON-CLAIMED				
G16H40/67	/	40	/	67
G06Q30/02	/	30	/	02
A61B5/0205	/	5	/	0205
G16H20/30	/	20	/	30
G16H40/63	/	40	/	63
G16H20/60	/	20	/	60
A61B5/021	/	5	/	021
A61B5/024	/	5	/	024
A61B5/00	/	5	/	00

US ORIGINAL CLASSIFICATION	
CLASS	**SUBCLASS**

CROSS REFERENCES(S)						
CLASS	**SUBCLASS (ONE SUBCLASS PER BLOCK)**					

NONE		**Total Claims Allowed:**	
(Assistant Examiner)	(Date)	20	
/KRISTY A HAUPT/ Primary Examiner, Art Unit 2876	19 May 2022	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	8

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/181,423	McKirdy, Sean
	Examiner	**Art Unit**
	KRISTY A HAUPT	2876

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

CLAIMS

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
	1		10		19										
	2		11		20										
	3		12												
	4		13												
	5		14												
	6		15												
	7		16												
	8		17												
	9		18												

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 20	
/KRISTY A HAUPT/ Primary Examiner, Art Unit 2876 (Primary Examiner)	19 May 2022 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 8

U.S. Patent and Trademark Office — Part of Paper No.: 20220519

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/181,423	McKirdy, Sean
	Examiner	**Art Unit**
	KRISTY A HAUPT	2876

CPC - Searched*		
Symbol	**Date**	**Examiner**
G06K19/0718; G06Q30/0271; G16H20/30; G16H40/63; A61B5/021; A61B5/024; A61B5/4872; A63B2230/01; A63B2230/06; A63B2230/30 A63B2230/70 (text search)	09/09/2021	KAH
Updated	05/19/2022	KAH

CPC Combination Sets - Searched*		
Symbol	**Date**	**Examiner**

US Classification - Searched*			
Class	**Subclass**	**Date**	**Examiner**

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	**Date**	**Examiner**
Inventor search	09/09/2021	KAH
East search	09/09/2021	KAH
Updated Pe2e search	05/19/2022	KAH

Interference Search			
US Class/CPC Symbol	**US Subclass/CPC Group**	**Date**	**Examiner**
SAME AS	ABOVE	05/19/2022	KAH

/KRISTY A HAUPT/ Primary Examiner, Art Unit 2876	

Bibliographic Data

Application No: 17/181,423

Foreign Priority claimed: ○ Yes ◉ No

35 USC 119 (a-d) conditions met: ☐ Yes ☑ No ☐ Met After Allowance

Verified and Acknowledged: /KRISTY A HAUPT/ (Examiner's Signature) KAH (Initials)

Title: BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
02/22/2021	235	2876	MCK-0012-Cont-3
RULE			

APPLICANTS

INVENTORS

Sean McKirdy, Newington, CT, UNITED STATES

CONTINUING DATA

This application is a CON of 16412585 05/15/2019 PAT 10926135

FOREIGN APPLICATIONS

IF REQUIRED, FOREIGN LICENSE GRANTED**

03/02/2021

** SMALL ENTITY **

STATE OR COUNTRY

UNITED STATES

ADDRESS

THE LAW OFFICES OF STEVEN MCHUGH, LLC
213 COURT STREET
SUITE 102
MIDDLETOWN, CT 06457
UNITED STATES

FILING FEE RECEIVED

$830

PE2E SEARCH - Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	British Equivalents	Time Stamp
L139	230754	A63B24/0062.cpc. or G16H40/67.cpc. or A61B5/0205.cpc. or G06K7/1413.cpc. or G06K19/06028.cpc. or G06K19/06112.cpc. or G06K19/0718.cpc. or G06Q30/0271.cpc. or G16H20/30.cpc. or G16H40/63.cpc. or A61B5/021.cpc. or A61B5/024.cpc. or A61B5/4872.cpc. or A63B2230/01.cpc. or A63B2230/06.cpc. or A63B2230/30.cpc. or A63B2230/70.cpc.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/05/19 11:45 AM
L140	9631082	@pd>"20210909"	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/05/19 11:46 AM
L141	21578	139 AND 140	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/05/19 11:46 AM
L142	38	(treadmill ((exercise cardio workout fitness rowing rower "ERG" ergometer elliptical (stationary adj bike)) adj (machine equipment))) with (barcode bar$1code (bar adj code) (machine adj read$4 adj code)) with (mobile adj (phone device apparatus))	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/05/19 11:47 AM
L143	2	141 AND 142	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT;	OR	ON	ON	2022/05/19 11:47 AM

			IBM_TDB)				
L144	30	(smart$1phone ((mobile cellular smart) adj phone) tablet pda) with ((bar$1code barcode (bar adj code) (machine adj read$4 adj code)) with (imag$4 scan$4 read$4)) with camera same ((health with (kiosk monitor)) exercise cardio workout fitness rowing rower "ERG" ergometer elliptical (stationary adj bike)) adj (machine equipment)	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/05/19 11:47 AM
L145	1	141 AND 144	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/05/19 11:48 AM
L146	743	(accelerometer AND biometric AND mobile AND device).clm.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/05/19 11:50 AM
L147	82	(accelerometer AND biometric AND mobile AND device AND (exercise fitness treadmill elliptical "erg" ergometer rower (rowing ADJ machine) bike rowing)).clm.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/05/19 11:52 AM
L148	59	(accelerometer AND biometric AND mobile AND device AND (exercise fitness treadmill elliptical "erg" ergometer rower (rowing ADJ machine) bike rowing) AND display).clm.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/05/19 11:52 AM
L149	57	(accelerometer AND biometric AND mobile AND device AND (exercise fitness treadmill elliptical "erg" ergometer rower	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO;	OR	ON	ON	2022/05/19 11:53 AM

		(rowing ADJ machine) bike rowing) AND display AND (transmit$4 communicat$3)).clm.	JPO; DERWENT; IBM_TDB)				
L150	20	(accelerometer AND biometric AND mobile AND device AND (exercise fitness treadmill elliptical "erg" ergometer rower (rowing ADJ machine) bike rowing) AND display AND (transmit$4 communicat$3) AND (pair paired pairing)).clm.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/05/19 11:54 AM
L151	8	141 AND 146	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/05/19 11:54 AM
L152	2	141 AND 147	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/05/19 11:55 AM
L153	1	141 AND 148	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/05/19 11:55 AM
L154	1	141 AND 149	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/05/19 11:55 AM
L155	0	141 AND 150	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO;	OR	ON	ON	2022/05/19 11:55 AM

			JPO; DERWENT; IBM_TDB)				

PE2E SEARCH - Search History (Interference)

There are no Interference searches to show.

PTO/SB/30 (11-17)
Approved for use through 11/30/2020. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	17/181,423
Filing Date	02/22/2021
First Named Inventor	Sean McKirdy
Art Unit	2876
Examiner Name	Haupt, Kristy A.
Attorney Docket Number	MCK-0012-Cont-3

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114 Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

   a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

      i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

      ii. ☐ Other _____

   b. ☐ Enclosed

      i. ☑ Amendment/Reply

      ii. ☐ Affidavit(s)/ Declaration(s)

      iii. ☐ Information Disclosure Statement (IDS)

      iv. ☐ Other _____

2. Miscellaneous

   a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

   b. ☐ Other _____

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

   a. ☐ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. _____.

      i. ☐ RCE fee required under 37 CFR 1.17(e)

      ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

      iii. ☐ Other _____

   b. ☐ Check in the amount of $ _____ enclosed

   c. ☐ Payment by credit card (Form PTO-2038 enclosed)

   d. ■ Payment by EFS-Web

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	/SMM/	Date	September 06, 2022
Name (Print/Type)	Steven M. McHugh	Registration No.	47,784

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being EFS-Web transmitted to the United States Patent and Trademark Office (USPTO), deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the USPTO on the date shown below.

Signature	/SMM/		
Name (Print/Type)	Steven M. McHugh	Date	09/06/2022

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Electronic Patent Application Fee Transmittal

Application Number:	17181423
Filing Date:	22-Feb-2021
Title of Invention:	BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION
First Named Inventor/Applicant Name:	Sean McKirdy
Filer:	Steven Michael McHugh
Attorney Docket Number:	MCK-0012-Cont-3

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

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

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
RCE- 1ST REQUEST	2801	1	680	680
		Total in USD ($)		**680**

Electronic Acknowledgement Receipt

EFS ID:	46552585
Application Number:	17181423
International Application Number:	
Confirmation Number:	7904
Title of Invention:	BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION
First Named Inventor/Applicant Name:	Sean McKirdy
Customer Number:	42638
Filer:	Steven Michael McHugh
Filer Authorized By:	
Attorney Docket Number:	MCK-0012-Cont-3
Receipt Date:	06-SEP-2022
Filing Date:	22-FEB-2021
Time Stamp:	10:20:14
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$680
RAM confirmation Number	E202296A20492622
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	MCK-0012-CONT-3_RCE.pdf	151552 64bf023425f0b17d5555cb8ff8da35c653407363	no	1
Warnings:					
This is not a USPTO supplied RCE SB30 form.					
Information:					
2	Amendment Submitted/Entered with Filing of Continued Prosecution Application (CPA)/Request for Continued Examination(RCE)	MCK-0012-CONT-3_Reply.pdf	94818 df256075104d45be2249cdb39467c33c6074fc34	no	8
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	38210 ff010acaf9bb3130657db5127b7f9dde2cd141a0	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	284580		

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

<u>New Applications Under 35 U.S.C. 111</u>
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.
<u>National Stage of an International Application under 35 U.S.C. 371</u>
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.
<u>New International Application Filed with the USPTO as a Receiving Office</u>
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

DOCKET NO.: MCK-0012-CONT-3 **PATENT**
Application No.: 17/181,423
NOA Dated: June 06, 2022

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Sean McKirdy;

Confirmation No.: 7904

Application No.: 17/181,423

Group Art Unit: 2876

Filing Date: February 22, 2021

Examiner: Haupt, Kristy A.

For: BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office via EFS, on:

09/06/2022

Date

By: _____

Mail Stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE)

With regards to the Notice of Allowance dated **June 06, 2022** for which payment of the issue fee is due by September 06, 2022, the following Request for Continued Examination is submitted herewith and reconsideration is respectfully requested in view of the remarks as indicated below:

☐ **Amendments to the Specification** begin on page N/A of this paper.

☒ **Amendments to the Claims** are reflected in the listing of the claims which begin on page 2 of this paper.

☐ **Amendments to the Drawings** begin on page N/A of this paper and include attached replacement sheets.

☒ **Remarks** begin on page 8 of this paper.

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

Listing of Claims:

1. (Currently amended) A[~~n~~] wearable activity ~~exercise~~ device, wherein the wearable activity ~~exercise~~ device is comprised of:

a display device;

at least one of an accelerometer configured to track activity and an embedded bio-metric monitoring sensor configured to detect a bio-metric characteristic;

wireless communication circuitry, wherein the wireless communication circuitry is configured to establish a wireless communications link with a mobile device;

at least one processor with software, wherein the processor is associated with a memory device and wherein the at least one processor is in signal communication with the display device and the wireless communication circuitry;

the memory device associated with the at least one processor, wherein the memory device is configured to store wireless pairing information associated with the wireless communication circuitry;

wherein the processor software is configured to;

obtain, from the memory device, the wireless pairing information associated with the wireless communication circuitry,

generate a color coded digital scannable media responsive to the wireless pairing information,

control the display device, wherein the display device is configured to display the color coded digital scannable media,

establish, via the wireless communication circuitry, the wireless communications link with the mobile device responsive to the mobile device scanning and decoding the color coded displayed digital scannable media,

generate at least one of activity tracking information and bio-metric information, and[,]

communicate, via the wireless communications link, at least one of the activity tracking information and the bio-metric information to the mobile device.

2. (Currently amended) The wearable activity ~~exercise~~ device of claim 1, wherein the wearable activity ~~exercise~~ device is at least one of a smartwatch device and ~~cardio exercise machine, a wearable activity device,~~ a wearable health monitoring device~~, and a strength exercise machine~~.

3. (Currently amended) The wearable activity ~~exercise~~ device of claim 1, wherein the wireless communication circuitry is further configured to establish at least one of a near field communications link, a wide area network communications link, and a personal area network communications link with the mobile device.

4. (Currently amended) The wearable activity ~~exercise~~ device of claim 1, wherein the mobile device is at least one of a smartphone and a tablet device.

5. (Currently amended) The wearable activity ~~exercise~~ device of claim 1, wherein the wireless pairing information associated with the wireless communication circuitry is at least one of a MAC address identifier associated with the wireless communication circuitry and an identification identifier associated with the wearable activity ~~exercise~~ device.

6. (Currently amended) The wearable activity ~~exercise~~ device of claim 1, wherein the wireless pairing information is ~~at least partially~~ encrypted by the processor software.

7. (Currently amended) The wearable activity ~~exercise~~ device of claim 1, wherein the wireless pairing information further includes a combination of the wireless communication circuitry information and at least one of user identification identifier and wearable activity ~~exercise~~ device information.

8. (Currently amended) The wearable activity ~~exercise~~ device of claim 7, wherein the wearable activity ~~exercise~~ device information is at least one of the wearable activity ~~exercise~~ device type, an error code associated with the wearable activity ~~exercise~~ device, workout performance data generated by the wearable activity ~~exercise~~ device, date and time stamp information generated by the wearable activity ~~exercise~~ device, facility location identifier associated with the physical location of the wearable activity ~~exercise~~ device, user ID information associated with a user of the wearable activity ~~exercise~~ device, wearable activity ~~exercise~~ device software information, and wearable activity ~~exercise~~ device utilization information.

9. (Currently amended) The wearable activity ~~exercise~~ device of claim 1, wherein the color coded digital scannable media includes at least one of a QR code, a 2D Matrix code, a 3D barcode, a representation of non-human readable information using colored pixels, an augmented reality marker, an augmented reality image, and an augmented reality code.

10. (Currently amended) The wearable activity ~~exercise~~ device of claim 1, wherein the display device is at least one of a touchscreen display, a LED display[,] and a LCD display.

11. (Currently amended) A method for establishing a communications link between a[~~n~~] wearable activity ~~exercise~~ device and a mobile device, the method comprising:

storing, by a memory device associated with the wearable activity ~~exercise~~ device, wireless pairing information associated with wireless communication circuitry disposed within the wearable activity device ~~exercise machine~~,

receiving, by a processor associated with the wearable activity ~~exercise~~ device, the wireless pairing information associated with the wireless communication circuitry from the memory device,

generating, by the processor associated with the wearable activity ~~exercise~~ device, a color coded digital scannable media responsive to the wireless pairing information,

displaying, by a display device associated with the wearable activity ~~exercise~~ device, the color coded digital scannable media,

scanning, by the mobile device, the color coded digital scannable media,

processing, by the mobile device, the color coded digital scannable media, and[,]

establishing, by the mobile device, a wireless communications link with the wearable activity ~~exercise~~ device responsive to the mobile device processing the color coded digital scannable media,

generating, by the wearable activity ~~exercise~~ device processor, at least one of activity information and bio-metric information, wherein the at least one of the activity information and bio-metric information is stored in the memory device associated with the wearable activity ~~exercise~~ device, and[,]

communicating, via the wireless communications link by the wearable activity device, at least one of the activity tracking information and the bio-metric information to the mobile device.

12. (Currently amended) The method of claim 11, wherein the wearable activity ~~exercise~~ device is at least one of a smartwatch device and ~~cardio exercise machine, a wearable activity tracking device,~~ a wearable health monitoring device~~, and a strength exercise machine~~.

13. (Original) The method of claim 11, wherein the wireless communication circuitry is further configured to establish at least one of a near field communications link, a wide area network communications link, and a personal area network communications link with the mobile device.

14. (Original) The method of claim 11, wherein the mobile device is at least one of a smartphone and a tablet device.

15. (Currently amended) The method of claim 11, wherein the wireless pairing information associated with the wireless communication circuitry is at least one of a MAC address identifier associated with the wireless communication circuitry and a wearable activity ~~exercise~~ device identification number associated with the wearable activity ~~exercise~~ device.

16. (Currently amended) The method of claim 11, wherein the wireless pairing information is ~~at least partially~~ encrypted by the wearable activity ~~exercise~~ device processor software.

17. (Currently amended) The method of claim 11, wherein the wireless pairing information further includes a combination of at least one of a user identification identifier, the wireless communication circuitry information[,] and the wearable activity ~~exercise~~ device information.

18. (Currently amended) The method claim 17, wherein the wearable activity ~~exercise~~ device information is at least one of the wearable activity ~~exercise~~ device type, an error code associated with the wearable activity ~~exercise~~ device, workout performance data generated by the wearable activity ~~exercise~~ device, date and time stamp information generated by the wearable activity ~~exercise~~ device, facility location identifier associated with the physical location of the wearable activity ~~exercise~~ device, user ID information associated with a user of the wearable activity ~~exercise~~ device, wearable activity ~~exercise~~ device software information, and wearable activity ~~exercise~~ device utilization information.

19. (Previously amended) The method of claim 11, wherein the digital scannable media is at least one of a QR code, a 2D Matrix code, a 3D barcode, a representation of non-human readable information using colored pixels, a augmented reality marker, a augmented reality image, and a augmented reality code.

20. (Currently amended) The method of claim 11, wherein the display device is at least one of a touchscreen display, a LED display[,] and a LCD display.

REMARKS

Claims 1-20 were allowed. After submission of this RCE, Claims 1-20 will still be pending in the present application. Claims 1-12, 15-18 and 20 are currently amended. Claims 1-20 will still be pending in this application upon entry of these amendments. No new matter is added due to these amendments or introduced by this reply and support may be found through out the application and in the several figures.

Request for Continued Examination

The applicant submits herewith a Request for Continued Examination (RCE) and requests that the application be remove from allowance and the claims as amended herein be entered into the application.

The applicant asserts that claims 1-20 as amended are allowable and requests favorable reconsideration and allowance of these claims.

CONCLUSION

In view of the foregoing, the applicant respectfully submits that the claims as amended are allowable and that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are thereby respectfully requested. In the event that the examiner cannot allow the present application for any reason, the examiner is encouraged to contact the undersigned attorney, Steven M. McHugh, at (860) 343-9454 to discuss the resolution of any remaining issues.

Respectfully submitted,



Date: 09/06/2022

Steven M. McHugh
Registration No. 47,784
Attorney for Applicant

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

42638 7590 09/19/2022

THE LAW OFFICES OF STEVEN MCHUGH, LLC
213 COURT STREET
SUITE 102
MIDDLETOWN, CT 06457

EXAMINER
HAUPT, KRISTY A

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 09/19/2022

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/181,423	02/22/2021	Sean McKirdy	MCK-0012-Cont-3	7904

TITLE OF INVENTION: BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$600	$0.00	$0.00	$600	12/19/2022

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

42638 7590 09/19/2022

THE LAW OFFICES OF STEVEN MCHUGH, LLC
213 COURT STREET
SUITE 102
MIDDLETOWN, CT 06457

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

(Typed or printed name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/181,423	02/22/2021	Sean McKirdy	MCK-0012-Cont-3	7904

TITLE OF INVENTION: BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$600	$0.00	$0.00	$600	12/19/2022

EXAMINER	ART UNIT	CLASS-SUBCLASS
HAUPT, KRISTY A	2876	235-375000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

❑ Change of correspondence address (or Change of Correspondence Address form PTO/AIA/122 or PTO/SB/122) attached.

❑ "Fee Address" indication (or "Fee Address" Indication form PTO/AIA/47 or PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ❑ Individual ❑ Corporation or other private group entity ❑ Government

4a. Fees submitted: ❑Issue Fee ❑Publication Fee (if required) ❑Advance Order - # of Copies _____

4b. Method of Payment: *(Please first reapply any previously paid fee shown above)*

❑ Electronic Payment via EFS-Web ❑ Enclosed check ❑ Non-electronic payment by credit card (Attach form PTO-2038)

❑ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

5. **Change in Entity Status** (from status indicated above)

❑ Applicant certifying micro entity status. See 37 CFR 1.29

❑ Applicant asserting small entity status. See 37 CFR 1.27

❑ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/181,423	02/22/2021	Sean McKirdy	MCK-0012-Cont-3	7904

42638 7590 09/19/2022

THE LAW OFFICES OF STEVEN MCHUGH, LLC
213 COURT STREET
SUITE 102
MIDDLETOWN, CT 06457

EXAMINER	
HAUPT, KRISTY A	
ART UNIT	**PAPER NUMBER**
2876	

DATE MAILED: 09/19/2022

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 17/181,423	Applicant(s) McKirdy, Sean	
	Examiner KRISTY A HAUPT	Art Unit 2876	AIA (FITF) Status Yes

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☑ This communication is responsive to 9/6/22.
   ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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

3. ☑ The allowed claim(s) is/are 1-20 . As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see **http://www.uspto.gov/patents/init_events/pph/index.jsp** or send an inquiry to **PPHfeedback@uspto.gov.**

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

   Certified copies:

   a) ☐ All b) ☐ Some* c) ☐ None of the:

   1. ☐ Certified copies of the priority documents have been received.
   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
   3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____.
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____.
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date. _____.
5. ☐ Examiner's Amendment/Comment
6. ☑ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

/KRISTY A HAUPT/
Primary Examiner, Art Unit 2876

Notice of Pre-AIA or AIA Status

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

DETAILED ACTION

This office action is in response to applicant's request for continued examination filed 9/6/22. Claims 1-20 are pending with claims 1 and 11 in independent form.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 9/6/22 has been entered.

Allowable Subject Matter

3. Claims 1-20 allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach or fairly suggest to one of ordinary skill in the art, in conjunction with all the other limitations of the claims:

With respect to claim 1 and all its dependencies, a wearable activity device, comprised of: a display device; at least one of an accelerometer configured to track activity and an embedded bio-metric monitoring sensor configured to detect a bio-metric characteristic; wireless communication

circuitry, wherein the wireless communication circuitry is configured to establish a wireless communications link with a mobile device; at least one processor with software, wherein the processor is associated with a memory device and wherein the at least one processor is in signal communication with the display device and the wireless communication circuitry; the memory device associated with the at least one processor, wherein the memory device is configured to store wireless pairing information associated with the wireless communication circuitry; wherein the processor software is configured to; obtain, from the memory device, the wireless pairing information associated with the wireless communication circuitry, generate a color coded digital scannable media image responsive to the wireless pairing information, control the display device, wherein the display device is configured to display the color coded digital scannable media, and establish, via the wireless communication circuitry, the wireless communications link with the mobile device responsive to the mobile device scanning and decoding the color coded displayed digital scannable media generate at least one of activity tracking information and bio- metric information, and communicate, via the wireless communications link, at least one of the activity tracking information and the bio-metric information to the mobile device. With respect to claim 11 and all its dependencies, a method for establishing a communications link between a wearable activity device and a mobile device, the method comprising: storing, by a memory device associated with the wearable activity device, wireless pairing information associated with wireless communication circuitry disposed within the wireless activity device, receiving, by a processor associated with the wearable activity device, the wireless pairing information associated with the wireless communication circuitry from the memory device, generating, by the processor associated with the wireless activity device, a color coded digital scannable media responsive to the wireless pairing information, displaying, by a display device associated with the wireless activity device, the color coded digital scannable media, scanning, by the mobile device, the color coded digital scannable media, processing, by the mobile device, the color coded digital scannable media, and establishing, by the

mobile device, a wireless communications link with the wireless activity device responsive to the mobile device processing the color coded digital scannable media, generating, by the exercise device processor, at least one of activity information and bio-metric information, wherein the at least one of the activity information and bio- metric information is stored in the memory device associated with the wireless activity device, and communicating, via the wireless communications link by the wireless activity device, at least one of the activity tracking information and the bio-metric information to the mobile device. The prior art of record fails to provide sufficient teaching or motivation to one of ordinary skill in the art to provide the additionally recited features of these claims in the combinations as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTY A HAUPT whose telephone number is (571)272-8545 and email address is kristy.haupt@uspto.gov. The examiner can normally be reached on Mon-Sun 5:30 AM- 10PM; Flex during day.

If all attempts to reach the examiner ***by telephone and email*** are unsuccessful, the examiner's supervisor, Michael Lee can be reached on 5712722398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/KRISTY A HAUPT/
Primary Examiner, Art Unit 2876

KAH

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/181,423	McKirdy, Sean
	Examiner	**Art Unit**
	KRISTY A HAUPT	2876

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

CLAIMS

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

CLAIM		DATE								
Final	Original	09/09/2021	05/19/2022	09/12/2022						
	1	✓	=	=						
	2	✓	=	=						
	3	✓	=	=						
	4	✓	=	=						
	5	✓	=	=						
	6	✓	=	=						
	7	✓	=	=						
	8	✓	=	=						
	9	✓	=	=						
	10	✓	=	=						
	11	✓	=	=						
	12	✓	=	=						
	13	✓	=	=						
	14	✓	=	=						
	15	✓	=	=						
	16	✓	=	=						
	17	✓	=	=						
	18	✓	=	=						
	19	✓	=	=						
	20	✓	=	=						

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/181,423	McKirdy, Sean
	Examiner	**Art Unit**
	KRISTY A HAUPT	2876

CPC						
Symbol					**Type**	**Version**
G16H	/	40	/	67	F	2018-01-01
G06Q	/	30	/	0271	I	2013-01-01
A61B	/	5	/	0205	I	2013-01-01
A63B	/	24	/	0062	I	2013-01-01
G06K	/	7	/	1413	I	2013-01-01
G06K	/	19	/	06028	I	2013-01-01
G06K	/	19	/	06112	I	2013-01-01
G06K	/	19	/	0718	I	2013-01-01
G16H	/	20	/	30	I	2018-01-01
G16H	/	40	/	63	A	2018-01-01
G16H	/	20	/	60	A	2018-01-01
A61B	/	5	/	021	A	2013-01-01
A61B	/	5	/	024	A	2013-01-01
A61B	/	5	/	4872	A	2013-01-01
A63B	/	2230	/	01	A	2013-01-01
A63B	/	2230	/	06	A	2013-01-01
A63B	/	2230	/	30	A	2013-01-01
A63B	/	2230	/	70	A	2013-01-01

CPC Combination Sets							
Symbol					**Type**	**Set**	**Ranking**	**Version**
	/		/					

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 20	
/KRISTY A HAUPT/ Primary Examiner, Art Unit 2876 (Primary Examiner)	12 September 2022 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 8

U.S. Patent and Trademark Office — Part of Paper No.: 20220912

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/181,423	McKirdy, Sean
	Examiner	**Art Unit**
	KRISTY A HAUPT	2876

INTERNATIONAL CLASSIFICATION				
CLAIMED				
A63B24/00	/	24	/	00
G06K7/14	/	7	/	14
G06K19/06	/	19	/	06
G06K19/07	/	19	/	07

NON-CLAIMED				
G16H40/67	/	40	/	67
G06Q30/02	/	30	/	02
A61B5/0205	/	5	/	0205
G16H20/30	/	20	/	30
G16H40/63	/	40	/	63
G16H20/60	/	20	/	60
A61B5/021	/	5	/	021
A61B5/024	/	5	/	024
A61B5/00	/	5	/	00

US ORIGINAL CLASSIFICATION	
CLASS	**SUBCLASS**

CROSS REFERENCES(S)						
CLASS	**SUBCLASS (ONE SUBCLASS PER BLOCK)**					

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 20	
/KRISTY A HAUPT/ Primary Examiner, Art Unit 2876 (Primary Examiner)	12 September 2022 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 8

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/181,423	McKirdy, Sean
	Examiner	**Art Unit**
	KRISTY A HAUPT	2876

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

CLAIMS

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
	1		10		19										
	2		11		20										
	3		12												
	4		13												
	5		14												
	6		15												
	7		16												
	8		17												
	9		18												

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 20	
/KRISTY A HAUPT/ Primary Examiner, Art Unit 2876 (Primary Examiner)	12 September 2022 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 8

U.S. Patent and Trademark Office Part of Paper No.: 20220912

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/181,423	McKirdy, Sean
	Examiner	**Art Unit**
	KRISTY A HAUPT	2876

CPC - Searched*		
Symbol	**Date**	**Examiner**
G06K19/0718; G06Q30/0271; G16H20/30; G16H40/63; A61B5/021; A61B5/024; A61B5/4872; A63B2230/01; A63B2230/06; A63B2230/30 A63B2230/70 (text search)	09/09/2021	KAH
Updated	05/19/2022	KAH
Updated	09/12/2022	KAH

CPC Combination Sets - Searched*		
Symbol	**Date**	**Examiner**

US Classification - Searched*			
Class	**Subclass**	**Date**	**Examiner**

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	**Date**	**Examiner**
Inventor search	09/09/2021	KAH
East search	09/09/2021	KAH
Updated Pe2e search	05/19/2022	KAH
Updated Pe2e search	09/12/2022	KAH

/KRISTY A HAUPT/ Primary Examiner, Art Unit 2876	

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/181,423	McKirdy, Sean
	Examiner	Art Unit
	KRISTY A HAUPT	2876

Interference Search			
US Class/CPC Symbol	**US Subclass/CPC Group**	**Date**	**Examiner**
SAME AS	ABOVE	05/19/2022	KAH
SAME AS	ABOVE	09/12/2022	KAH

/KRISTY A HAUPT/ Primary Examiner, Art Unit 2876	

Bibliographic Data

Application No: 17/181,423

Foreign Priority claimed: ○ Yes ◉ No

35 USC 119 (a-d) conditions met: ☐ Yes ☑ No ☐ Met After Allowance

Verified and Acknowledged: /KRISTY A HAUPT/ (Examiner's Signature) KAH (Initials)

Title: BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
02/22/2021	235	2876	MCK-0012-Cont-3
RULE			

APPLICANTS

INVENTORS

Sean McKirdy, Newington, CT, UNITED STATES

CONTINUING DATA

This application is a CON of 16412585 05/15/2019 PAT 10926135

FOREIGN APPLICATIONS

IF REQUIRED, FOREIGN LICENSE GRANTED**

03/02/2021

** SMALL ENTITY **

STATE OR COUNTRY

UNITED STATES

ADDRESS

THE LAW OFFICES OF STEVEN MCHUGH, LLC
213 COURT STREET
SUITE 102
MIDDLETOWN, CT 06457
UNITED STATES

FILING FEE RECEIVED

$830

PE2E SEARCH - Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	British Equivalents	Time Stamp
L156	244640	A63B24/0062.cpc. or G16H40/67.cpc. or A61B5/0205.cpc. or G06K7/1413.cpc. or G06K19/06028.cpc. or G06K19/06112.cpc. or G06K19/0718.cpc. or G06Q30/0271.cpc. or G16H20/30.cpc. or G16H40/63.cpc. or A61B5/021.cpc. or A61B5/024.cpc. or A61B5/4872.cpc. or A63B2230/01.cpc. or A63B2230/06.cpc. or A63B2230/30.cpc. or A63B2230/70.cpc.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/09/12 09:33 AM
L157	7740	(wearable WITH (fitness activity)) WITH display	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/09/12 09:36 AM
L158	2735	(wearable WITH (fitness activity)) WITH display AND accelerometer	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/09/12 09:37 AM
L159	1154	(wearable WITH (fitness activity)) WITH display AND accelerometer AND biometric	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/09/12 09:37 AM
L160	864	(wearable WITH (fitness activity)) WITH display AND accelerometer AND biometric AND ((pair pairing paired connect$3) WITH wireless)	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/09/12 09:39 AM
L161	663	(wearable WITH (fitness activity)) WITH display	(US-PGPUB; USPAT; USOCR; FIT (AU, AP,	OR	ON	ON	2022/09/12 09:39 AM

		AND accelerometer AND biometric AND ((pair pairing paired connect$3) WITH wireless) AND (mobile ADJ (phone device))	AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)				
L162	105	(wearable WITH (fitness activity)) WITH display AND accelerometer AND biometric AND ((pair pairing paired connect$3) WITH wireless) AND (mobile ADJ (phone device)) AND ((communicat$4 transfer$4 send$3) WITH (biometric activity) WITH (mobile ADJ (phone device)))	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/09/12 09:40 AM
L163	39	(wearable WITH (fitness activity)) WITH display AND accelerometer AND biometric AND ((pair pairing paired connect$3) WITH wireless) AND (mobile ADJ (phone device)) AND ((communicat$4 transfer$4 send$3) WITH (biometric activity) WITH (mobile ADJ (phone device))) AND L156	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/09/12 09:41 AM
L164	34	sean.in. near mckirdy.in.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/09/12 09:41 AM
L165	0	(wearable WITH (fitness activity)) WITH display AND accelerometer AND biometric AND ((pair pairing paired connect$3) WITH wireless) AND (mobile ADJ (phone device)) AND ((communicat$4 transfer$4 send$3) WITH (biometric activity) WITH (mobile ADJ (phone device))) AND L164	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/09/12 09:41 AM
L166	1009	(wearable AND activity AND biometric).clm.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU,	OR	ON	ON	2022/09/12 09:41 AM

			SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)				
L167	367	(wearable AND activity AND biometric AND mobile).clm.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/09/12 09:42 AM
L168	57	(wearable AND activity AND biometric AND mobile AND (pair$3)).clm.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/09/12 09:42 AM
L169	11	(wearable AND activity AND biometric AND mobile AND (pair$3) AND color).clm.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/09/12 09:42 AM
L170	2	(wearable AND activity AND biometric AND mobile AND (pair$3) AND color AND scan$4).clm.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2022/09/12 09:42 AM

PE2E SEARCH - Search History (Interference)

There are no Interference searches to show.

PTO/SB/30 (11-17)
Approved for use through 05/31/2024. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	17/181,423
Filing Date	02/22/2021
First Named Inventor	Sean McKirdy
Art Unit	2876
Examiner Name	Haupt, Kristy A.
Attorney Docket Number	MCK-0012-CONT-3

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114 Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

   a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

      i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

      ii. ☐ Other _____

   b. ☐ Enclosed

      i. ☐ Amendment/Reply

      ii. ☐ Affidavit(s)/ Declaration(s)

      iii. ☑ Information Disclosure Statement (IDS)

      iv. ☑ Other Request to examin under Pre-AIA

2. Miscellaneous

   a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

   b. ☐ Other _____

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

   a. ☐ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. _____.

      i. ☐ RCE fee required under 37 CFR 1.17(e)

      ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

      iii. ☐ Other _____

   b. ☐ Check in the amount of $ _____ enclosed

   c. ☐ Payment by credit card (Form PTO-2038 enclosed)

   d. ■ Payment by EFS-Web

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	/SMM/	Date	December 19, 2022
Name (Print/Type)	Steven M. McHugh	Registration No.	47,784

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being EFS-Web transmitted to the United States Patent and Trademark Office (USPTO), deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the USPTO on the date shown below.

Signature	/SMM/		
Name (Print/Type)	Steven M. McHugh	Date	December 19, 2022

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

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

DOCKET NO.: MCK-0012-CONT-3 **PATENT**
Application No.: 17/181,423
NOA Dated: September 19, 2022

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Sean McKirdy;

Confirmation No.: 7904

Application No.: 17/181,423

Group Art Unit: 2876

Filing Date: February 22, 2021

Examiner: Haupt, Kristy A.

For: BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office via EFS, on:

12/19/2022

Date

By: _____

Mail Stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE)

With regards to the Notice of Allowance dated September 19, 2022, for which payment of the issue fee is due by December 19, 2022, the following Request for Continued Examination is submitted herewith, and reconsideration is respectfully requested in view of the remarks as indicated below:

☐ **Amendments to the Specification** begin on page N/A of this paper.

☐ **Amendments to the Claims** are reflected in the listing of the claims which begin on page N/A of this paper.

☐ **Amendments to the Drawings** begin on page N/A of this paper and include attached replacement sheets.

☒ **Remarks** begin on page 2 of this paper.

REMARKS

Claims 1-20 were allowed. No claims were added. No claims were cancelled. No claims were amended. After submission of this RCE, claims 1-20 will still be pending in the present application. No new matter is introduced as a result of this submission.

DISCUSSION

The applicant submits herewith a Request for Continued Examination (RCE) and an Information disclosure Statement (IDS) for consideration by the examiner along with the required fees for an RCE and an IDS for a small entity.

Additionally, the applicant requests that the examiner correct the basis for the examination of the Instant Application. Specifically, the applicant asserts that the Instant Application should be examined under Pre-AIA and NOT under AIA. Thus far been the Instant Application appears to have been examined under the America Invents Act (AIA), whereas the Instant Application should have been examined under Pre-AIA. The applicant supports this assertion by bringing to the examiner's attention that the Instant Application is a Continuation application of U.S. Patent Application Serial No. 16/412,585, which was a Continuation application of U.S. Patent Application Serial No. 15/175,599, which was a Continuation application of U.S. Patent Application Serial No. 13/567,337 which was filed on August 06, 2012 and which claimed benefit to benefit of priority of the filing dates of U.S. Provisional Patent Application Serial No. 61/622,175 filed on April 10, 2012, U.S. Provisional Patent Application Serial No. 61/539,587 filed on September 27, 2011 and U.S. Provisional Patent Application Serial No. 61/515,728 filed on August 05, 2011, all of which are Pre-AIA.

Accordingly, the applicant respectfully requests that the Instant Application be examined under Pre-AIA rules.

CONCLUSION

In view of the foregoing, the applicant respectfully submits that the claims as submitted prior are allowable under Pre-AIA and that the present application is in

condition for allowance. Reconsideration of the application and an early Notice of Allowance are thereby respectfully requested. In the event that the examiner cannot allow the present application for any reason, the examiner is encouraged to contact the undersigned attorney, Steven M. McHugh, at (860) 343-9454 to discuss the resolution of any remaining issues.

Respectfully submitted,



Date: 12/19/2022

Steven M. McHugh
Registration No. 47,784
Attorney for Applicant

PTO/SB/08a (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 2

Complete if Known	
Application Number	13/567,337
Filing Date	August 06, 2012
First Named Inventor	Sean McKirdy
Art Unit	
Examiner Name	
Attorney Docket Number	MCK-0012

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 5890997	04-06-1999	Eric. S. Roth	
		US- 6338433	01-15-2002	Jerome Drexler	
		US- 6514199	02-04-2003	Nerio Alessandri	
		US- 6568596	05-27-2003	Elizabeth C. Shaw	
		US- 7056265	06-06-2006	Michael J. Shea	
		US- 7434724	06-26-2008	John A. Lane	
		US- 7578432	06-07-2007	Libin et al.	
		US- 7628318	10-25-2007	Melick et al.	
		US- 7810720	09-04-2008	Robert Lovett	
		US- 7909741	10-02-2008	Kim et al.	
		US- 7914419	12-04-2008	Karkanias et al.	
		US- 7934641	04-22-2010	Melick et al.	
		US- 7942328	06-28-2007	Snyder et al.	
		US- 7988037	05-05-2011	David Paul Yach	
		US- 7988050	04-15-2010	Kitada et al.	
		US- 8131478	09-13-2007	Akinori Kai	
		US- 10/417,103	11-13-2003	Patrick J. Capuano	
		US- 10/617,525	01-13-2005	Chen et al.	
		US- 11/015,635	07-14-2005	Melick et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3] Number[4] Kind Code[5] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T[6]

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1]Applicant's unique citation designation number (optional). [2]See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5]Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [6]Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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PTO/SB/08a (07-09)
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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 2 of 2

Complete if Known	
Application Number	13/567,337
Filing Date	August 06, 2012
First Named Inventor	Sean McKirdy
Art Unit	
Examiner Name	
Attorney Docket Number	MCK-0012

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 11/089,241	09-28-2006	Kondrat et al.	
		US- 11/247,430	02-08-2007	Rao et al.	
		US- 11/754,565	12-04-2008	Karkanias et al.	
		US- 12/778,067	09-02-2010	Michael J. Shea	
		US- 12/469,222	11-25-2010	McCombie et al.	
		US- 12/546,152	02-24-2011	Richard Wojdyla	
		US- 12/752,348	03-10-2011	Frysz et al.	
		US- 12/879,932	03-17-2011	Gagner et al.	
		US- 12/572,386	04-07-2011	Brown et al.	
		US- 12/907,672	04-21-2011	Otavio Good	
		US- 12/610,445	05-05-2011	David Paul Yach	
		US- 12/953,868	06-30-2011	Bower et al.	
		US- 11/247,416	02-08-2007	Rao et al.	
		US- 12/238,994	04-01-2010	Glenn Patton Bradford	
		US-			
		US-			
		US-			
		US-			
		US-			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3] Number[4] Kind Code[5] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T[6]

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1] Applicant's unique citation designation number (optional). [2] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Electronic Patent Application Fee Transmittal

Application Number:	17181423
Filing Date:	22-Feb-2021
Title of Invention:	BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION
First Named Inventor/Applicant Name:	Sean McKirdy
Filer:	Steven Michael McHugh
Attorney Docket Number:	MCK-0012-Cont-3

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

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

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Miscellaneous:				
SUBMISSION- INFORMATION DISCLOSURE STMT	2806	1	130	130
RCE- 2ND AND SUBSEQUENT REQUEST	2820	1	1000	1000
		Total in USD ($)		**1130**

Electronic Acknowledgement Receipt

EFS ID:	47234218
Application Number:	17181423
International Application Number:	
Confirmation Number:	7904
Title of Invention:	BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION
First Named Inventor/Applicant Name:	Sean McKirdy
Customer Number:	42638
Filer:	Steven Michael McHugh
Filer Authorized By:	
Attorney Docket Number:	MCK-0012-Cont-3
Receipt Date:	19-DEC-2022
Filing Date:	22-FEB-2021
Time Stamp:	14:29:58
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$1130
RAM confirmation Number	E2022BIE30284537
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	MCK-0012-CONT-3_RCE.pdf	383500 8f25941d5acee69c707775674f7b1d4cb986fae5	no	1
Warnings:					
This is not a USPTO supplied RCE SB30 form.					
Information:					
2	Amendment Submitted/Entered with Filing of Continued Prosecution Application (CPA)/Request for Continued Examination(RCE)	MCK-0012-CONT-3_Reply_12-19-2022.pdf	82145 31e6ceb8ef4d65dfe11dc7e99ec23a823a1da102	no	3
Warnings:					
Information:					
3	Information Disclosure Statement (IDS) Form (SB08)	MCK-0012-CONT-3_IDS_Pg_1_of_2.pdf	129507 3b4507fca5c47fa7112545e955923631ac0b0426	no	1
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
4	Information Disclosure Statement (IDS) Form (SB08)	MCK-0012-CONT-3_IDS_Pg_2_of_2.pdf	129730 3519925da0181a36d6d63def417f2fe4bde1f663	no	1
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
5	Fee Worksheet (SB06)	fee-info.pdf	40067 c2e6abc52186b6c6c305b3b11150a6bb7c0623ed	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	764949		

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

New Applications Under 35 U.S.C. 111

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

National Stage of an International Application under 35 U.S.C. 371

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

New International Application Filed with the USPTO as a Receiving Office

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

42638 7590 01/23/2023

THE LAW OFFICES OF STEVEN MCHUGH, LLC
213 COURT STREET
SUITE 102
MIDDLETOWN, CT 06457

EXAMINER
HAUPT, KRISTY A

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 01/23/2023

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/181,423	02/22/2021	Sean McKirdy	MCK-0012-Cont-3	7904

TITLE OF INVENTION: BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0.00	$0.00	$480	04/24/2023

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 40% the amount of undiscounted fees, and micro entity fees are 20% the amount of undiscounted fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Maintenance fees are due in utility patents issuing on applications filed on or after Dec. 12, 1980. It is patentee's responsibility to ensure timely payment of maintenance fees when due. More information is available at www.uspto.gov/PatentMaintenanceFees.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

42638 7590 01/23/2023

THE LAW OFFICES OF STEVEN MCHUGH, LLC
213 COURT STREET
SUITE 102
MIDDLETOWN, CT 06457

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

(Typed or printed name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/181,423	02/22/2021	Sean McKirdy	MCK-0012-Cont-3	7904

TITLE OF INVENTION: BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0.00	$0.00	$480	04/24/2023

EXAMINER	ART UNIT	CLASS-SUBCLASS
HAUPT, KRISTY A	2876	235-375000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

❑ Change of correspondence address (or Change of Correspondence Address form PTO/AIA/122 or PTO/SB/122) attached.

❑ "Fee Address" indication (or "Fee Address" Indication form PTO/AIA/47 or PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ❑ Individual ❑ Corporation or other private group entity ❑ Government

4a. Fees submitted: ❑ Issue Fee ❑ Publication Fee (if required) ❑ Advance Order - # of Copies _____

4b. Method of Payment: *(Please first reapply any previously paid fee shown above)*

❑ Electronic Payment via EFS-Web ❑ Enclosed check ❑ Non-electronic payment by credit card (Attach form PTO-2038)

❑ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

5. **Change in Entity Status** (from status indicated above)

❑ Applicant certifying micro entity status. See 37 CFR 1.29

❑ Applicant asserting small entity status. See 37 CFR 1.27

❑ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/181,423	02/22/2021	Sean McKirdy	MCK-0012-Cont-3	7904

42638 7590 01/23/2023

THE LAW OFFICES OF STEVEN MCHUGH, LLC
213 COURT STREET
SUITE 102
MIDDLETOWN, CT 06457

EXAMINER	
HAUPT, KRISTY A	

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 01/23/2023

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 17/181,423	Applicant(s) McKirdy, Sean	
	Examiner KRISTY A HAUPT	Art Unit 2876	AIA (FITF) Status Yes

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

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☑ This communication is responsive to 12/19/22.
   ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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

3. ☑ The allowed claim(s) is/are 1-20 . As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see **http://www.uspto.gov/patents/init_events/pph/index.jsp** or send an inquiry to **PPHfeedback@uspto.gov.**

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

   Certified copies:

   a) ☐ All b) ☐ Some* c) ☐ None of the:

   1. ☐ Certified copies of the priority documents have been received.
   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
   3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____ .

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☑ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 12/19/22.
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material _____.
4. ☐ Interview Summary (PTO-413), Paper No./Mail Date. _____.
5. ☐ Examiner's Amendment/Comment
6. ☑ Examiner's Statement of Reasons for Allowance
7. ☐ Other _____.

/KRISTY A HAUPT/
Primary Examiner, Art Unit 2876

Notice of Pre-AIA or AIA Status

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

DETAILED ACTION

This office action is in response to applicant's request for continued examination filed 12/19/22. Claims 1-20 are pending with claims 1 and 11 in independent form.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 9/6/22 has been entered.

Allowable Subject Matter

3. Claims 1-20 allowed.

The following is an examiner's statement of reasons for allowance: The prior art of record fails to teach or fairly suggest to one of ordinary skill in the art, in conjunction with all the other limitations of the claims:

With respect to claim 1 and all its dependencies, a wearable activity device, comprised of: a display device; at least one of an accelerometer configured to track activity and an embedded bio-metric monitoring sensor configured to detect a bio-metric characteristic; wireless communication

circuitry, wherein the wireless communication circuitry is configured to establish a wireless communications link with a mobile device; at least one processor with software, wherein the processor is associated with a memory device and wherein the at least one processor is in signal communication with the display device and the wireless communication circuitry; the memory device associated with the at least one processor, wherein the memory device is configured to store wireless pairing information associated with the wireless communication circuitry; wherein the processor software is configured to; obtain, from the memory device, the wireless pairing information associated with the wireless communication circuitry, generate a color coded digital scannable media image responsive to the wireless pairing information, control the display device, wherein the display device is configured to display the color coded digital scannable media, and establish, via the wireless communication circuitry, the wireless communications link with the mobile device responsive to the mobile device scanning and decoding the color coded displayed digital scannable media generate at least one of activity tracking information and bio- metric information, and communicate, via the wireless communications link, at least one of the activity tracking information and the bio-metric information to the mobile device. With respect to claim 11 and all its dependencies, a method for establishing a communications link between a wearable activity device and a mobile device, the method comprising: storing, by a memory device associated with the wearable activity device, wireless pairing information associated with wireless communication circuitry disposed within the wireless activity device, receiving, by a processor associated with the wearable activity device, the wireless pairing information associated with the wireless communication circuitry from the memory device, generating, by the processor associated with the wireless activity device, a color coded digital scannable media responsive to the wireless pairing information, displaying, by a display device associated with the wireless activity device, the color coded digital scannable media, scanning, by the mobile device, the color coded digital scannable media, processing, by the mobile device, the color coded digital scannable media, and establishing, by the

mobile device, a wireless communications link with the wireless activity device responsive to the mobile device processing the color coded digital scannable media, generating, by the exercise device processor, at least one of activity information and bio-metric information, wherein the at least one of the activity information and bio- metric information is stored in the memory device associated with the wireless activity device, and communicating, via the wireless communications link by the wireless activity device, at least one of the activity tracking information and the bio-metric information to the mobile device. The prior art of record fails to provide sufficient teaching or motivation to one of ordinary skill in the art to provide the additionally recited features of these claims in the combinations as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTY A HAUPT whose telephone number is (571)272-8545 and email address is kristy.haupt@uspto.gov. The examiner can normally be reached on Mon-Sun 5:30 AM- 10PM; Flex during day.

If all attempts to reach the examiner ***by telephone and email*** are unsuccessful, the examiner's supervisor, Michael Lee can be reached on 5712722398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/KRISTY A HAUPT/
Primary Examiner, Art Unit 2876

KAH

Index of Claims	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/181,423	McKirdy, Sean
	Examiner	Art Unit
	KRISTY A HAUPT	2876

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

CLAIMS

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

CLAIM		DATE								
Final	Original	09/09/2021	05/19/2022	09/12/2022	01/04/2023					
	1	✓	=	=	=					
	2	✓	=	=	=					
	3	✓	=	=	=					
	4	✓	=	=	=					
	5	✓	=	=	=					
	6	✓	=	=	=					
	7	✓	=	=	=					
	8	✓	=	=	=					
	9	✓	=	=	=					
	10	✓	=	=	=					
	11	✓	=	=	=					
	12	✓	=	=	=					
	13	✓	=	=	=					
	14	✓	=	=	=					
	15	✓	=	=	=					
	16	✓	=	=	=					
	17	✓	=	=	=					
	18	✓	=	=	=					
	19	✓	=	=	=					
	20	✓	=	=	=					

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/181,423	McKirdy, Sean
	Examiner	Art Unit
	KRISTY A HAUPT	2876

CPC - Searched*		
Symbol	**Date**	**Examiner**
G06K19/0718; G06Q30/0271; G16H20/30; G16H40/63; A61B5/021; A61B5/024; A61B5/4872; A63B2230/01; A63B2230/06; A63B2230/30 A63B2230/70 (text search)	09/09/2021	KAH
Updated	05/19/2022	KAH
Updated	09/12/2022	KAH
Updated	01/04/2023	KAH

CPC Combination Sets - Searched*		
Symbol	**Date**	**Examiner**

US Classification - Searched*			
Class	**Subclass**	**Date**	**Examiner**

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

Search Notes		
Search Notes	**Date**	**Examiner**
Inventor search	09/09/2021	KAH
East search	09/09/2021	KAH
Updated Pe2e search	05/19/2022	KAH
Updated Pe2e search	09/12/2022	KAH
Updated Pe2e search	01/04/2023	KAH

/KRISTY A HAUPT/ Primary Examiner, Art Unit 2876	

Search Notes	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/181,423	McKirdy, Sean
	Examiner	Art Unit
	KRISTY A HAUPT	2876

Interference Search			
US Class/CPC Symbol	**US Subclass/CPC Group**	**Date**	**Examiner**
SAME AS	ABOVE	05/19/2022	KAH
SAME AS	ABOVE	09/12/2022	KAH
SAME AS	ABOVE	01/04/2023	KAH

/KRISTY A HAUPT/ Primary Examiner, Art Unit 2876	

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/181,423	McKirdy, Sean
	Examiner	**Art Unit**
	KRISTY A HAUPT	2876

CPC						
Symbol					**Type**	**Version**
G16H	/	40	/	67	F	2018-01-01
G06Q	/	30	/	0271	I	2013-01-01
A61B	/	5	/	0205	I	2013-01-01
A63B	/	24	/	0062	I	2013-01-01
G06K	/	7	/	1413	I	2013-01-01
G06K	/	19	/	06028	I	2013-01-01
G06K	/	19	/	06112	I	2013-01-01
G06K	/	19	/	0718	I	2013-01-01
G16H	/	20	/	30	I	2018-01-01
G16H	/	40	/	63	A	2018-01-01
G16H	/	20	/	60	A	2018-01-01
A61B	/	5	/	021	A	2013-01-01
A61B	/	5	/	024	A	2013-01-01
A61B	/	5	/	4872	A	2013-01-01
A63B	/	2230	/	01	A	2013-01-01
A63B	/	2230	/	06	A	2013-01-01
A63B	/	2230	/	30	A	2013-01-01
A63B	/	2230	/	70	A	2013-01-01

CPC Combination Sets							
Symbol					**Type**	**Set**	**Ranking**	**Version**
	/		/					

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 20	
/KRISTY A HAUPT/ Primary Examiner, Art Unit 2876 (Primary Examiner)	04 January 2023 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 8

U.S. Patent and Trademark Office — Part of Paper No.: 20230104

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
	17/181,423	McKirdy, Sean
	Examiner	**Art Unit**
	KRISTY A HAUPT	2876

INTERNATIONAL CLASSIFICATION				
CLAIMED				
A63B24/00	/	24	/	00
G06K7/14	/	7	/	14
G06K19/06	/	19	/	06
G06K19/07	/	19	/	07
G06Q30/0251	/	30	/	0251

NON-CLAIMED				
G16H40/67	/	40	/	67
G06Q30/02	/	30	/	02
A61B5/0205	/	5	/	0205
G16H20/30	/	20	/	30
G16H40/63	/	40	/	63
G16H20/60	/	20	/	60
A61B5/021	/	5	/	021
A61B5/024	/	5	/	024
A61B5/00	/	5	/	00

US ORIGINAL CLASSIFICATION	
CLASS	**SUBCLASS**

CROSS REFERENCES(S)						
CLASS	**SUBCLASS (ONE SUBCLASS PER BLOCK)**					

NONE (Assistant Examiner) (Date)	**Total Claims Allowed:** 20	
/KRISTY A HAUPT/ Primary Examiner, Art Unit 2876 (Primary Examiner) 04 January 2023 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 8

Issue Classification	Application/Control No.	Applicant(s)/Patent Under Reexamination
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	Examiner	**Art Unit**
	KRISTY A HAUPT	2876

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

CLAIMS

Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
	1		10		19										
	2		11		20										
	3		12												
	4		13												
	5		14												
	6		15												
	7		16												
	8		17												
	9		18												

NONE (Assistant Examiner)	(Date)	**Total Claims Allowed:** 20	
/KRISTY A HAUPT/ Primary Examiner, Art Unit 2876 (Primary Examiner)	04 January 2023 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 8

U.S. Patent and Trademark Office Part of Paper No.: 20230104

PE2E SEARCH - Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	British Equivalents	Time Stamp
L171	260268	A63B24/0062.cpc. or G16H40/67.cpc. or A61B5/0205.cpc. or G06K7/1413.cpc. or G06K19/06028.cpc. or G06K19/06112.cpc. or G06K19/0718.cpc. or G06Q30/0271.cpc. or G16H20/30.cpc. or G16H40/63.cpc. or A61B5/021.cpc. or A61B5/024.cpc. or A61B5/4872.cpc. or A63B2230/01.cpc. or A63B2230/06.cpc. or A63B2230/30.cpc. or A63B2230/70.cpc.	(US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/01/04 08:44 AM
L172	4796943	@pd>"20220912"	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/01/04 08:45 AM
L173	10421	171 AND 172	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/01/04 08:45 AM
L174	8430	(wearable WITH (fitness activity)) WITH display	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/01/04 08:45 AM
L175	2964	(wearable WITH (fitness activity)) WITH display AND accelerometer	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/01/04 08:45 AM
L176	1280	(wearable WITH (fitness activity)) WITH display	(US-PGPUB; USPAT; USOCR; FIT (AU, AP,	OR	ON	ON	2023/01/04 08:45 AM

		AND accelerometer AND biometric	AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)				
L177	971	(wearable WITH (fitness activity)) WITH display AND accelerometer AND biometric AND ((pair pairing paired connect$3) WITH wireless)	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/01/04 08:45 AM
L178	759	(wearable WITH (fitness activity)) WITH display AND accelerometer AND biometric AND ((pair pairing paired connect$3) WITH wireless) AND (mobile ADJ (phone device))	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/01/04 08:45 AM
L179	109	(wearable WITH (fitness activity)) WITH display AND accelerometer AND biometric AND ((pair pairing paired connect$3) WITH wireless) AND (mobile ADJ (phone device)) AND ((communicat$4 transfer$4 send$3) WITH (biometric activity) WITH (mobile ADJ (phone device)))	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/01/04 08:45 AM
L180	40	(wearable WITH (fitness activity)) WITH display AND accelerometer AND biometric AND ((pair pairing paired connect$3) WITH wireless) AND (mobile ADJ (phone device)) AND ((communicat$4 transfer$4 send$3) WITH (biometric activity) WITH (mobile ADJ (phone device))) AND L156	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/01/04 08:45 AM
L181	60577	(wearable AND display).clm.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT;	OR	ON	ON	2023/01/04 08:46 AM

			IBM_TDB)				
L182	2309	(wearable AND display AND (biometric bio$1metric)).clm.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/01/04 08:47 AM
L183	236	(wearable AND display AND (biometric bio$1metric) AND pair$3).clm.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/01/04 08:47 AM
L184	59	(wearable AND display AND (biometric bio$1metric) AND pair$3 AND (activity fitness)).clm.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/01/04 08:47 AM
L185	727	(wearable AND accelerometer AND pair$3).clm.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/01/04 08:52 AM
L186	372	(wearable AND accelerometer AND pair$3 AND wireless).clm.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/01/04 08:52 AM
L187	78	(wearable AND accelerometer AND pair$3 AND wireless AND track$3).clm.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/01/04 08:52 AM
L188	19907	(display$4 AND mobile AND (device phone) AND (activity exercise fitness)).clm.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT;	OR	ON	ON	2023/01/04 08:55 AM

			IBM_TDB)				
L189	3786	(display$4 AND mobile AND (device phone) AND (activity exercise fitness) AND track$3).clm.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/01/04 08:55 AM
L190	577	(display$4 AND mobile AND (device phone) AND (activity exercise fitness) AND track$3 AND scan$4).clm.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/01/04 08:55 AM
L191	177	(display$4 AND mobile AND (device phone) AND (activity exercise fitness) AND track$3 AND scan$4 AND (biometric bio$1metric)).clm.	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/01/04 08:55 AM
L192	59	173 AND 174	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/01/04 08:57 AM
L193	1653	181 AND 174	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/01/04 08:57 AM
L194	121	182 AND 174	(US-PGPUB; USPAT; USOCR; FIT (AU, AP, AT, CA, CH, CN, DD, DE, EA, EP, ES, FR, GB, JP, KR, OA, RU, SU, WO); FPRS; EPO; JPO; DERWENT; IBM_TDB)	OR	ON	ON	2023/01/04 08:58 AM

PE2E SEARCH - Search History (Interference)

There are no Interference searches to show.

Bibliographic Data

Application No: 17/181,423

Foreign Priority claimed: ○ Yes ◉ No

35 USC 119 (a-d) conditions met: ☐ Yes ☑ No ☐ Met After Allowance

Verified and Acknowledged: /KRISTY A HAUPT/ (Examiner's Signature) KAH (Initials)

Title: BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.
02/22/2021	235	2876	MCK-0012-Cont-3
RULE			

APPLICANTS

INVENTORS

Sean McKirdy, Newington, CT, UNITED STATES

CONTINUING DATA

This application is a CON of 16412585 05/15/2019 PAT 10926135

FOREIGN APPLICATIONS

IF REQUIRED, FOREIGN LICENSE GRANTED**

03/02/2021

** SMALL ENTITY **

STATE OR COUNTRY

UNITED STATES

ADDRESS

THE LAW OFFICES OF STEVEN MCHUGH, LLC
213 COURT STREET
SUITE 102
MIDDLETOWN, CT 06457
UNITED STATES

FILING FEE RECEIVED

$830

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /K.A.H/

Filed Date: 1/4/2023

PTO/SB/08a (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 2

Complete if Known	
Application Number	13/567,337
Filing Date	August 06, 2012
First Named Inventor	Sean McKirdy
Art Unit	
Examiner Name	/KRISTY A HAUPT/
Attorney Docket Number	MCK-0012

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 5890997	04-06-1999	Eric. S. Roth	
		US- 6338433	01-15-2002	Jerome Drexler	
		US- 6514199	02-04-2003	Nerio Alessandri	
		US- 6568596	05-27-2003	Elizabeth C. Shaw	
		US- 7056265	06-06-2006	Michael J. Shea	
		US- 7434724	06-26-2008	John A. Lane	
		US- 7578432	06-07-2007	Libin et al.	
		US- 7628318	10-25-2007	Melick et al.	
		US- 7810720	09-04-2008	Robert Lovett	
		US- 7909741	10-02-2008	Kim et al.	
		US- 7914419	12-04-2008	Karkanias et al.	
		US- 7934641	04-22-2010	Melick et al.	
		US- 7942328	06-28-2007	Snyder et al.	
		US- 7988037	05-05-2011	David Paul Yach	
		US- 7988050	04-15-2010	Kitada et al.	
		US- 8131478	09-13-2007	Akinori Kai	
		US- 10/417,103	11-13-2003	Patrick J. Capuano	
		US- 10/617,525	01-13-2005	Chen et al.	
		US- 11/015,635	07-14-2005	Melick et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3] Number[4] Kind Code[5] *(if known)*	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T[6]

Examiner Signature	/KRISTY A HAUPT/	Date Considered	01/04/2023

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1]Applicant's unique citation designation number (optional). [2]See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5]Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [6]Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

PTO/SB/08a (07-09)
Approved for use through 07/31/2012. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 2 of 2

Complete if Known	
Application Number	13/567,337
Filing Date	August 06, 2012
First Named Inventor	Sean McKirdy
Art Unit	
Examiner Name	/KRISTY A HAUPT/
Attorney Docket Number	MCK-0012

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- 11/089,241	09-28-2006	Kondrat et al.	
		US- 11/247,430	02-08-2007	Rao et al.	
		US- 11/754,565	12-04-2008	Karkanias et al.	
		US- 12/778,067	09-02-2010	Michael J. Shea	
		US- 12/469,222	11-25-2010	McCombie et al.	
		US- 12/546,152	02-24-2011	Richard Wojdyla	
		US- 12/752,348	03-10-2011	Frysz et al.	
		US- 12/879,932	03-17-2011	Gagner et al.	
		US- 12/572,386	04-07-2011	Brown et al.	
		US- 12/907,672	04-21-2011	Otavio Good	
		US- 12/610,445	05-05-2011	David Paul Yach	
		US- 12/953,868	06-30-2011	Bower et al.	
		US- 11/247,416	02-08-2007	Rao et al.	
		US- 12/238,994	04-01-2010	Glenn Patton Bradford	
		US-			
		US-			
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3] Number[4] Kind Code[5] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T[6]

Examiner Signature	/KRISTY A HAUPT/	Date Considered	01/04/2023

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. [1] Applicant's unique citation designation number (optional). [2] See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. [3] Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). [4] For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. [5] Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. [6] Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /K.A.H/

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), by mail or fax, or via EFS-Web.

By mail, send to: Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

42638 7590 01/23/2023
THE LAW OFFICES OF STEVEN MCHUGH, LLC
213 COURT STREET
SUITE 102
MIDDLETOWN, CT 06457

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being transmitted to the USPTO via EFS-Web or by facsimile to (571) 273-2885, on the date below.

Christine Kenedy	(Typed or printed name)
/christine kenedy/	(Signature)
04/24/2023	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/181,423	02/22/2021	Sean McKirdy	MCK-0012-Cont-3	7904

TITLE OF INVENTION: BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0.00	$0.00	$480	04/24/2023

EXAMINER	ART UNIT	CLASS-SUBCLASS
HAUPT, KRISTY A	2876	235-375000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/AIA/122 or PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/AIA/47 or PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
(1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document must have been previously recorded, or filed for recordation, as set forth in 37 CFR 3.11 and 37 CFR 3.81(a). Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. Fees submitted: ☒ Issue Fee ☐ Publication Fee (if required) ☐ Advance Order - # of Copies _____

4b. Method of Payment: *(Please first reapply any previously paid fee shown above)*

☒ Electronic Payment via EFS-Web ☐ Enclosed check ☐ Non-electronic payment by credit card (Attach form PTO-2038)

☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment to Deposit Account No. _____

5. **Change in Entity Status** (from status indicated above)

☐ Applicant certifying micro entity status. See 37 CFR 1.29

☒ Applicant asserting small entity status. See 37 CFR 1.27

☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.
NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.
NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature /Steven War/ Date 4/24/2023

Typed or printed name Steven War Registration No. 48024

Electronic Patent Application Fee Transmittal

Application Number:	17181423
Filing Date:	22-Feb-2021
Title of Invention:	BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION
First Named Inventor/Applicant Name:	Sean McKirdy
Filer:	Steven M. War/Christine Kenedy
Attorney Docket Number:	MCK-0012-Cont-3

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
UTILITY APPL ISSUE FEE	2501	1	480	480

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension-of-Time:				
Miscellaneous:				
			Total in USD ($)	**480**

Electronic Acknowledgement Receipt

EFS ID:	47894806
Application Number:	17181423
International Application Number:	
Confirmation Number:	7904
Title of Invention:	BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION
First Named Inventor/Applicant Name:	Sean McKirdy
Customer Number:	42638
Filer:	Steven M. War/Christine Kenedy
Filer Authorized By:	Steven M. War
Attorney Docket Number:	MCK-0012-Cont-3
Receipt Date:	24-APR-2023
Filing Date:	22-FEB-2021
Time Stamp:	19:38:17
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	CARD
Payment was successfully received in RAM	$480
RAM confirmation Number	E20234NJ42168005
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	2023_04_24_IssueFeePayment Form.pdf	1183412 0edd8943b32f7b04edfcf3384a293f96cbfd ee0f	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	38042 a5623c1c5aea911512339f52b89ec7b74caa 6b9d	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	1221454		

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

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.
National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.
New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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Commissioner for Patents
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Alexandria, Virginia 22313-1450

By fax, send to: (571)-273-2885

USPTO MAIL ROOM & MAIL SVCS
APR 27 2023
PATENT TRADEMARK OFFICE

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42638 7590 01/23/2023
THE LAW OFFICES OF STEVEN MCHUGH, LLC
213 COURT STREET
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MIDDLETOWN, CT 06457

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Sean McKirdy	(Typed or printed name)
	(Signature)
April 24, 2023	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/181,423	02/22/2021	Sean McKirdy	MCK-0012-Cont-3	7904

TITLE OF INVENTION: BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	$480	$0.00	$0.00	$480	04/24/2023

EXAMINER	ART UNIT	CLASS-SUBCLASS
HAUPT, KRISTY A	2876	235-375000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

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(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
2 _____
3 _____

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(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : 0 Individual O Corporation or other private group entity O Government

4a. Fees submitted: [X] Issue Fee [ ] Publication Fee (if required) [ ] Advance Order - # of Copies _____

4b. Method of Payment: *(Please first reapply any previously paid fee shown above)*

0 Electronic Payment via EFS-Web X Enclosed check 0 Non-electronic payment by credit card (Attach form PTO-2038)

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0 Applicant asserting small entity status. See 37 CFR 1.27

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NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____ Date April 24, 2023

Typed or printed name Sean McKirdy Registration No. Applicant/Inventor

PTOL-85 Part B (08-18) Approved for use through 01/31/2020 OMB 0651-0033 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Office of the Chief Financial Officer

Document Code:WFEE

User :Sengpheth Sandara

Sale Accounting Date:05/01/2023

Sale Item Reference Number	Effective Date
17181423	04/27/2023

Document Number	Fee Code	Fee Code Description	Amount Paid	Payment Method
I202351B09337221	2501	UTILITY APPL ISSUE FEE	$480.00	Check

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/181,423	05/30/2023	11664123	MCK-0012-Cont-3	7904

42638 7590 05/10/2023

THE LAW OFFICES OF STEVEN MCHUGH, LLC
213 COURT STREET
SUITE 102
MIDDLETOWN, CT 06457

ISSUE NOTIFICATION

The projected patent number and issue date are specified above. The patent will issue electronically. The electronically issued patent is the official patent grant pursuant to 35 U.S.C. § 153. The patent may be accessed on or after the issue date through Patent Center at https://patentcenter.uspto.gov/. The patent will be available in both the public and the private sides of Patent Center. Further assistance in electronically accessing the patent, or about Patent Center, is available by calling the Patent Electronic Business Center at 1-888-217-9197.

The USPTO is implementing electronic patent issuance with a transition period, during which period the USPTO will mail a ceremonial paper copy of the electronic patent grant to the correspondence address of record. Additional copies of the patent (i.e., certified and presentation copies) may be ordered for a fee from the USPTO's Certified Copy Center at https://certifiedcopycenter.uspto.gov/index.html. The Certified Copy Center may be reached at (800)972-6382.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Patents Stakeholder Experience (OPSE), Stakeholder Support Division (SSD) at (571)-272-4200.

INVENTOR(s) (Please see PAIR WEB site http://pair.uspto.gov for additional inventors):

Sean McKirdy, Newington, CT;

APPLICANT(s) (Please see PAIR WEB site http://pair.uspto.gov for additional applicants):

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/181,423	02/22/2021	Sean McKirdy	MCK-0012-Cont-3	7904

42638 7590 05/31/2023

THE LAW OFFICES OF STEVEN MCHUGH, LLC
213 COURT STREET
SUITE 102
MIDDLETOWN, CT 06457

EXAMINER	
HAUPT, KRISTY A	

ART UNIT	PAPER NUMBER
2876	

MAIL DATE	DELIVERY MODE
05/31/2023	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.
17/181,423	30-MAY-23	11664123

THE LAW OFFICES OF STEVEN MCHUGH, LLC
213 COURT STREET SUITE 102
MIDDLETOWN, CT 06457

EGRANT NOTIFICATION

Your electronic patent grant (eGrant) is now available, which can be accessed via Patent Center at https://patentcenter.uspto.gov

The electronic patent grant is the official patent grant under 35 U.S.C. 153. For more information, please visit https://www.uspto.gov/electronicgrants

PTO/AIA/81A (02-15)
Approved for use through 03/31/2021. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

PATENT - POWER OF ATTORNEY OR REVOCATION OF POWER OF ATTORNEY WITH A NEW POWER OF ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS

Patent Number	11664123
Issue Date	May 30, 2023
First Named Inventor	Sean McKirdy
Title	BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION
Attorney Docket No.	MCK-21-101

I hereby revoke all previous powers of attorney given in the above-identified patent.

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint Practitioner(s) associated with the Customer Number identified in the box at right as my/our attorney(s) or agent(s) with respect to the patent identified above, and to transact all business in the United States Patent and Trademark Office connected therewith: 31877

OR

☐ I hereby appoint Practitioner(s) named below as my/our attorney(s) or agent(s) with respect to the patent identified above, and to transact all business in the United States Patent and Trademark Office connected therewith:

Practitioner(s) Name	Registration Number

Please recognize or change the correspondence address for the above-identified patent to:

☒ The address associated with the above-identified Customer Number.

OR

☐ The address associated with the Customer Number identified in the box at right:

OR

☐ Firm or Individual Name					
Address					
City		State		Zip	
Country					
Telephone		Email			

I am the:

☒ Applicant.

OR

☐ Patent owner.

Statement under 37 CFR 3.73(c) (Form PTO/AIA/96) submitted herewith or filed on _____.

SIGNATURE of Applicant or Patent Owner

Signature		Date	May 2 2024
Name	Sean McKirdy	Telephone	
Title and Company	Inventor		

NOTE: Signatures of all the applicants or patent owners of the entire interest or their representative(s) are required. If more than one signature is required, submit multiple forms, check the box below, and identify the total number of forms submitted in the blank below.

☑ A total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public, which is to update (and by the USPTO to process) the file of a patent or reexamination proceeding. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

UNITED STATES
PATENT AND TRADEMARK OFFICE

P.O. Box 1450
Alexandria, VA 22313 - 1450
www.uspto.gov

ELECTRONIC ACKNOWLEDGEMENT RECEIPT

APPLICATION #	RECEIPT DATE / TIME	ATTORNEY DOCKET #
17/181,423	**05/28/2024 12:21:02 AM Z ET**	**MCK-0012-Cont-3**

Title of Invention

BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

Application Information

APPLICATION TYPE	Utility - Nonprovisional Application under 35 USC 111(a)	PATENT #	11664123
CONFIRMATION #	7904	FILED BY	Allen Hertz
PATENT CENTER #	65684800	FILING DATE	02/22/2021
CUSTOMER #	42638	FIRST NAMED INVENTOR	Sean McKirdy
CORRESPONDENCE ADDRESS	-	AUTHORIZED BY	-

Documents

TOTAL DOCUMENTS: 1

DOCUMENT	PAGES	DESCRIPTION	SIZE (KB)
1_MCK-21-101_McKirdy_17181423-11664123_POA_aia0081a_SM_Executed_Letter.pdf	1	Power of Attorney	727 KB

Digest

DOCUMENT	MESSAGE DIGEST(SHA-512)
1_MCK-21-101_McKirdy_17181423-11664123_POA_aia0081a_SM	2873BC320CFB5F9ABAFCE9CEBD5C561A21B289AC88978CE6774A923920757C0600F487C2EA2E6165A113B99F3F4B26FEE47028FB3AFA350FC9AD78783D9C76C7

_Executed_Letter.pdf

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

New Applications Under 35 U.S.C. 111

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

National Stage of an International Application under 35 U.S.C. 371

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

New International Application Filed with the USPTO as a Receiving Office

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

REQUEST FOR REFUND

Reference # *(Patent #, Application #, Trademark Serial #, Registration #, etc.)*	**Title of Invention or Mark Information**	
Appl. 17/181,423	BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATI	
Attorney Docket # *(if applicable)*	**Payment Date** *(mm/dd/yyyy)*	**Refund Request Amount**
MCK-12-101	04/27/2023	$ 480.00

Refund Option *(Select one)*

- ○ If approved, issue the refund to the account associated with the original payment.
- ○ If approved, and the original payment was a check, issue the refund to deposit account # _____.
- ◉ If approved, and the original payment was a check, issue the refund as a U.S. Treasury check.

Reason for Refund Request *Refund requests must generally be filed within 2 years of payment date (37 CFR 1.26 and 2.209)*

☑ Duplicate Payment ☐ No Fee Due ☐ Office Error ☐ Other:

☐ Small Entity Later Established* *(Must be filed within 3 months of payment date, 37 CFR 1.28. There is no refund when micro entity is later established.)*

Rationale *(Supporting documentation may be submitted with this form)*

The Applicant was unable to confirm that Atty. War filed the Issue Fee timely (filed electronically on April 24, 2023), so the Applicant filed the Issue fee via USPS (mailed on April 24, 2023) with a certificate of mailing to ensure that the Application was not abandoned. This was discovered today (May 30, 2024) by Allen D. Hertz (POA Filed on May 28, 2024).

Requester's Information

Company or Firm Name *(if applicable)*		
Allen D Hertz, P. A.		
Address Line 1	**City**	**State/Region**
12784 Tulipwood Cir	Boca Raton	FL
Address Line 2 *(if applicable)*	**Country**	**Zip/Postal Code**
	US	33428
Email Address *(You will receive an acknowledgment of receipt only if you provide a valid email address)*		**Phone Number**
Patents@AllenHertz.com		561-716-3915
Requester's Name		**Registration Number** *(if applicable)*
Allen D. Hertz		50942
Signature		**Date** *(mm/dd/yyyy)*
		05/30/2024

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Mail to: Mail Stop 16, Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450

UNITED STATES
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ELECTRONIC ACKNOWLEDGEMENT RECEIPT

APPLICATION #	RECEIPT DATE / TIME	ATTORNEY DOCKET #
17/181,423	**05/30/2024 03:44:06 PM Z ET**	**MCK-0012-Cont-3**

Title of Invention

BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

Application Information

APPLICATION TYPE	Utility - Nonprovisional Application under 35 USC 111(a)	PATENT #	11664123
CONFIRMATION #	7904	FILED BY	Allen Hertz
PATENT CENTER #	65738508	FILING DATE	02/22/2021
CUSTOMER #	42638	FIRST NAMED INVENTOR	Sean McKirdy
CORRESPONDENCE ADDRESS	-	AUTHORIZED BY	-

Documents

TOTAL DOCUMENTS: 1

DOCUMENT	PAGES	DESCRIPTION	SIZE (KB)
MCK-21-101_McKirdy_Issue_Fee_Refund_Request_Form_Executed.pdf	1	Refund Request	437 KB

Digest

DOCUMENT	MESSAGE DIGEST(SHA-512)
MCK-21-101_McKirdy_Issue_Fee_Refund_Request_Form_Executed.pdf	4A0D36C3519209F394E58637FCB912B37AC1BCDDB47F2E8C717594A9938F4259A2D7171EEA73036CAF75E93DA2FA513514AE3D748375195EE7C2306AF2C8D702

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized

by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

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

National Stage of an International Application under 35 U.S.C. 371

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

New International Application Filed with the USPTO as a Receiving Office

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

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
17/181,423	02/22/2021	Sean McKirdy	MCK-21-101

CONFIRMATION NO. 7904

31877
ALLEN D. HERTZ
ALLEN D HERTZ, P.A.
12784 TULIPWOOD CIRCLE
BOCA RATON, FL 33428

POA ACCEPTANCE LETTER

OC000000074154221

Date Mailed: 06/18/2024

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/28/2024.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at **(571) 272-4000** or **(571) 272-4200** or **1-888-786-0101**.

/lqchau/

United States Patent and Trademark Office

Office of the Chief Financial Officer

June 26, 2024

ALLEN D. HERTZ, P.A.
Attn: ALLEN D. HERTZ
12784 TULIPWOOD CIR
BOCA RATON, FL 33428

Dear Sir/Madam,

The United States Patent and Trademark Office (USPTO) has reviewed your refund request for Reference Number **17181423** - Refund Request ID **REFND-20240531-05573**. Below is the current status of your refund request assigned to the following processing area: Patent Publication Branch

Fee code	Decision	Decision Reason(s)	Refund Amount
2501	Approved	Duplicate Payment	$480.00

Generally, approved refunds will be issued in the form that the original payment was provided. You will receive a separate decision letter for any additional fee codes assigned to other processing areas, if applicable. Decisions may be subject to change if an error is identified.

For questions related to this decision, contact Yalasha Redd at (703) 756-5731 or Yalasha.Redd@USPTO.GOV.

Thank you,
Refund Branch

United States Patent and Trademark Office

Office of the Chief Financial Officer

Document Code:WFEE

User :James Leija

Sale Adjustment Accounting Date:07/09/2024

Effective Date	Sale Accounting Date	Sale Item Reference Number
07/09/2024	07/09/2024	17181423

Document Number	Fee Code	Fee Code Description	Amount Paid	Payment Method
I202479A35017483	2501	UTILITY APPL ISSUE FEE	$480.00	EFT

United States Patent and Trademark Office

Office of the Chief Financial Officer

Document Code:WFEE

User :James Leija

Refund Accounting Date:07/09/2024

Effective Date	Sale Item Reference Number	Refund Total
07/09/2024	17181423	$480.00

Document Number	Fee Code	Fee Code Description	Amount Paid	Payment Method	Account Number
I202479A35017483	2501	UTILITY APPL ISSUE FEE	$480.00	EFT	******807

Doc Code: PET.OP
Document Description: Petition for Review by the Office of Petitions

PTO/SB/44S (09-22)
Approved for use through 05/31/2024. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. 119(e) (37 CFR 1.78(c)) AND/OR TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. 120, 121, 365(c), or 386(c) (37 CFR 1.78(e)) FOR THE BENEFIT OF A PRIOR-FILED APPLICATION

First named inventor: Sean McKirdy

Application No.: 17/181,423 Art Unit: 2876

Filed: February 22, 2021 Examiner: Kristy A. HAUPT

Title: BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX 571-273-8300

When filing via USPTO's patent electronic filing systems, use Doc Code PET.PCT (Petition for review by the PCT Legal Office) for applications filed under 35 U.S.C. 371 and/or if the reference to the prior-filed application(s) includes an international application or an international design application. In all other instances, use Doc Code PET.OP (Petition for review by the Office of Petitions).

NOTE: If information or assistance is needed in completing this form, please contact the Office of Petitions at 571-272-3282.

APPLICANT HEREBY PETITIONS FOR ACCEPTANCE OF AN UNINTENTIONALLY DELAYED BENEFIT CLAIM TO A PRIOR-FILED APPLICATION UNDER 37 CFR 1.78(c) AND/OR 37 CFR 1.78(e).

NOTE: For a petition under 37 CFR 1.78(e), the above-identified application must have been filed during the pendency of the prior application or during the pendency of an intermediate application similarly entitled to the benefit of the filing date of the prior application. For a petition under 37 CFR 1.78(c), the above-identified application must have been filed within 12 months of the filing date of the provisional application or be entitled to claim the benefit under 35 U.S.C. 120, 121, or 365(c) of an application that was filed within 12 months of the filing date of the provisional application, except as provided in 37 CFR 1.78(b).

NOTE: A grantable petition requires the following items:

(1) the reference required by 35 U.S.C. 119(e) and 37 CFR 1.78(a)(3) to the prior-filed provisional application and/or the reference required by 35 U.S.C. 120 and 37 CFR 1.78(d)(2) to the prior-filed nonprovisional application, international application designating the United States, or international design application designating the United States, unless previously submitted;
(2) the petition fee set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay between the date the benefit claim was due under 37 CFR 1.78(d)(3) and/or 37 CFR 1.78(a)(4) and the date the benefit claim was filed was unintentional. The Director may require additional information where there is a question as to whether the delay was unintentional.

1. The required reference to the prior-filed application:

☑ The above-identified application was filed on or after September 16, 2012, and the reference is either set forth in the attached corrected application data sheet (ADS) or in a corrected ADS that was previously submitted.

☐ The above-identified application was filed prior to September 16, 2012, and the reference is either (1) set forth in a supplemental ADS, (2) set forth in the attached amendment to the first sentence(s) of the specification, or (3) set forth in a supplemental ADS or amendment to the first sentence(s) of the specification that was previously submitted. See 37 CFR 1.78(h).

Reminder: Any ADS which corrects or updates the information of record must comply with 37 CFR 1.76(c)(2) (or for applications filed prior to September 16, 2012, pre-AIA 37 CFR 1.76(c)).

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995, unless the information collection has a currently valid OMB Control Number. The OMB Control Number for this information collection is 0651-0032. Public burden for this form is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 or email InformationCollection@uspto.gov. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. 119(e) (37 CFR 1.78(c)) AND/OR TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. 120, 121, 365(c), or 386(c) (37 CFR 1.78(e)) FOR THE BENEFIT OF A PRIOR-FILED APPLICATION

2. Petition fee (37 CFR 1.17(m)):

☐ Other than a small or micro entity (undiscounted) fee $ _____ (Fee Code 1454).

☑ Small entity fee $ 840 (Fee Code 2454). Applicant asserts small entity status. See 37 CFR 1.27.

☐ Micro entity fee $ _____ (Fee Code 3454). Applicant has established or is establishing micro entity status. See 37 CFR 1.29. Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

3. Statement: The entire delay between the date the benefit claim was due under 37 CFR 1.78(d)(3) and/or 37 CFR 1.78(a)(4) and the date the benefit claim was filed was unintentional.

Petitioner is reminded that a change in circumstance or a delay resulting from a deliberately chosen course of action does not become an "unintentional" delay because, for example:

- the applicant does not consider any patent to be of sufficient value to justify the financial expense of obtaining the patent; or
- the applicant remains interested in eventually obtaining a patent, but simply seeks to defer patent fees and patent prosecution expenses.

NOTE: Where the petition under 37 CFR 1.78(c) and/or 37 CFR 1.78(e) is filed more than two years after the date the priority or benefit claim was due, the United States Patent and Trademark Office requires an additional explanation of the circumstances surrounding the delay that establishes the entire delay was unintentional. This requirement is in addition to the requirement to provide a statement that the entire delay was unintentional. See *Clarification of the Practice for Requiring Additional Information in Petitions Filed in Patent Applications and Patents Based on Unintentional Delay*, 85 FR 12222 (March 2, 2020). See MPEP 711.03(c)(II)(C)-(F) for additional guidance on the information required to establish that the entire delay was unintentional.

☑ Because this petition under 37 CFR 1.78(c) and/or 37 CFR 1.78(e) is being filed more than two years after the date the priority or benefit claim was due, additional explanation of the circumstances surrounding the delay that establishes the entire delay was unintentional is enclosed herewith.

PTO/SB/445 (09-22)
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PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. 119(e) (37 CFR 1.78(c)) AND/OR TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. 120, 121, 365(c), or 386(c) (37 CFR 1.78(e)) FOR THE BENEFIT OF A PRIOR-FILED APPLICATION

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature*	July 10, 2024
	Date
Allen D. Hertz	50942
Typed or Printed Name	Registration Number, if applicable
12784 Tulipwood Cir	561-716-3915
Address	Telephone Number
Boca Raton, FL 33428	
Address	

* This petition must be signed in accordance with 37 CFR 1.33. Please see 37 CFR 1.4(d) for the signature requirements. Submit multiple forms if more than one signature is required.

Enclosures:

- [x] Application Data Sheet (see instructions starting on page 4)
- [x] Fee (along with supporting documentation, if required)
- [x] Other: Transmittal

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- [ ] Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- [x] Transmitted by electronic filing (EFS-Web or Patent Center) or by facsimile on the date shown below to the United States Patent and Trademark Office at 571-273-8300.

July 10, 2024	
Date	Signature
	Allen D. Hertz
	Typed or printed name of person signing certificate

UNITED STATES
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P.O. Box 1450
Alexandria, VA 22313 - 1450
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ELECTRONIC ACKNOWLEDGEMENT RECEIPT

APPLICATION #	RECEIPT DATE / TIME	ATTORNEY DOCKET #
17/181,423	**07/10/2024 01:43:23 PM Z ET**	**MCK-21-101**

Title of Invention

BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

Application Information

APPLICATION TYPE	Utility - Nonprovisional Application under 35 USC 111(a)	PATENT #	11664123
CONFIRMATION #	7904	FILED BY	Allen Hertz
PATENT CENTER #	66301769	FILING DATE	02/22/2021
CUSTOMER #	31877	FIRST NAMED INVENTOR	Sean McKirdy
CORRESPONDENCE ADDRESS	-	AUTHORIZED BY	-

Documents

TOTAL DOCUMENTS: 7

DOCUMENT	PAGES	DESCRIPTION	SIZE (KB)
1_MCK-21-101_McKirdy_17181423_sb0445_071024.pdf	3	Petition for review by the Office of Petitions	479 KB
2_MCK-21-101_McKirdy_17181423_Petition_OFR_071024.pdf	22	Petition for review by the Office of Petitions	2255 KB
3_MCK-21-101_McKirdy_17181423_ADS_Supplemental_071024.pdf	8	Application Data Sheet	514 KB

Warning: This is not a USPTO supplied ADS fillable form. Data in the form cannot be automatically loaded to other USPTO systems.

4_MCK-21-101_McKirdy_17181423_CoC_Request_071024.pdf	6	Request for Certificate of Correction	203 KB
5_MCK-21-101_McKirdy_17181423_CoC_SB44_071024_P1_Native.pdf	1	Request for Certificate of Correction	131 KB
6_MCK-21-101_McKirdy_17181423_CoC_SB44_071024_P2_Native.pdf	1	Request for Certificate of Correction	215 KB
7_MCK-21-101_McKirdy_17181423_McHugh_Statement_070924.pdf	1	Affidavit-not covered under specific rule	18 KB

Digest

DOCUMENT	MESSAGE DIGEST(SHA-512)
1_MCK-21-101_McKirdy_17181423_sb0445_071024.pdf	F60026B0E300EDC596F5CDA30D27C1C53F063A03CC9A0F9F667F380FA259FDAD9BCAADBC355F1DE8D963DD0F7AF1C5CA0C8C4B0D4DD362E83C2075C509D285DD
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3_MCK-21-101_McKirdy_17181423_ADS_Supplemental_071024.pdf	031773B25916AADFF80370E970B4440D649E8DA3FD76D187056915C4056CE9ABF33847F041101A3EA40A04E0378F9A588ADA691659668BEB4D12CB5317EB0F0B
4_MCK-21-101_McKirdy_17181423_CoC_Request_071024.pdf	21C93E4EDCCE83AAE0103617D811AF13AAA9799263A911245D7868E7D6A44255DFA7A3C9A79031F5DD6EFE5D4CF78C2800D2EF5EDABB972A391C1619068E961A

5_MCK-21-101_McKirdy_17181423_CoC_SB44_071024_P1_Native.pdf	E79BE90CE21A106582B399CA5FAE7D90F7294B1239A950BC1E3065487611855 2BD4FABAAE59C21F4C21A40514745861DB4812285D3D851412C5A6D68EB28999D
6_MCK-21-101_McKirdy_17181423_CoC_SB44_071024_P2_Native.pdf	0096B528F60D3B3DD47E5DB1CF588AD33E6198ABB48A74BE6A744219DB6092A5AD041046622D29770E9407C957748AF404771DD90E97593CE29927B3987FFE3
7_MCK-21-101_McKirdy_17181423_McHugh_Statement_070924.pdf	7CC48E188B6B64122B12DFD635C29290E3E169C81F9DB6AA4592ACD7ED819507DD0856AC6105B1981740E86BD78F48A61C82BA90F9BAA35AC66AD4D8F013B876

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

New Applications Under 35 U.S.C. 111

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National Stage of an International Application under 35 U.S.C. 371

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

New International Application Filed with the USPTO as a Receiving Office

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

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 11,664,123

APPLICATION NO.: 17/181,423

ISSUE DATE : May 30, 2023

INVENTOR(S) : Sean McKirdy

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the title page:

Item (63) under "Related U.S. Application Data" delete the paragraph and insert the following:

- - Continuation of application No. 16/412,585, filed on May 15, 2019, now Pat. No. 10,926,135, which is a continuation of application No. 15/175,599, filed on Jun. 6, 2016, now Pat. No. 10,322,313, which is a continuation of application No. 13/567,337, filed on Aug. 6, 2012, now Pat. No. 9,367,860. - -

Under Related U.S. Application Data, beneath the above inserted paragraph, insert the following:

- - (60) Provisional application No. 61/515,728, filed on Aug. 5, 2011,
Provisional application No. 61/539,587, filed on Sept. 27, 2011, and
Provisional application No. 61/622,175, filed on Apr. 10, 2012. - -

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Allen D Hertz, P.A., 12784 Tulipwood Circle, Boca Raton, Florida 33428

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

SUPPLEMENTAL ADS

PTO/AIA/14 (01-22)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	~~MCK-0012-Cont-3~~ MCK-21-101
	Application Number	17/181,423
Title of Invention	~~A~~ BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION	

The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.
This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.

Secrecy Order 37 CFR 5.2:

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Inventor Information:

Inventor 1 Remove

Legal Name

Prefix	Given Name	Middle Name	Family Name	Suffix
	Sean		McKirdy	

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

City	Newington	State/Province	CT	Country of Residence	US

Mailing Address of Inventor:

Address 1	83 Northwood Road		
Address 2			
City	Newington	State/Province	CT
Postal Code	06111	Country	US

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

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below.
For further information see 37 CFR 1.33(a).

☐ **An Address is being provided for the correspondence Information of this application.**

Customer Number	~~42638~~ 31877		
Email Address	~~smchugh@mchugh-law.com~~ Patents@AllenHertz.com	Add Email	Remove Email

Application Information:

Title of the Invention	~~A~~ BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION		
Attorney Docket Number	~~MCK-0012-Cont-3~~ MCK-21-101	Small Entity Status Claimed	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	11	Suggested Figure for Publication (if any)	

SUPPLEMENTAL ADS

PTO/AIA/14 (01-22)
Approved for use through 05/31/2024. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	~~MCK-0012-Cont-3~~ MCK-21-101
	Application Number	17/181,423
Title of Invention	~~A~~ BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION	

Filing By Reference:

Only complete this section when filing an application by reference under 35 U.S.C. 111(c) and 37 CFR 1.57(a). Do not complete this section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(s) below (i.e., "Domestic Benefit/National Stage Information" and "Foreign Priority Information").

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this reference to the previously filed application, subject to conditions and requirements of 37 CFR 1.57(a).

Application number of the previously filed application	Filing date(YYYY-MM-DD)	Intellectual Property Authority or Country

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

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

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.

Please Select One:	◉ Customer Number	○ US Patent Practitioner	○ Limited Recognition (37 CFR 11.9)
Customer Number	~~42638~~ 31877		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing benefit claim information in the Application Data Sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.
When referring to the current application, please leave the "Application Number" field blank.

Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
17181423	Continuation of	16412585	2019-05-15

SUPPLEMENTAL ADS

PTO/AIA/14 (01-22)
Approved for use through 05/31/2024. OMB 0651-0032
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	~~MCK-0012-Cont-3~~ MCK-21-101
	Application Number	17/181,423
Title of Invention	~~A~~ BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION	

Prior Application Status	Patented			Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
16412585	Continuation of	15175599	2016-06-07	10322313	2019-06-19
Prior Application Status	Patented			Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
15175599	Continuation of	13567337	2012-08-06	9367860	2016-06-14
Prior Application Status	Pending		Remove		
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)		
13567337	Claims benefit of provisional	61515728	2011-08-05		
Prior Application Status			Remove		
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)		
13567337	Claims benefit of provisional	61539587	2011-09-27		
Prior Application Status	Pending		Remove		
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)		
13567337	Claims benefit of provisional	61622175	2012-04-10		

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.

Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55. When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX)[i] the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(i)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

Remove			
Application Number	Country[i]	Filing Date (YYYY-MM-DD)	Access Code[i] (if applicable)

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button.

SUPPLEMENTAL ADS

PTO/AIA/14 (01-22)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	~~MCK-0012-Cont-3~~ MCK-21-101
	Application Number	17/181,423
Title of Invention	~~A~~ BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION	

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

☒ This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.
NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

SUPPLEMENTAL ADS

PTO/AIA/14 (01-22)
Approved for use through 05/31/2024. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	~~MCK-0012-Cont-3~~ MCK-21-101
	Application Number	17/181,423
Title of Invention	~~A~~ BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION	

Authorization or Opt-Out of Authorization to Permit Access:

When this Application Data Sheet is properly signed and filed with the application, applicant has provided written authority to permit a participating foreign intellectual property (IP) office access to the instant application-as-filed (see paragraph A in subsection 1 below) and the European Patent Office (EPO) access to any search results from the instant application (see paragraph B in subsection 1 below).

Should applicant choose not to provide an authorization identified in subsection 1 below, applicant **must opt-out** of the authorization by checking the corresponding box A or B or both in subsection 2 below.

NOTE: This section of the Application Data Sheet is **ONLY** reviewed and processed with the **INITIAL** filing of an application. After the initial filing of an application, an Application Data Sheet cannot be used to provide or rescind authorization for access by a foreign IP office(s). Instead, Form PTO/SB/39 or PTO/SB/69 must be used as appropriate.

1. Authorization to Permit Access by a Foreign Intellectual Property Office(s)

A. Priority Document Exchange (PDX) - Unless box A in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Organization (WIPO), and any other foreign intellectual property office participating with the USPTO in a bilateral or multilateral priority document exchange agreement in which a foreign application claiming priority to the instant patent application is filed, access to: (1) the instant patent application-as-filed and its related bibliographic data, (2) any foreign or domestic application to which priority or benefit is claimed by the instant application and its related bibliographic data, and (3) the date of filing of this Authorization. See 37 CFR 1.14(h)(1).

B. Search Results from U.S. Application to EPO - Unless box B in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the EPO access to the bibliographic data and search results from the instant patent application when a European patent application claiming priority to the instant patent application is filed. See 37 CFR 1.14(h)(2).

The applicant is reminded that the EPO's Rule 141(1) EPC (European Patent Convention) requires applicants to submit a copy of search results from the instant application without delay in a European patent application that claims priority to the instant application.

2. Opt-Out of Authorizations to Permit Access by a Foreign Intellectual Property Office(s)

☐ A. Applicant **DOES NOT** authorize the USPTO to permit a participating foreign IP office access to the instant application-as-filed. If this box is checked, the USPTO will not be providing a participating foreign IP office with any documents and information identified in subsection 1A above.

☐ B. Applicant **DOES NOT** authorize the USPTO to transmit to the EPO any search results from the instant patent application. If this box is checked, the USPTO will not be providing the EPO with search results from the instant application.

NOTE: Once the application has published or is otherwise publicly available, the USPTO may provide access to the application in accordance with 37 CFR 1.14.

SUPPLEMENTAL ADS

PTO/AIA/14 (01-22)
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	~~MCK-0012-Cont-3~~ MCK-21-101
	Application Number	17/181,423
Title of Invention	~~A~~ BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION	

Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Applicant 1

If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.

Clear

◯ Assignee	◯ Legal Representative under 35 U.S.C. 117	◯ Joint Inventor
◯ Person to whom the inventor is obligated to assign.	◯ Person who shows sufficient proprietary interest	

If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:

Name of the Deceased or Legally Incapacitated Inventor:

If the Applicant is an Organization check here. ☐

Prefix	**Given Name**	Middle Name	**Family Name**	Suffix

Mailing Address Information For Applicant:

Address 1			
Address 2			
City		**State/Province**	
Country		Postal Code	
Phone Number		Fax Number	
Email Address			

Additional Applicant Data may be generated within this form by selecting the Add button.

Assignee Information including Non-Applicant Assignee Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

SUPPLEMENTAL ADS

PTO/AIA/14 (01-22)
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	~~MCK-0012-Cont-3~~ MCK-21-101
	Application Number	17/181,423
Title of Invention	~~A~~ BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION	

Assignee 1

Complete this section if assignee information, including non-applicant assignee information, is desired to be included on the patent application publication. An assignee-applicant identified in the "Applicant Information" section will appear on the patent application publication as an applicant. For an assignee-applicant, complete this section only if identification as an assignee is also desired on the patent application publication.

If the Assignee or Non-Applicant Assignee is an Organization check here. ☐

Prefix	**Given Name**	Middle Name	**Family Name**	Suffix

Mailing Address Information For Assignee including Non-Applicant Assignee:

Address 1			
Address 2			
City		**State/Province**	
Country[i]		Postal Code	
Phone Number		Fax Number	
Email Address			

Additional Assignee or Non-Applicant Assignee Data may be generated within this form by selecting the Add button.

Signature:

NOTE: This Application Data Sheet must be signed in accordance with 37 CFR 1.33(b). **However, if this Application Data Sheet is submitted with the INITIAL filing of the application and either box A or B is not checked in subsection 2 of the "Authorization or Opt-Out of Authorization to Permit Access" section, then this form must also be signed in accordance with 37 CFR 1.14(c).**

This Application Data Sheet **must** be signed by a patent practitioner if one or more of the applicants is a **juristic entity** (e.g., corporation or association). If the applicant is two or more joint inventors, this form must be signed by a patent practitioner, **all** joint inventors who are the applicant, or one or more joint inventor-applicants who have been given power of attorney (e.g., see USPTO Form PTO/AIA/81) on behalf of **all** joint inventor-applicants.

See 37 CFR 1.4(d) for the manner of making signatures and certifications.

Signature				Date (YYYY-MM-DD)	2024-07-10
First Name	Allen D.	Last Name	Hertz	Registration Number	50942

Additional Signature may be generated within this form by selecting the Add button.

SUPPLEMENTAL ADS

PTO/AIA/14 (01-22)
Approved for use through 05/31/2024. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	~~MCK-0012-Cont-3~~ MCK-21-101
	Application Number	17/181,423
Title of Invention	~~A~~ BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION	

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

RE: MCK-21-101 McKirdy Petition to Correct Claim of Priority - Requesting Similar Statement as You Provided in the Past

Steve McHugh <smchugh@mchugh-law.com>

Tue 7/9/2024 12:17 PM

To:patents allenhertz.com <patents@allenhertz.com>
Cc:Sean McKirdy <seanmckirdy@yahoo.com>;Charles Chamberlain <cc@tigeripventures.com>

Allen,

I hope you are feeling better soon.

I quickly read through what you wrote and, without being able to confirm the actual events, your descriptions comports with my recollection. Please correct the spelling of my first name in your chart.

I also have a recollection that my belief was also based upon having received at least one action from the patent office requiring me to correct an ADS because the of a claim of priority I made to a non-pending application/patent.

For more detailed and exact information, I will have to go through my files.

I hope this helps.

Steve

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Sean McKirdy	Confirmation No. 7904
Patent No.	: 11,664,123	Issued : May 30, 2023
Application No.	: 17/181,423	Filed : February 22, 2021
Title	: **BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION**	
TC/A.U.	: 2876	
Examiner	: Kristy A HAUPT	Tel: 571-272-8545
Docket No.	: MCK-21-101	
Customer No.	: 31877	

Request for Certificate of Correction
Under 35 U.S.C. 255 Certificate of Correction of Applicant's Mistake

Commissioner for Patents
Office of Data Management Attention: Certificates of Correction Branch
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. The above patent contains at least one mistake of minor character, as indicated on the attached Certificate of Correction forms. These errors arose at the respective places in the application file indicated below.

2. Applicant is submitting a fee as set forth in § 1.20(a) (Fee Code 2811) of ($160.00).

MPEP 1481 Certificates of Correction - Applicant's Mistake [R-11.2013]

35 U.S.C. 255 Certificate of Correction of Applicant's Mistake

Whenever a mistake of a clerical or typographical nature, or of minor character, which

was not the fault of the Patent and Trademark Office, appears in a patent and a showing has been made that such mistake occurred in good faith, the Director may, upon payment of the required fee, issue a certificate of correction, if the correction does not involve such changes in the patent as would constitute new matter or would require reexamination. Such patent, together with the certificate, shall have the same effect and operation in law on the trial of actions for causes thereafter arising as if the same had been originally issued in such corrected form.

37 CFR 1.323 Certificate of Correction of Applicant's Mistake

The Office may issue a certificate of correction under the conditions specified in 35 U.S.C. 255 at the request of the patentee or the patentee's assignee, upon payment of the fee set forth in § 1.20(a). If the request relates to a patent involved in an interference or trial before the Patent Trial and Appeal Board, the request must comply with the requirements of this section and be accompanied by a motion under § 41.121(a)(2), § 41.121(a)(3) or § 42.20 of this title.

37 CFR 1.323 relates to the issuance of certificates of correction for the correction of errors which were not the fault of the Office. Mistakes in a patent which are not correctable by certificate of correction may be correctable via filing a reissue application (see MPEP § 1401 - § 1460). See Novo Industries, L.P. v. Micro Molds Corporation, 350 F.3d 1348, 69 USPQ2d 1128 (Fed. Cir. 2003) (The Federal Circuit stated that when Congress in 1952 defined USPTO authority to make corrections with prospective effect, it did not deny correction authority to the district courts. A court, however, can correct only if "(1) the correction is not subject to reasonable debate based on consideration of the claim language and the specification and (2) the prosecution history does not suggest a different interpretation...").

In re Arnott, 19 USPQ2d 1049, 1052 (Comm'r Pat. 1991) specifies the criteria of 35 U.S.C. 255 (for a certificate of correction) as follows:

Two separate statutory requirements must be met before a Certificate of Correction for an applicant's mistake may issue. The first statutory requirement concerns the nature, i.e., type, of

the mistake for which a correction is sought. The mistake must be:

(1) of a clerical nature,

(2) of a typographical nature, or

(3) a mistake of minor character.

The second statutory requirement concerns the nature of the proposed correction. The correction must not involve changes which would:

(1) constitute new matter or

(2) require reexamination.

3. Applicant earnestly believes the mistakes are at least one of:

(1) of a clerical nature,

(2) of a typographical nature, or

(3) a mistake of minor character.

Each of the mistakes is outlined below. Details presenting that the mistakes are one of the following are presented following each amended section as presented below.

4. Applicant respectfully requests a Certificate of Correction be issued for correction of the following paragraph as indicated below (underlined identifies added text; strikethrough or text contained between facing pairs of double brackets identifies deleted text):

4(a) "It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below: On the Title Page

Item (63) under Related U.S. Application Data, delete the paragraph and insert the following:

-- (63) Continuation of application No. 16/412,585, filed on May 15, 2019, now Pat. No. 10,926,135, which is a continuation of application No. 15/175,599, filed on Jun. 6, 2016, now Pat. No. 10,322,313, which is a continuation of application No. 13/567,337, filed on Aug. 6, 2012, now Pat. No. 9,367,860.--

4(b) Applicant requests to add the following "Under Related U.S. Application Data" to the title page of the Patent:

- - (60) Provisional application No. 61/515,728, filed on Aug. 5, 2011,

Provisional application No. 61/539,587, filed on Sept. 27, 2011, and

Provisional application No. 61/622,175, filed on Apr. 10, 2012. - -

4(c) **Paragraph immediately following the section Title: "CROSS-REFERENCE TO RELATED PATENT APPLICATIONS"** (Col. 1, Lines 8-20) should be amended as follows:

"The present application is a continuation application of copending U.S. Non-Provisional [[p]]Patent [[a]]Application Ser. No. 16/412,585, ~~entitled "Barcode Generation and Implementation Method and System for Processing Information,"~~ filed May 15, 2019 (now U.S. Patent 10,926,135, issued on February 23, 2021), ~~and~~

wherein ~~claims the benefit of priority of~~ U.S. Non-Provisional [[p]]Patent [[a]]Application Ser. No. 16/412,585 ~~which~~ claims the benefit of copending U.S. Non-Provisional [[p]]Patent [[a]]Application Ser. No. 15/175,599, ~~entitled "Barcode Generation and Implementation Method and System for Processing Information,"~~ filed Jun. 6, 2016 (now U.S. Patent 10,322,313, issued on Jun. 19, 2019),

wherein U.S. Non-Provisional patent application Ser. No. 15/175,599 ~~which~~ claims the benefit of ~~priority of~~ copending U.S. Non-Provisional [[p]]Patent [[a]]Application Ser. No. 13/567,337, ~~entitled "Barcode Generation and Implementation Method and System for Processing Information,"~~ filed Aug. 6, 2012 (now U.S. Patent 9,367,860, issued on Jun. 14, 2016), ~~which~~

wherein U.S. Non-Provisional Patent Application Ser. No. 13/567,337 claims the benefit of each of:

copending U.S. Provisional Patent Application Ser. No. 61/515,728, ~~entitled System and Method for Processing Information,~~ filed on Aug. 5, 2011,

copending U.S. Provisional Patent Application Ser. No. 61/539,587, ~~entitled System and Method for Processing Information,~~ filed on Sep. 27, 2011, and

copending U.S. Provisional Patent Application Ser. No. 61/622,175, ~~entitled System and Method for Processing Information,~~ filed on Apr. 10, 2012,

the contents of all of which are incorporated herein by reference in their entireties."

5. Applicant is submitting a Petition to Correct Claim of Priority under 37 CFR 1.78 in parallel with this request to Issue a Certificate of Correction.

6. Each of the Applications is a continuation of the respective child. All Specifications and Drawings are the same. Therefore, the amendment has not introduced any new matter.

7. Applicant earnestly believes the submission is complete. Applicant earnestly believes the corrections are all to maintain consistency with the correct claims of priority. Applicant earnestly

believes the corrections do not involve changes that would constitute any new matter or require a reexamination. Applicant kindly solicits a telephone call to resolve any questions or other matters that arise as a result of this request in order to help facilitate this request.

Respectfully submitted,
Allen D. Hertz
(Member of Customer No. 31877)

By _____
Allen D. Hertz
Reg. No.50,942

Allen D Hertz, P.A.
Customer No. 31877
Representatives for the Applicant
12784 Tulipwood Circle
Boca Raton, FL 33428
Tel.: (561) 883-0115
Cell: (561) 716-3915

Attachments:
Certificate of Correction (2 Sheets)
$160 fee as set forth in § 1.20(a)

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 11,664,123

APPLICATION NO.: 17/181,423

ISSUE DATE : May 30, 2023

INVENTOR(S) : Sean McKirdy

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 1, line 8, (Paragraph under the section titled: "CROSS-REFERENCE TO RELATED PATENT APPLICATIONS) cancel the text begininning with "The present application ..." and ending "... by reference in their entireties" in column 1, line 23, and insert the following replacement Paragraph:

-- The present application is a continuation application of copending U.S. Non-Provisional Patent Application Ser. No. 16/412,585, filed May 15, 2019 (now U.S. Patent 10,926,135, issued on February 23, 2021),
wherein U.S. Non-Provisional Patent Application Ser. No. 16/412,585 claims the benefit of copending U.S. Non-Provisional Patent Application Ser. No. 15/175,599, filed Jun. 6, 2016 (now U.S. Patent 10,322,313, issued on Jun. 19, 2019),
wherein U.S. Non-Provisional patent application Ser. No. 15/175,599 claims the benefit of copending U.S. Non-Provisional Patent Application Ser. No. 13/567,337, filed Aug. 6, 2012 (now U.S. Patent 9,367,860, issued on Jun. 14, 2016),
wherein U.S. Non-Provisional Patent Application Ser. No. 13/567,337 claims the benefit of each of:
copending U.S. Provisional Patent Application Ser. No. 61/515,728, filed on Aug. 5, 2011,
copending U.S. Provisional Patent Application Ser. No. 61/539,587, filed on Sep. 27, 2011, and
copending U.S. Provisional Patent Application Ser. No. 61/622,175, filed on Apr. 10, 2012,
the contents of all of which are incorporated herein by reference in their entireties. --

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Allen D Hertz, P.A., 12784 Tulipwood Circle, Boca Raton, Florida 33428

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

UNITED STATES
PATENT AND TRADEMARK OFFICE

P.O. Box 1450
Alexandria, VA 22313 - 1450
www.uspto.gov

ELECTRONIC PAYMENT RECEIPT

APPLICATION #	RECEIPT DATE / TIME	ATTORNEY DOCKET #
17/181,423	07/10/2024 01:43:23 PM Z ET	MCK-21-101

Title of Invention

BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

Application Information

APPLICATION TYPE	Utility - Nonprovisional Application under 35 USC 111(a)	PATENT #	11664123
CONFIRMATION #	7904	FILED BY	Allen Hertz
PATENT CENTER #	66301769	AUTHORIZED BY	-
CUSTOMER #	31877	FILING DATE	02/22/2021
CORRESPONDENCE ADDRESS	-	FIRST NAMED INVENTOR	Sean McKirdy

Payment Information

PAYMENT METHOD	PAYMENT TRANSACTION ID	PAYMENT AUTHORIZED BY
CARD / 0744	E202470D44356437	Allen Hertz

FEE CODE	DESCRIPTION	ITEM PRICE($)	QUANTITY	ITEM TOTAL($)
2811	CERTIFICATE OF CORRECTION	160.00	1	160.00
2454	PETITION FOR THE DELAYED SUBMISSION OF A PRIORITY OR BENEFIT CLAIM, OR TO RESTORE THE RIGHT OF PRIORITY OR BENEFIT	840.00	1	840.00
			TOTAL AMOUNT:	$1,000.00

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

New Applications Under 35 U.S.C. 111

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

National Stage of an International Application under 35 U.S.C. 371

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

New International Application Filed with the USPTO as a Receiving Office

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

In The United States Patent and Trademark Office

Applicant	: Sean McKirdy	Confirmation No. 7904	
Patent No.	: 11,664,123	Issued	: May 30, 2023
Application No.	: 17/181,423	Filed	: February 22, 2021
Title	: **BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION**		
TC/A.U.	: 2876		
Examiner	: Kristy A. HAUPT	Tel: 571-272-8545	
Docket No.	: MCK-21-101		
Customer No.	: 31877		

Mail Stop: PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Petition to Correct Claim of Priority under 37 CFR 1.78(e)

Submission of Corrected / Supplemental Application Data Sheet (ADS)

Request for Updated Official Filing Receipt

Sir:

Applicant is submitting a petition under 37 CFR 1.78(e) to accept an unintentionally delayed claim of priority under 35 U.S.C 120 and 35 U.S.C 119 for the prior filed applications listed in the Application Data Sheet ("ADS"), filed herewith.

The above-identified application matured into U.S. Patent No. 11,664,123 on May 30, 2023.

1. Under certain conditions as specified below, a Certificate of Correction can be used to correct:

(A) the failure to make reference to a prior application; or

(B) an incorrect reference to a prior application.

2. In order to obtain a granted Petition, the following conditions must be satisfied:

(A) all requirements set forth in 37 CFR 1.78(a)(l) must have been met in the application which became the patent to be corrected;

(B) it must be clear from the record of the patent and the parent application(s) that priority is appropriate (see MPEP § 21 let seq.); and

(C) a grantable petition to accept an unintentionally delayed claim for the benefit of a prior application must be filed, including a surcharge.

3. If all the above-stated conditions are satisfied, a Certificate of Correction can be used to amend the patent to make reference to a prior application, or to correct an incorrect reference to the prior application.

A petition for acceptance of a claim for late priority under 37 CFR § 1.78(e) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR § l.78(d)(2) of the prior-filed application, unless previously submitted;

(2) the petition fee set forth in§ l.17(m); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR § l.78(d)(3) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Applicant's Remarks

Regarding section 1 above, Applicant provides the following statement:

Applicant unintentionally failed to make reference to a prior application.

Regarding section 2 above, Applicant provides the following remarks:

(A) all requirements set forth in 37 CFR 1.78(a)(l) must have been met in the application which became the patent to be corrected;

Applicant earnestly believes all requirements set forth in 37 CFR 1.78(a)(l) have been met in the application which became the patent to be corrected.

(B) it must be clear from the record of the patent and the parent application(s) that priority is appropriate (see MPEP § 21 let seq.); and

Applicant earnestly believes it is clear from the record of the patent and the parent application(s) that priority is appropriate.

Applicant respectfully notes: The following is the claim of priority, as presented in the first paragraph of the subject Application, as originally filed on February 22, 2021 states:

"[0001] The present application is a continuation application of U.S. Non-Provisional Patent Application Serial No: 16/412,585, entitled "Barcode Generation and Implementation Method and System for Processing Information," filed May 15, 2019 and claims the benefit of priority of U.S. Non-Provisional Patent Application Serial No: 16/412,585 which claims the benefit of U.S. Non-Provisional Patent Application Serial No: 15/175,599, entitled "Barcode Generation and Implementation Method and System for

Processing Information," filed June 06, 2016 which claims the benefit of priority of U.S. Patent Application Serial No: 13/567,337, entitled "Barcode Generation and Implementation Method and System for Processing Information," filed August 06, 2012 which claims benefit of U.S. Provisional Patent Application Serial Number 61/515,728, entitled "System and Method for Processing Information," filed August 05, 2011, U.S. Provisional Patent Application Serial Number 61/539,587, entitled "System and Method for Processing Information," filed September 27, 2011 and U.S. Provisional Patent Application Serial Number 61/622,175, entitled "System and Method for Processing Information," filed April 10, 2012, the contents of all of which are incorporated herein by reference in their entireties."

and in the subject Patent, as issued on May 30, 2023 states:

"The present application is a continuation application of U.S. Non-Provisional patent application Ser. No. 16/412,585, entitled "Barcode Generation and Implementation Method and System for Processing Information," filed May 15, 2019 and claims the benefit of priority of U.S. Non-Provisional patent application Ser. No. 16/412,585 which claims the benefit of U.S. Non-Provisional patent application Ser. No. 15/175,599, entitled "Barcode Generation and Implementation Method and System for Processing Information," filed Jun. 6, 2016 which claims the benefit of priority of U.S. patent application Ser. No. 13/567,337, entitled "Barcode Generation and Implementation Method and System for Processing Information," filed Aug. 6, 2012 which claims benefit of U.S. Provisional Patent Application Ser. No. 61/515,728, entitled "System and Method for Processing Information," filed Aug. 5, 2011, U.S. Provisional Patent Application Ser. No. 61/539,587, entitled "System and Method for Processing Information," filed Sep. 27, 2011 and U.S. Provisional Patent Application Ser. No. 61/622,175, entitled "System and Method for Processing Information," filed Apr. 10, 2012, the contents of all of which are incorporated herein by reference in their entireties."

Applicant respectfully presents the above as support that the Applicants intentions have been to claim priority back to U.S. Provisional Patent Application Serial No.

61/515,728, filed on August 05, 2011, including all intervening Applications. Atty. McHugh earnestly believed the Application Data Sheet (ADS) was to reference only pending Parent Applications and that the claim of priority of each Parent Application was automatically included in the claim of priority. Atty. McHugh earnestly believed the complete claim of priority was established by the first paragraph in the Application as originally filed.

The subject Application is established by the USPTO as being a continuation of U.S. Non-Provisional Patent Application Serial No. 16/412,585.

In the Application Data Sheet (ADS) for U.S. Application Ser. No. 16/412,585, the ADS included the following Claim of Domestic Priority:

U.S. Application Ser. No. 16/412,585 is a continuation claiming the benefit of U.S. Application Ser. No. 15/175,599, filed Jun. 6, 2016 (Only Parent Application that was Pending at the time of filing).

Atty. McHugh (US. Pat. Reg. No. 47,784) was the Practitioner representing the Applicant at the time of filing, but lacked filing/acceptance of a Power of Attorney).

In the Application Data Sheet (ADS) for U.S. Application Ser. No. 15/175,599, the ADS included the following Claim of Domestic Priority:

U.S. Application Ser. No. 15/175,599 is a continuation claiming the benefit of U.S. Application Ser. No. 13/567,337, filed Aug. 6, 2012 (Only Parent Application that was Pending at the time of filing).

Atty. McHugh (US. Pat. Reg. No. 47,784) was the Practitioner representing the Applicant at the time of filing, but lacked filing/acceptance of a Power of Attorney).

In the Application Data Sheet (ADS) for U.S. Application Ser. No. 13/567,337, the

ADS included the following correct Claim of Domestic Priority:

U.S. Application Ser. No. 13/567,337 is a non-provisional Patent Application claiming the benefit of each of:

U.S. Provisional Applications Ser. No. 61/515,728, filed Aug., 11, 2011 (Pending at the time of filing),

U.S. Provisional Applications Ser. No. 61/539,587, filed Sep., 27, 2011 (Pending at the time of filing), and

U.S. Provisional Applications Ser. No. 61/622,175, filed Apr., 10, 2012 (Pending at the time of filing).

Atty. McHugh (US. Pat. Reg. No. 47,784) was the Practitioner representing the Applicant at the time of filing, but lacked filing/acceptance of a Power of Attorney).

(C) a grantable petition to accept an unintentionally delayed claim for the benefit of a prior application must be filed, including a surcharge.

Applicant earnestly believed the priority was correct based upon the first paragraph (presented above) of the Application. Applicant earnestly believes the entire delayed claim for the benefit of a prior application was unintentional.

Regarding section 3 above, Applicant provides the following remarks:

A petition for acceptance of a claim for late priority under 37 CFR § 1.78(e) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR § 1.78(d)(2) of the prior-filed application, unless previously submitted;

Applicant is submitting a Supplemental Application Data Sheet indicating the changes:

Applicant is submitting a Supplemental Application Data Sheet (ADS) herewith wherein the subject Application maintains the following claim of priority:

"The present application is a continuation claiming the benefit of U.S. Application Ser. No. 16/412,585, filed May 15, 2019."

Applicant is submitting a Supplemental Application Data Sheet (ADS) herewith to introduce the following additional claims of priority:

- - U.S. Application Ser. No. 16/412,585 is a continuation claiming the benefit of U.S. Application Ser. No. 15/175,599, filed Jun. 6, 2016 - -

- - U.S. Application Ser. No. 15/175,599 is a continuation claiming the benefit of U.S. Application Ser. No. 13/567,337, filed Aug. 6, 2012 - -

- - U.S. Application Ser. No. 13/567,337 is a non-provisional Patent Application claiming the benefit of each of: - -

- - U.S. Provisional Applications Ser. No. 61/515,728, filed Aug., 11, 2011 (Pending at the time of filing), - -

- - U.S. Provisional Applications Ser. No. 61/539,587, filed Sep., 27, 2011 (Pending at the time of filing), and - -

- - U.S. Provisional Applications Ser. No. 61/622,175, filed Apr., 10, 2012 (Pending at the time of filing). - -

Applicant has additionally checked the Transition Statement box on page 4 of the

Supplemental ADS.

The Supplemental Application Data Sheet is annotated indicating additions by Underlining and Deletions by Strikethrough. Applicant earnestly believes the Supplemental ADS is complete.

Applicant respectfully requests the Office enter the Supplemental ADS.

Applicant respectfully requests the Office issue a corrected Official Filing Receipt (OFR) reflecting that the data is now considered consistent.

(2) the petition fee set forth in§ l.17(m); and

Applicant is submitting the Petition fee set forth in§ l.17(m) ($840)(Small Entity) herewith.

(3) a statement that the entire delay between the date the claim was due under 37 CFR § l.78(d)(3) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

Applicant earnestly believed the priority was correct based upon the first paragraph (presented above) of the Application. Applicant earnestly believes the entire delayed claim for the benefit of a prior application was unintentional. Applicant is providing support for the claim where the entire delayed claim for the benefit of a prior application was unintentional below.

Additional Information for Consideration with this Petition

Length of Claim of Priority

The request does not shorten the claim of priority. This Petition is to lengthen the claim of priority.

Facts and Circumstances Surrounding the Extended Delay

Background

1. Patent Owner is submitting detailed information supporting that the entire delay in claiming Domestic Benefit from US Patent Application Serial No. 17/181,423 and all of its predecessors to U.S. Provisional Patent Application Serial No.: 61/515,728, filed on Aug. 5, 2011 was unintentional.

2. Atty. Steven McHugh (US. Pat. Reg. No. 47,784) was the Practitioner representing the Applicant at the time of filing of US Application Serial No. 17/181,423 (the "Subject Application"). Atty. McHugh earnestly believed the Application Data Sheet (ADS) was to reference only pending Parent Applications and that the claim of priority of each Parent Application was automatically included in the claim of priority. Atty. McHugh earnestly believed in Pre-AIA Applications, that the complete claim of priority was established by the first paragraph in the Application as originally filed in accordance with the practice prior to the effective date (March 16, 2013) of the Leahy-Smith America Invents Act (AIA). The following prosecution history supported Atty. McHugh's beliefs without any reason to change his understanding.

3. The Parent Application, US Application Serial No. 16/412,585, was co-pending when the Subject Application was filed.

First Period: Filing (February 22, 2021) through Approx. April 01, 2023

(Representative: Atty. Steven McHugh)

4. Atty. McHugh prepared and filed the Subject Application completing an Application Data Sheet (ADS). As the evidence supports, Atty. McHugh was of the understanding that the Subject Application was a Pre-AIA (FTI) Application and a mistaken impression that, in Pre-AIA (FTI) Applications, the Application Data Sheet was only to include all currently co-pending Applications and that any Issued Parent Patents and/or expired Provisional Patent Applications claimed by any Prior Application associated with the pending Application would automatically be included in the Claim of Priority. Atty. McHugh provided the complete Claim of Priority in the first paragraph of the Subject Application (as required practice prior to March 16, 2013, the implementation dated of the Leahy-Smith America Invents Act (AIA)) claiming priority back to U.S. Provisional Patent Application Serial No.: 61/515,728, filed on Aug. 5, 2011. Additional actions supporting Atty. McHugh's (and the Patent Owner's) beliefs that the Claim of Priority was established in the first paragraph and that only co-pending Applications needed to be identified in the Application Data Sheet (ADS) will be discussed later. The ADS was filed claiming the benefit to US Patent Application Serial No. 16/412,585, whereby Atty. McHugh earnestly believed that the entire Claim of Priority established in US Patent Application Serial No. 16/412,585 would automatically pass through to the Subject Application.

5. Prior to the affectivity date of the Leahy-Smith America Invents Act (AIA), the Claim of Priority was governed by the first paragraph in any Application. Atty. McHugh believed that the Claim of Priority was governed by stating the entire Claim of Priority in the first Paragraph of the Subject Application, as is the case of Pre-AIA filed Applications. Atty. McHugh earnestly believed that the Application was Pre-AIA and therefore governed by the rules under Pre-AIA Applications. The first Paragraph of the Application provided a reference to related applications claiming a chain of priority back to U.S. Provisional Patent Application Serial No.: 61/515,728, filed on August 5, 2011. The first paragraph of the Subject Application, as originally filed, states:

"**[0001] The present application is a continuation application of U.S. Non-Provisional Patent Application Serial No: 16/412,585, entitled "Barcode Generation and Implementation Method and System for Processing Information," filed May 15, 2019 and**

claims the benefit of priority of U.S. Non-Provisional Patent Application Serial No: 16/412,585 which claims the benefit of U.S. Non-Provisional Patent Application Serial No: 15/175,599, entitled "Barcode Generation and Implementation Method and System for Processing Information," filed June 06, 2016 which claims the benefit of priority of U.S. Patent Application Serial No: 13/567,337, entitled "Barcode Generation and Implementation Method and System for Processing Information," filed August 06, 2012 which claims benefit of U.S. Provisional Patent Application Serial Number 61/515,728, entitled "System and Method for Processing Information," filed August 05, 2011, U.S. Provisional Patent Application Serial Number 61/539,587, entitled "System and Method for Processing Information," filed September 27, 2011 and U.S. Provisional Patent Application Serial Number 61/622,175, entitled "System and Method for Processing Information," filed April 10, 2012, the contents of all of which are incorporated herein by reference in their entireties."

6. Reiterating, the Subject Application was filed claiming the benefit to co-pending Parent Application (US Patent Application Serial No. 16/412,585).

7. Reiterating, Atty. McHugh earnestly believed that the Claim of Priority of a Parent Application passes through to each Child Application and thus the priority claim of the Subject Application, the Parent Application (US Patent Application Serial No. 16/412,585), and all other Pre-AIA Applications was ultimately governed by the first paragraph of the respective Application. These understandings were key contributors to believing that the claims of priority of the Subject Application and Prior Patent Applications were correct, which contributed to the unintentional delay of the Claim of Priority of the Subject Application over the entire first period of time. Since Atty. McHugh and the Sole Inventor/Applicant earnestly believed that the Claim of Priority was correct, Atty. McHugh and the Sole Inventor/Applicant believed no action to correct the Claim of Priority was required.

8. All Non-Provisional Patent Applications in the family of Applications were Continuing Applications. Therefore, if there was an issue with a claim of priority, it would have been assumed that the Examiner would have rejected the subject Application under U.S.C. 102 over

any of the prior Applications. During prosecution of the subject Application (and the respective Parent Applications), the claims were not rejected under 102 over any of the Parent Applications. Therefore, there was no indication from the prosecution that there was any issued respective to the Claim of Priority.

9. Atty. McHugh did identify what he believed was an "error" in the status of the Application under AIA while drafting a response to a Non-Final Office Action dated September 10, 2021. Atty. McHugh on behalf of the Applicant presented remarks supporting this belief that the Application is Pre-AIA (First to Invent), as shown in page 8 of the response (Quoted below). This further supports Mr. McHugh's understanding of how the Claim of Priority is established on a Pre-AIA Application.

"*The applicant's note that the instant application should not be examined under the first inventor to file provisions of the AIA as the instant application claims valid priority to U.S. Non-Provisional Patent Application Serial No: 16/412,585, entitled "Barcode Generation and Implementation Method and System for Processing Information," filed May 15, 2019 which claims the benefit of priority of U.S. Non-Provisional Patent Application Serial No: 15/175,599, entitled "Barcode Generation and Implementation Method and System for Processing Information," filed June 06, 2016 which claims further benefit of priority of U.S. Patent Application Serial No: 13/567,337, entitled "Barcode Generation and Implementation Method and System for Processing Information," filed August 06, 2012 which claims further benefit of priority of U.S. Provisional Patent Application Serial Number 61/515,728, entitled "System and Method for Processing Information," filed August 05, 2011, U.S. Provisional Patent Application Serial Number 61/539,587, entitled "System and Method for Processing Information," filed September 27, 2011 and U.S. Provisional Patent Application Serial Number 61/622,175, entitled "System and Method for Processing Information," filed April 10, 2012. Accordingly, the priority dates of the instant application are August 05, 2011, September 27, 2011 and April 10, 2012 and therefore should be examined under Pre-AIA provisions. The applicant hereby requests that the examiner correct this examination approach and priority on the filing receipt.*"

10. In response to the amendments and remarks filed by the Applicant on March 10, 2022,

the Examiner issued a Notice of Allowance on June 06, 2022. The Notice of Allowance lacked any remarks addressing Atty. McHugh's arguments respective to the status of the subject Application under AIA.

11. Following Notice of Allowance, Applicant filed a Request for Continued Examination to enter additional prior art on December 19, 2022. Atty. McHugh reiterated what he believed was an "error" in the status of the Application under AIA while previously drafting the response to the Non-Final Office Action dated September 10, 2021. Atty. McHugh on behalf of the Applicant presented remarks supporting this belief that the Application is Pre-AIA (First to Invent), as shown in page 2 of the discussion in the Request for Continued Examination (Quoted below). This further supports Mr. McHugh's understanding of how the Claim of Priority is established on a Pre-AIA Application.

"*Additionally, the applicant requests that the examiner correct the basis for the examination of the Instant Application. Specifically, the applicant asserts that the Instant Application should be examined under Pre-AIA and NOT under AIA. Thus far been the Instant Application appears to have been examined under the America Invents Act (AIA), whereas the Instant Application should have been examined under Pre-AIA. The applicant supports this assertion by bringing to the examiner's attention that the Instant Application is a Continuation application of U.S. Patent Application Serial No. 16/412,585, which was a Continuation application of U.S. Patent Application Serial No. 15/175,599, which was a Continuation application of U.S. Patent Application Serial No. 13/567,337 which was filed on August 06, 2012 and which claimed benefit to benefit of priority of the filing dates of U.S. Provisional Patent Application Serial No. 61/622,175 filed on April 10, 2012, U.S. Provisional Patent Application Serial No. 61/539,587 filed on September 27, 2011 and U.S. Provisional Patent Application Serial No. 61/515,728 filed on August 05, 2011, all of which are Pre-AIA.*

Accordingly, the applicant respectfully requests that the Instant Application be examined under Pre-AIA rules."

12. In response to the discussion filed by the Applicant in the Request for Continued

Examination (RCE) on December 19, 2022, the Examiner issued a Notice of Allowance on January 23, 2023. The Notice of Allowance lacked any remarks addressing Atty. McHugh's arguments respective to the status of the subject Application under AIA.

Second Period: Approx. April 01, 2023 to May 28, 2024
(Representative: Steven War (Reg. No. 48,024) Acting under 27 CFR 1.34)

13. Atty. War (US Pat. Reg. No. 48,024) filed the Issue Fee as Atty. McHugh merged his practice with a larger firm in early April, 2023, and the Applicant preferred to continue with a solo Practitioner. Since the only task at hand for the subject Application was to file the Issue Fee, Atty. War did not review the file wrapper for any discrepancies and believed everything was in order. Atty. War electronically filed the Issue Fee. To ensure that the Issue Fee was timely filed, the Applicant also filed the Issue Fee via USPS; mailed on April 24, 2023 with a certificate of mailing and received and entered by the USPTO on April 27, 2023.

Third Period: May 28, 2024 through Present
Obtaining Powers of Attorney / Preparing and Filing the Subject Petition
(Representative: Allen D. Hertz)

14. The Applicant (Sean McKirdy) contacted Patent Agent Allen D. Hertz (Reg. No. 50942) asked Mr. Hertz if he were interested in taking over representation of Child Application (U.S. Application Serial Number 18/320,937, filed on May 19, 2023) and review the overall portfolio associated with the subject invention.

15. A revocation and appointment of Power of Attorney was prepared, forwarded to the Applicant, executed by the sole Applicant (Sean McKirdy), and subsequently filed on May 28, 2024; the Power of Attorney revoking representation from all previously established Powers of Attorney (including Atty War and/or Atty. McHugh where applicable) and appointed the current

practitioner of record (all associates under Customer Number 31877, which includes Allen D. Hertz / Reg. No. 50,942). The appointment of the new Power of Attorney to Mr. Hertz were issued on June 18, 2024.

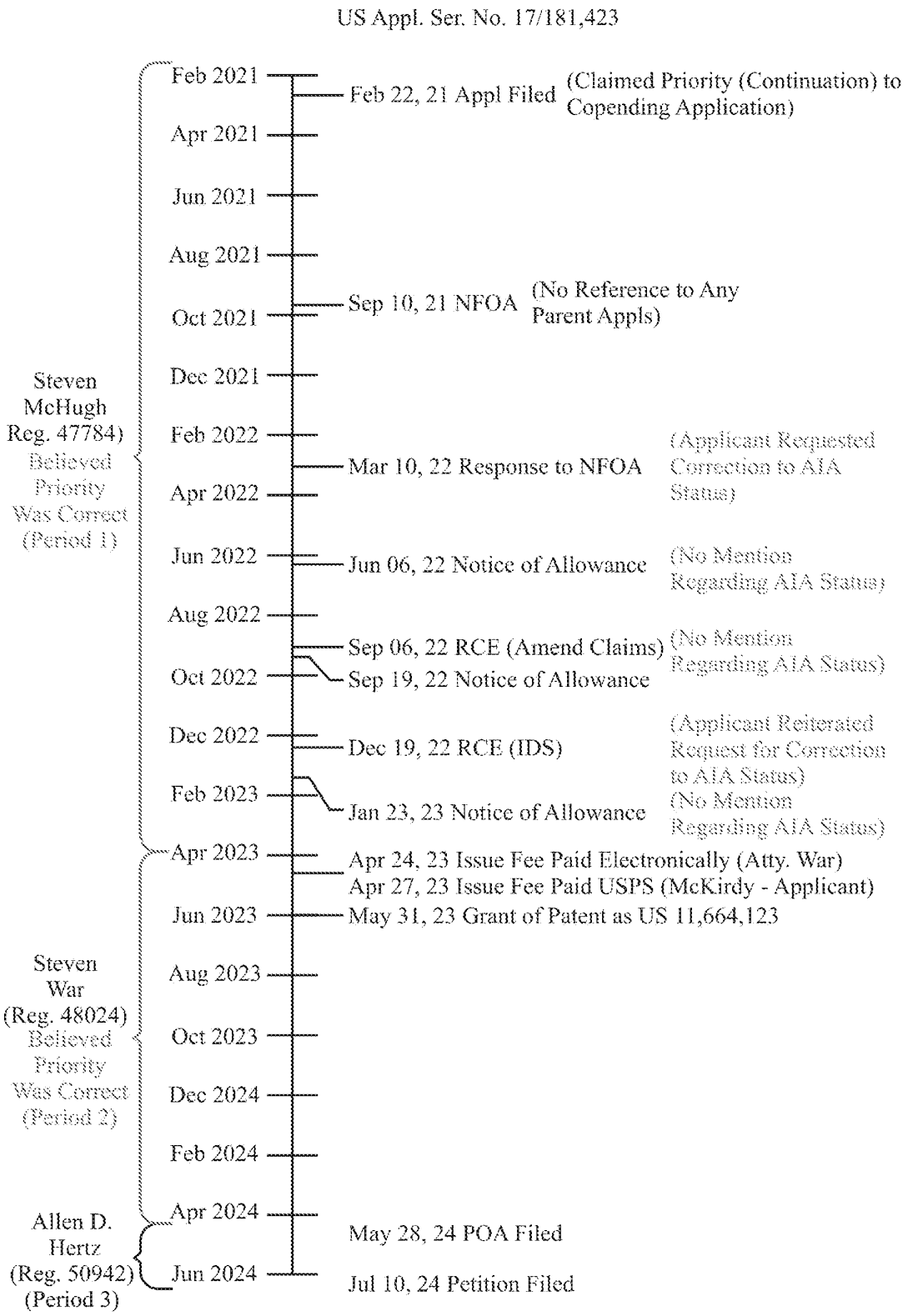
16. Mr. Hertz inspected the file wrappers for the complete family of Patents related to (U.S. Application Serial Number 18/320,937, filed on May 19, 2023). Mr. Hertz identified that the Claim of Priority for the Parent Application (this subject application) and other Parent Applications were incorrectly filed and therefore incomplete in the records at the USPTO. Mr. Hertz discussed the situation with the Applicant and immediately started preparing this Petition and an associated Certificate of Correction to correct the Claim of Priority of the Subject Application.

17. The subject Petition was completed on June 10, 2024, less than 2 weeks of being retained for the work. A copy of the Petition was forwarded to Atty. McHugh for a statement of support on June 17, 2024 (delayed one week due to medical issues Mr. Hertz was experiencing). The Subject Petition to Correct the Claim of Priority is being filed, one day after receiving the requested statement from Atty. McHugh (received on July 09, 2024). It is earnestly believed that the filing of the Petition by Mr. Hertz was considered to be timely.

Summary

18. Applicant earnestly believes the entire time from the date of filing of the Subject Application to the time of filing the subject Petition and this Request for Reconsideration was unintentional. The mistaken understanding of the process for establishing a Claim of Priority led the Patent Owner to earnestly believe that all appropriate actions were taken to resolve the Claim of Priority of the Subject Application (by requesting the Pre-AIA status be instituted several times) Atty. McHugh earnestly believed referencing the pending Parent Application in the ADS automatically included the Claim of Priority of all prior Non-Provisional Applications that were issued or Provisional Applications that were expired. The Claim of Priority, as presented in the

first paragraph of the Specification includes U.S. Provisional Patent Application Serial No.: 61/515,728, filed on August 5, 2011, and all intervening Applications and no additional action with respect to claiming domestic benefit was needed. The issue was only presented when Mr. Hertz reviewed the file wrapper near the end of May, 2024, at which time, the Patent Owner requested that Mr. Hertz immediately act to correct the domestic Claim of Priority. A number of events throughout the prosecution of the Subject Application supported this misunderstanding as previously presented. Applicant notes that an unintentional error in a Practitioner's honest misunderstanding of the procedure to properly claim priority of a Child Application which is subsequently supported by correspondences and actions does not equate to an intentional delay to correct the Claim of Priority. The following timeline summarizes the three (3) time periods described above in a graphical format.


US Appl. Ser. No. 17/181,423
Feb 2021
Feb 22, 21 Appl Filed
(Claimed Priority (Continuation) to Copending Application)
Apr 2021
Jun 2021
Aug 2021
Sep 10, 21 NFOA
(No Reference to Any Parent Appls)
Oct 2021
Dec 2021
Steven McHugh Reg. 47784) Believed Priority Was Correct (Period 1)
Feb 2022
Mar 10, 22 Response to NFOA
(Applicant Requested Correction to AIA Status)
Apr 2022
Jun 2022
Jun 06, 22 Notice of Allowance
(No Mention Regarding AIA Status)
Aug 2022
Sep 06, 22 RCE (Amend Claims)
(No Mention Regarding AIA Status)
Oct 2022
Sep 19, 22 Notice of Allowance
Dec 2022
Dec 19, 22 RCE (IDS)
(Applicant Reiterated Request for Correction to AIA Status)
Feb 2023
Jan 23, 23 Notice of Allowance
(No Mention Regarding AIA Status)
Apr 2023
Apr 24, 23 Issue Fee Paid Electronically (Atty. War)
Apr 27, 23 Issue Fee Paid USPS (McKirdy - Applicant)
Jun 2023
May 31, 23 Grant of Patent as US 11,664,123
Steven War (Reg. 48024) Believed Priority Was Correct (Period 2)
Aug 2023
Oct 2023
Dec 2024
Feb 2024
Apr 2024
May 28, 24 POA Filed
Allen D. Hertz (Reg. 50942) (Period 3)
Jun 2024
Jul 10, 24 Petition Filed

Details of Timeline Pertaining to the Petition under 37 CFR 1.78(e)

Date(s)	Event	Remarks
Feb 22, 2021	Application Filed	Filed by Steven HcHugh (Reg. No. 47784) Filed with Priority to 16/412,585 Power of Attorney to Steven McHugh was not filed Correspondence Address was to Customer Number 42638 (The Law Offices of Steven McHugh, LLC)
Mar 04, 2021	Filing Receipt	Filing Receipt claimed Priority to 16/412,585
Sep 10, 2021	NFOA	Claim(s) 1-5, 7-9, 11-15 and 17-19 is/are rejected under 35 U.S.C. 102(a)(2) as being anticipated by Karkanias et al. US 2008/0300109 A1. Claims 6 and 16 is/are rejected under 35 U.S.C. 103 as being unpatentable over Karkanias et al. US 2008/0300109 A1 in view of Arguello US 2011/0210170 A. Claims 10 and 20 is/are rejected under 35 U.S.C. 103 as being unpatentable over Karkanias et al. US 2008/0300109 A1 in view of Hakki US 2008/0032864 A1.
Mar 10, 2022	Response to NFOA	Applicant earnestly believed the proper and complete claim of priority back to first Provisonal Patent Application (PPA) 61/515,728 dated August 05, 2011 and all intervening Applications was correctly established. See page 8 of the response, where the Applicant presents the belief that the Application is Pre-AIA (First to Invent).
Jun 06, 2022	Notice of Allowance	Notice of Allowance. The Examiner does not address the AIA status in the NOA. (Notice of Allowability Summary Form Indicates AIA FITF - Yes)
Sep 06, 2022	RCE w/ Amendment	Applicant amended the Claims and submitted an RCE prior to filing the Issue Fee
Sep 19, 2022	Notice of Allowance	Notice of Allowance. The Examiner does not address the AIA status in the NOA. (Notice of Allowability Summary Form Indicates AIA FITF - Yes)
Dec 19, 2022	RCE w/ IDS	Applicant filed an IDS and submitted an RCE prior to filing the Issue Fee. Applicant again, reiterated the belief that the Application is Pre-AIA and included reference to the chain of the Claim of Priority that was submitted in the first paragraph of the Specification.

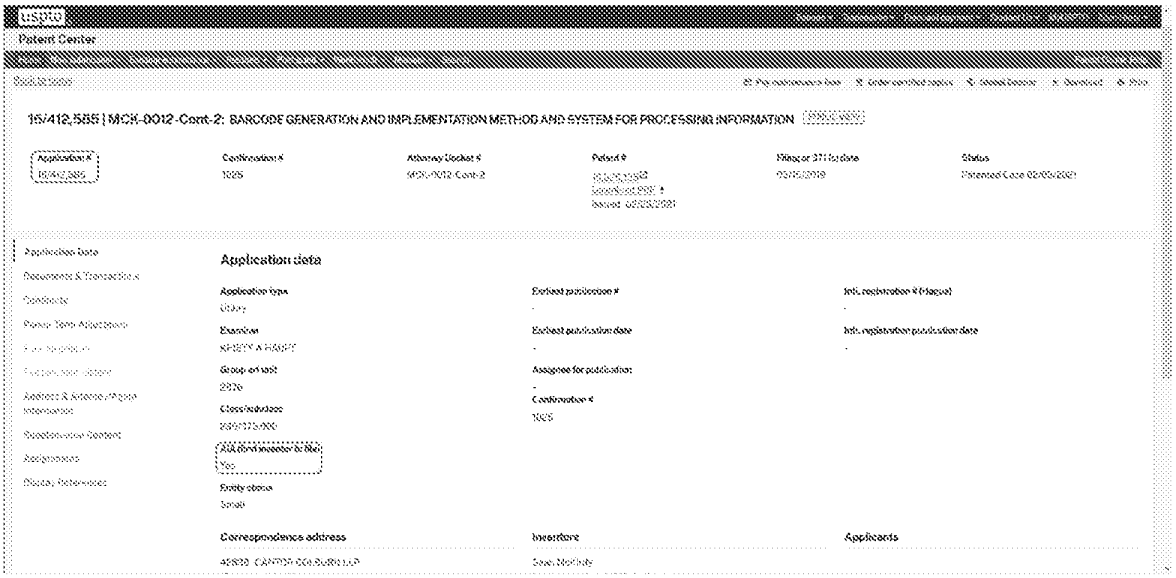
Jan 23, 2023	Notice of Allowance	Notice of Allowance. The Examiner does not address the AIA status in the NOA. (Notice of Allowability Summary Form Indicates AIA FITF - Yes)
Apr 24, 2023	Issue Fee Payment	Electronically Filed (Steven War under 1.43a)(USPTO Reg. No. 48,024) (Cert of Transmission by Christine Kenedy)
Apr 27, 2023	Issue Fee Payment	USPS Mailing on April 24, 2023 (Sean McKirdy) (Applicant/Inventor)(Cert of Mailing by Sean McKirdy)
May 31, 2023	Grant	Patent Issued as US 11,664,123
May 28, 2024	POA to Hertz (50942) filed	Power of Attorney to Allen D Hertz (50942) filed
Jun 18, 2024	POA Accepted	
July 10, 2024	Petition Filed	Petition to Correct Claim of Priority under 37 CFR 1.78(e) in conjunction with Certificate of Correction Filed

Affect On Patentability Resulting From a Change From FITF to FTI (or from FTI to FITF)

The following provides Applicants remarks pertaining to the affect on patentability resulting from a change from FITF to FTI (or from FTI to FITF):

Applicant has checked the Transition Statement box on page 4 of the Supplemental ADS.

The current status of the Parent Application (US Application Serial No. 16/412,585) of AIA is indicated as "YES". Therefore, the AIA status of the current Application should also remain as "YES".



Request for Updated Official Filing Receipt

Upon completion of the correction to the claim of priority, Applicant is requesting issuance of an updated Official Filing Receipt (OFR).

Conclusions

Applicant earnestly believes all of the requirements to grant a Petition under 37 CFR 1.78(e) have been met.

(1) the reference required by 35 U.S.C. § 120 and 37 CFR § 1.78(d)(2) of the prior-filed application, unless previously submitted (Applicant has submitted a Supplemental Application Data Sheet herewith);

(2) the petition fee set forth in§ 1.17(m) (Applicant has submitted a Petition Fee of $840 (Small Entity) herewith); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(d)(3) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. (Applicant provided a detailed timeline supporting the claim that the entire timeframe between filing of the Application and identification that the Claim of Priority was incorrect was unintentional herein.)

Applicant respectfully requests the Petitions Office Grant this subject Petition and issue the associated Certificate of Correction accordingly.

Upon granting of the subject Petition, Applicant respectfully requests the Office issue an Updated Official Filing Receipt.

Respectfully submitted,
Allen D. Hertz
(Customer No. 31877)

By _____
Allen D. Hertz
Reg. No.50,942
12784 Tulipwood Circle
Boca Raton, FL 33428
Tel.: (561) 883-0115
Cell: (561) 716-3915

Attachments:

USPTO Form PTO/SB/445 (09/22) - Petition to Accept an Unintentionally Delayed Claim under 35 U.S.C. 120, 121, 365(c), or 386(c) (37 CFR 1.78(e)) for the Benefit of a Prior-Filed Application
Supplemental Application Data Sheet (ADS)
Statement Provided by Steven McHugh on July 09, 2024
Petition Fee of $840 (Fee Code 2454)(Small Entity)
Certificate of Correction (2 Sheets) with Cover Sheet
Certificate of Correction Fee of $160 (**37 CFR §** 1.20(a))(Fee Code 2811)(Small Entity)

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/181,423	02/22/2021	Sean McKirdy	MCK-21-101	7904

31877 7590 07/18/2024

ALLEN D. HERTZ
ALLEN D HERTZ, P.A.
12784 TULIPWOOD CIRCLE
BOCA RATON, FL 33428

EXAMINER	
HAUPT, KRISTY A	

ART UNIT	PAPER NUMBER
2876	

MAIL DATE	DELIVERY MODE
07/18/2024	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Patent No.: 11664123
Issue Date: 05/30/2023
Appl. No.: 17/181,423
Filed: 02/22/2021

PART (A) RESPONSE FOR CERTIFICATES OF CORRECTION

This is a decision on the Certificate of Correction request filed 10 July 2024.

The request for issuance of Certificate of Correction for the above-identified correction(s) under the provisions of 37 CFR 1.322 and/or 1.323 is hereby:

(Check one)
☑ Approved ☐ Approved in Part ☐ Denied

Comments: Acknowledgement is that this Certificates of Correction is to correct the related U.S. Application data that which does not change the scope of the Claims.

PART (B) PETITION UNDER 37 CFR 1.324 OR 37 CFR 1.48

☐ This is a decision on the petition filed ____ to correct inventorship under 37 CFR 1.324.

☐ This is a decision on the request under 37 CFR 1.48, petition filed ____. In view of the fact that the patent has already issued, the request under 37 CFR 1.48 has been treated as a petition to correct inventorship under 37 CFR 1.324.

The petition is hereby: ☐ Granted ☐ Dismissed

Comment: ____

The patented filed is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

/MICHAEL G LEE/
Supervisory Patent Examiner, Art Unit 2876
Technology Center 2800
Phone: (571)272-2398

Certificates of Correction Branch email: CustomerServiceCoC@uspto.gov CoC Central Phone Number: (703) 756-1814

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 11,664,123 B2
APPLICATION NO. : 17/181423
DATED : May 30, 2023
INVENTOR(S) : Sean McKirdy

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the Title Page

Item (63) under "Related U.S. Application Data" delete the paragraph and insert the following:
-- Continuation of application No. 16/412,585, filed on May 15, 2019, now Pat. No. 10,926,135, which is a continuation of application No. 15/175,599, filed on Jun. 6, 2016, now Pat. No. 10,322,313, which is a continuation of application No. 13/567,337, filed on Aug. 6, 2012, now Pat. No. 9,367,860.
--

Under Related U.S. Application Data, beneath the above inserted paragraph, insert the following:
-- (60) Provisional application No. 61/515,728, filed on Aug. 5, 2011,
Provisional application No. 61/539,587, filed on Sept. 27, 2011, and
Provisional application No. 61/622,175, filed on Apr. 10, 2012. --

In the Specification

Column 1, Line 8, (Paragraph under the section titled: "CROSS-REFERENCE TO RELATED PATENT APPLICATIONS) cancel the text beginning with "The present application ..." and ending "... by reference in their entireties" in Column 1, Line 23, and insert the following replacement Paragraph:
-- The present application is a continuation application of copending U.S. Non-Provisional Patent Application Ser. No. 16/412,585, filed May 15, 2019 (now U.S. Patent 10,926,135, issued on February 23, 2021),
wherein U.S. Non-Provisional Patent Application Ser. No. 16/412,585 claims the benefit of copending U.S. Non-Provisional Patent Application Ser. No. 15/175,599, filed Jun. 6, 2016 (now U.S. Patent 10,322,313, issued on Jun. 19, 2019),
wherein U.S. Non-Provisional patent application Ser. No. 15/175,599 claims the benefit of copending U.S. Non-Provisional Patent Application Ser. No. 13/567,337, filed Aug. 6, 2012 (now U.S. Patent 9,367,860, issued on Jun. 14, 2016),
wherein U.S. Non-Provisional Patent Application Ser. No. 13/567,337 claims the benefit of each of:
copending U.S. Provisional Patent Application Ser. No. 61/515,728, filed on Aug. 5, 2011,

Signed and Sealed this
Thirteenth Day of August, 2024

Katherine Kelly Vidal

Katherine Kelly Vidal
Director of the United States Patent and Trademark Office

copending U.S. Provisional Patent Application Ser. No. 61/539,587, filed on Sep. 27, 2011, and copending U.S. Provisional Patent Application Ser. No. 61/622,175, filed on Apr. 10, 2012, the contents of all of which are incorporated herein by reference in their entireties. --

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/181,423	02/22/2021	Sean McKirdy	MCK-21-101	7904

31877 7590 08/14/2024

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BOCA RATON, FL 33428

EXAMINER	
HAUPT, KRISTY A	

ART UNIT	PAPER NUMBER
2876	

MAIL DATE	DELIVERY MODE
08/14/2024	PAPER

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

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

APPLICATION NO.	ISSUE DATE	PATENT NO.
17/181,423	13-Aug-2024	11664123

ALLEN D. HERTZ
ALLEN D HERTZ, P.A.
12784 TULIPWOOD CIRCLE
BOCA RATON, FL 33428

ELECTRONIC CERTIFICATE OF CORRECTION NOTIFICATION

Your electronic certificate of correction is now available, and can be accessed via Patent Center at https://patentcenter.uspto.gov.

The electronic certificate of correction is the official certificate of correction under 35 U.S.C. 254 or 255. For more information, please visit https://www.uspto.gov/electronicgrants.

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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/181,423	02/22/2021	Sean McKirdy	MCK-21-101	7904

31877 7590 09/06/2024

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EXAMINER	
HAUPT, KRISTY A	

ART UNIT	PAPER NUMBER
2876	

MAIL DATE	DELIVERY MODE
09/06/2024	PAPER

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Patent No. 11,664,123	:	
Issue Date: May 30, 2023	:	DECISION ON PETITION
Application No. 17/181,423	:	UNDER 37 CFR 1.78(c) and (e)
Filed: February 22, 2021	:	
Attorney Docket No: MCK-21-101	:	

This is a decision on the "Petition to Correct Claim under 37 CFR 1.78(e)--Submission of Corrected/Supplemental Application Data Sheet (ADS)--Request for Updated Official Filing Receipt" filed on July 10, 2024, that is being treated as a petition under 37 CFR 1.78(c) and (e).

The petition under 37 CFR 1.78(c) and (e) is **DISMISSED**.

Effective with patent applications filed under 35 U.S.C. 111(a) or 363 on or after September 16, 2012, claims for foreign priority under § 1.55 and claims for benefit under § 1.78 must be set forth in an application data sheet. *Changes to Implement the Inventor's Oath or Declaration Provisions of the Leahy-Smith America Invents Act: Final Rule*, 77 Fed. Reg. 48776 (August 14, 2012).

A petition for acceptance of an unintentionally delayed claim for the benefit under 37 CFR 1.78(c) and (e) is only applicable to those applications filed on, or after, November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a) and (d). In addition, the petition under 37 CFR 1.78(c) and (e) must be accompanied by:

1. the references required by 35 U.S.C. § 119 and 35 U.S.C § 120 and paragraph (a) and (d)(2) to the prior-filed application, unless previously submitted;

2. the petition fee set forth in § 1.17(m), and

3. a statement that the entire delay between the date the claims were due under 37 CFR 1.78(a)(4) and (d)(3) and the date the benefit claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for benefit to the prior-filed applications is submitted after the expiration of the period specified in 37 CFR 1.78(a) and (d).

A review of the application as filed reveals that the domestic benefit claims to the applications set forth in the corrected application data sheet (ADS) filed on July 10, 2024, were not properly set forth in an application data sheet on filing. The four and sixteen-month periods specified in 37 CFR § 1.78(d)(3) and (a)(4) have expired. Thus, the instant petition is appropriate.

The First-Inventor-To-File (FITF) provisions of the Leahy-Smith America Invents Act (AIA) took effect on March 16, 2013. 35 U.S.C. 102 and 103 in effect before March 16, 2013(pre-AIA (FTI)) apply to applications filed before March 16, 2013, and continuations and divisionals of such applications. 35 U.S.C. 102 and 103 in effect on March 16, 2013, apply to any application that ever contains a claim that has an effective filing date on or after March 16, 2013. 35 U.S.C. 102(g) in effect before March 16, 2013, will apply if the application ever contains a claim that has an effective filing date before March 16, 2013.

The above-identified patent issued from an application which was filed after March 16, 2013. During the pendency of the application, the application did not contain, nor was it amended to contain, a domestic benefit claim to an application with a filing date prior to March 16, 2013. Accordingly, the application was examined under the FITF provisions of the AIA.

If patentee seeks to add a late claim for benefit to a pre-AIA (FTI) application/patent with an effective filing date before March 16, 2013 in this AIA (FITF) patent, a reissue application must be filed. The Office has generally permitted/granted petitions under 37 CFR 1.55 and 1.78 with a Certificate of Correction (and without the need for a reissue) in issued patents because an earlier filing/priority date did not negatively affect patentability. However, under current law, the grant of the petition under 37 CFR 1.78(c) and (e) with a certificate of correction may result in the patent being a pre-AIA (FTI) patent. Since patentability can be negatively affected by a change from FITF to FTI (or from FTI to FTIF), the petition under 37 CFR 1.78 (c) and (e) with issuance of a certificate of correction cannot be granted.

The filing of a reissue application may be appropriate to pursue the desired correction to the domestic benefit claims of the patent.

It is noted that the Office issued a "Certificate of Correction" on August 13, 2024, responsive to the "Request for Certificate of Correction under 35 U.S.C. 255 Certificate of Correction of Applicant's Mistake" filed on July 10, 2024. For applications filed after September 16, 2012, perfection of the domestic benefit claim must be made setting forth the domestic benefit claims in an Application Data Sheet in compliance with 37 CFR 1.76. After the expiration of the period prescribed by 37 CFR 1.78(a)(4) and (d)(3), the domestic benefit claim set forth in a corrected ADS may only be entered by way of a granted petition under 37 CFR 1.78(c) and/or (e). The corrected ADS filed on July 10, 2024, is not entered. The issuance of the "Certificate of Correction" on August 13, 2024, does not perfect the domestic benefit claims.

Further correspondence with respect to this matter should be addressed as follows:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By fax:	(571) 273-8300 ATTN: Office of Petitions
By Internet:	Patent Center

Questions specific to this decision may be directed to the undersigned at (571) 272-3222.

/KENYA A THORNTON MCLAUGHLIN/
Attorney Advisor, OPET

UNITED STATES
PATENT AND TRADEMARK OFFICE

P.O. Box 1450
Alexandria, VA 22313 - 1450
www.uspto.gov

ELECTRONIC ACKNOWLEDGEMENT RECEIPT

APPLICATION #	RECEIPT DATE / TIME	ATTORNEY DOCKET #
17/181,423	**09/09/2024 11:23:05 PM Z ET**	**MCK-21-101**

Title of Invention

BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

Application Information

APPLICATION TYPE	Utility - Nonprovisional Application under 35 USC 111(a)	PATENT #	11664123
CONFIRMATION #	7904	FILED BY	Allen Hertz
PATENT CENTER #	67107278	FILING DATE	02/22/2021
CUSTOMER #	31877	FIRST NAMED INVENTOR	Sean McKirdy
CORRESPONDENCE ADDRESS	-	AUTHORIZED BY	-

Documents

TOTAL DOCUMENTS: 1

DOCUMENT	PAGES	DESCRIPTION	SIZE (KB)
4_MCK-21-101_McKirdy_17181423-7904_11664123_Fee_Address_Form_sb0047_Executed.pdf	1	Maintenance Fee Address Change	476 KB

Digest

DOCUMENT	MESSAGE DIGEST(SHA-512)
4_MCK-21-101_McKirdy_17181423-7904_11664123_Fee_Address_Form_sb0047_Executed.pdf	32C0575FE6F0698A88C0C5B30CB962B9A649088939CC91FC27A98CCE19C80AFB81EC6C3669FB01880C40089BE4BD42382D0FDB8380F139209174F4E68F08DEB4

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized

by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

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

National Stage of an International Application under 35 U.S.C. 371

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

New International Application Filed with the USPTO as a Receiving Office

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

PTO/SB/47 (03-09)
Approved for use through 05/31/2015. OMB 0651-0016
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

"FEE ADDRESS" INDICATION FORM

Address to:
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P.O. Box 1450
Alexandria, VA 22313-1450

- OR -

Fax to:
571-273-6500

INSTRUCTIONS: The issue fee must have been paid for application(s) listed on this form. In addition, only an address represented by a Customer Number can be established as the fee address for maintenance fee purposes (hereafter, fee address). A fee address should be established when correspondence related to maintenance fees should be mailed to a different address than the correspondence address for the application. **When to check the first box below**: If you have a Customer Number to represent the fee address. **When to check the second box below**: If you have no Customer Number representing the desired fee address, in which case a completed Request for Customer Number (PTO/SB/125) must be attached to this form. For more information on Customer Numbers, see the Manual of Patent Examining Procedure (MPEP) § 403.

For the following listed application(s), please recognize as the "Fee Address" under the provisions of 37 CFR 1.363 the address associated with:

☑ Customer Number: 31877

OR

☐ The attached Request for Customer Number (PTO/SB/125) form.

PATENT NUMBER (if known)	APPLICATION NUMBER
11,664,123	17/181,423

Completed by (check one):

☐ Applicant/Inventor

☑ Attorney or Agent of record 50,942 (Reg. No.)

☐ Assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☐ Assignee recorded at Reel _____ Frame_____

Signature

Allen D. Hertz
Typed or printed name

561-716-3915
Requester's telephone number

September 09, 2024
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more that one signature is required, see below*.

☑ * Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.363. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1. 11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313- 1450. DO NOT SEND COMPLETED FORMS TO THIS ADDRESS.
SEND TO: Mail Stop M Correspondence, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/181,423	02/22/2021	Sean McKirdy	MCK-21-101	7904

31877 7590 11/05/2024

ALLEN D. HERTZ
ALLEN D HERTZ, P.A.
12784 TULIPWOOD CIRCLE
BOCA RATON, FL 33428

EXAMINER	
HAUPT, KRISTY A	

ART UNIT	PAPER NUMBER
2876	

MAIL DATE	DELIVERY MODE
11/05/2024	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No. 11,664,123
Issue Date: 30 May 2023
Application No. 17/181,423
Filing or 371(c) Date: 22 Feb 2021
Attorney Docket No. MCK-21-101

DECISION ON PETITION

This is a corrected decision on the petition under 37 CFR 1.78(c) & (e), filed July 10, 2024, to accept an unintentionally delayed claim under 35 U.S.C. 119(e) and 120 for the benefit of priority to the prior-filed provisional and nonprovisional applications listed in the concurrently-filed Application Data Sheet (ADS), by way of a certificate of correction.

The petition is **DISMISSED.**

A petition for acceptance of a claim for late priority under 37 CFR 1.78(c) and 1.78(e) is only applicable to those applications filed on or after November 29, 2000, and after the expiration of the period specified in 37 CFR 1.78(a)(4) and 1.78(d)(3). In addition, the petition under 37 CFR 1.78(c) and 1.78(e) must be accompanied by:

(1) the reference required by 35 U.S.C. 120 and 119(e) and 37 CFR 1.78(d)(2) and 1.78(a)(3) of the prior-filed application, which must be filed in an Application Data Sheet, unless previously submitted;

(2) the petition fee set forth in § 1.17(m); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(d)(3) and 1.78(a)(4) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

Upon further review, the petition lacks item (3).

Petitioner has submitted the required statement of unintentional delay. However, the Director may require additional information where there is a question whether the delay was unintentional.

The USPTO requires additional information concerning whether a delay in seeking acceptance of a delayed benefit claim was unintentional where the petition to accept such benefit claim was filed more than two years after the date the benefit claim was due. *See Clarification of the Practice for Requiring Additional Information in Petitions Filed in Patent Applications and Patents Based on Unintentional Delay*, 85 FR 12222 (March 2, 2020).

In this instance, a petition under 37 CFR 1.78 was filed more than two years after the date the benefit claim was due. Therefore, petitioner must provide sufficient information of the facts and circumstances surrounding the entire delay to support a conclusion that the entire delay was unintentional. *Id.* at 12223. Details regarding the cause of petitioner's failure to timely file the benefit claim, when the failure to timely file the benefit claim was discovered, and the delay between discovery of the failure to timely file the benefit claim and filing of the petition under 37 CFR 1.78 are of particular relevance. Petitioner should provide relevant dates and identify responsible parties where appropriate.

See MPEP § 711.03(c)(II)(C)-(H) for additional guidance on the information required to establish that the entire delay was unintentional.

Petitioner asserts that registered patent practitioner Steven McHugh (hereinafter "McHugh" was the practitioner of record at the time the subject application was filed, and that McHugh believed, albeit mistakenly, that, despite the only benefit claim of record in the ADS filed with the application papers on February 22, 2021, being that this application is a continuation of Application No. 16/412,585, the claim of domestic benefit to the prior-filed nonprovisional and provisional applications listed in the ADS filed with the petition was "automatically included." Petitioner further notes that the examiner did not issue any rejections in the subject application under 35 U.S.C. 102 over any of the parent applications, and that therefore there was no indication from the prosecution that the domestic benefit claims had not been accepted.

Petitioner further states that the applicant (Sean McKirdy) contacted patent practitioner Allen D. Hertz (hereinafter "Hertz") regarding representation of child Application No. 18/320,937 (hereinafter "the '937 application"). Petitioner further states that a power of attorney executed by applicant to Hertz was filed May 28, 2024. Petitioner further avers that Hertz subsequently reviewed the file wrappers for the complete family of patents related to the '937 application and "identified that the Claim of Priority for the Parent Application (this subject application) and other Parent Applications were incorrectly filed and therefore incomplete in the records at the USPTO. Mr. Hertz discussed the situation with the Applicant and immediately started preparing this Petition..." Petitioner asserts the subject petition was filed less than two weeks after Hertz was retained by McKirdy.

A question is raised, however, as to when patentee McKirdy and attorney Hertz became aware that the benefit claim(s) were omitted from the subject application, and whether there was an additional period of delay between when petitioner discovered that the benefit claims had been delayed and the filing of the subject petition. In this regard, Reexamination Control No. 90/015,241 was filed on May 31, 2023, for reexamination of U.S. Patent No. 11,185,738, which issued from Application No. 15/809,174, of which McKirdy is an inventor and which is one of the applications in the subject patent family. The transmittal letter for the above-referenced reexamination proceeding indicates that service was made on McHugh on May 31, 2023. Furthermore, the showing of record indicates that Hertz filed petitions under 37 CFR 1.78 in multiple applications in this patent family (including Application Nos. 15/809,174, 16/570,424, 16/570,496, 17/536,334, and 17/542,644) in June and July, 2023. As such, the showing of record indicates that McKirdy was aware as early as May 31, 2023, and that both Hertz and McKirdy were aware by July, 2023, that the benefit claims in the subject patent family, and/or benefit claims in McKirdy's patent applications that were previously prepared by McHugh, needed correction. However, the subject petition was not filed until July 10, 2024, over 12 months after McKirdy and McHugh were made aware of the omission of the benefit claims in at least some applications in the patent family and 12 months after Hertz first filed petitions in the related applications. Petitioner must provide an adequate explanation that the entire delay was unintentional.

A renewed petition must be filed, accompanied by the item(s) described above, if reconsideration is desired.

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Knox Building, Room 1D80 501 Dulany Street Alexandria, VA 22314
By fax:	(571) 273-8300 ATTN: Office of Petitions
By internet:	Patent Electronic System[1]

[1] www.uspto.gov/patents/apply

Any questions concerning this matter may be directed to the undersigned at (571) 272-3231.

/DOUGLAS I WOOD/
Attorney Advisor, OPET

In The United States Patent and Trademark Office

Applicant	: Sean McKirdy	Confirmation No. 7904
Patent No.	: 11,664,123	Issued : May 30, 2023
Application No.	: 17/181,423	Filed : February 22, 2021
Title	: **BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION**	
TC/A.U.	: 2876	
Examiner	: Kristy A HAUPT	Tel: 571-272-8545
Docket No.	: MCK-21-101	
Customer No.	: 31877	

Mail Stop: PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Request for Reconsideration of Decision by Office of Petitions

Petition to Correct Claim of Priority under 37 CFR 1.78(e)

Submission of Corrected / Supplemental Application Data Sheet (ADS)

Request for Updated Official Filing Receipt

Sir:

Patent Owner submitted a Petition to Correct Claim of Priority under 37 CFR 1.78(e) on July 10, 2024.

The Petitions was DISMISSED on September 06, 2024 based upon the following:

Affect On Patentability Resulting From a Change From FITF to FTI (or from FTI to FITF)

"The First-Inventor-To-File (FITF) provisions of the Leahy-Smith America Invents Act (AIA 35 U.S.C. 102 and 103) took effect on March 16, 2013. AIA 35 U.S.C. 102 and 103 apply to any application that ever contains a claim that has an effective filing date on or after March 16, 2013. The changes to 35 U.S.C. 102 and 103 in the AIA do not apply to any application filed

before March 16, 2013. Any application filed before March 16, 2013, including continuations and divisionals of such applications, is governed by pre-AIA 35 U.S.C. 102 and 103 (i.e., the application is a pre-AIA first to invent application). Pre-AIA 35 U.S.C. 102(g), in effect before March 16, 2013, will apply if the application ever contains a claim that has an effective filing date before March 16, 2013.

The above-identified patent issued from an application which was filed after March 16, 2013. During the pendency of the application, the application did not contain, nor was it amended to contain, a domestic benefit claim to an application with a filing date prior to March 16, 2013. Accordingly, the application was examined under the FITF provisions of the AIA.

If patentee seeks to add a late claim for benefit to a pre-AIA (FTI) application/patent with an effective filing date before March 16, 2013 in this AIA (FITF) patent, a reissue application must be filed. The Office has generally permitted/granted petitions under 37 CPR 1.55 and 1.78 with a Certificate of Correction (and without the need for a reissue) in issued patents because an earlier filing/priority date did not negatively affect patentability. However, under current law, the grant of the petition under 37 CPR 1.78(c) and (e) with a certificate of correction may result in the patent being a pre-AIA (FTI) patent. Since patentability can be negatively affected by a change from FITF to FTI (or from FTI to FTIF), the petition under 37 CPR 1.78 (c) and (e) with issuance of a certificate of correction cannot be granted.

Patent Owner contacted the respective Attorney Advisor believing the Decision was incorrect, as the Patent Owner checked the box affirming a statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications. This was in accordance with previously filed and subsequently GRANTED Petitions for US Patent 11,185,738 Issued on November 30, 2021; US Patent 11,252,235 Issued on February 15, 2022; and US Patent 11,252,236 Issued on February 15, 2022.

The Office of Petitions reconsidered the decision of the Petitions for each of US Patent 10,322,313, US Patent 10,926,135, and US Patent 11,664,123 (the subject of this Petition).

The Office of Petitions issued a Corrected Decision on November 05, 2024. The

Corrected Decision agreed with the Patent Owner's position that the Patent Owner was not requesting to change the status of the Patent from FITF to FTI (or from FTI to FTIF) and therefore the decision based upon the following: "Since patentability can be negatively affected by a change from FITF to FTI (or from FTI to FTIF), the petition under 37 CPR 1.78 (c) and (e) with issuance of a certificate of correction cannot be granted." is not applicable.

In turn, the Office of Petitions Dismissed the Petition in the Corrected Decision stating:

"In this instance, a petition under 37 CPR 1.78 was filed more than two years after the date the benefit claim was due. Therefore, petitioner must provide sufficient information of the facts and circumstances surrounding the entire delay to support a conclusion that the entire delay was unintentional. Id. at 12223. Details regarding the cause of petitioner's failure to timely file the benefit claim, when the failure to timely file the benefit claim was discovered, and the delay between discovery of the failure to timely file the benefit claim and filing of the petition under 37 CPR 1.78 are of particular relevance. Petitioner should provide relevant dates and identify responsible parties where appropriate." …

"A question is raised, however, as to when patentee McKirdy and attorney Hertz became aware that the benefit claim(s) were omitted from the subject application, and whether there was an additional period of delay between when petitioner discovered that the benefit claims had been delayed and the filing of the subject petition. In this regard, Reexamination Control No. 90/015,241 was filed on May 31, 2023, for reexamination of U.S. Patent No. 11,185,738, which issued from Application No. 15/809,174, of which McKirdy is an inventor and which is one of the applications in the subject patent family. The transmittal letter for the above-referenced reexamination proceeding indicates that service was made on McHugh on May 31, 2023. Furthermore, the showing of record indicates that Hertz filed petitions under 37 CPR 1.78 in multiple applications in this patent family (including Application Nos. 15/809,174, 16/570,424, 16/570,496, 17/536,334, and 17/542,644) in June and July, 2023. As such, the showing ofrecord indicates that McKirdy was aware as early as May 31, 2023, and that both Hertz and McKirdy were aware by July, 2023, that the benefit claims in the subject patent family, and/or benefit claims in McKirdy's patent applications that were previously prepared by McHugh, needed

correction. However, the subject petition was not filed until July 10, 2024, over 12 months after McKirdy and McHugh were made aware of the omission of the benefit claims in at least some applications in the patent family and 12 months after Hertz first filed petitions in the related applications. Petitioner must provide an adequate explanation that the entire delay was unintentional.

A renewed petition must be filed, accompanied by the item(s) described above, if reconsideration is desired."

Applicant is submitting this renewed petition in response to the Corrected Decision Dated November 05, 2024.

Applicant is submitting a petition under 37 CFR 1.78(e) to accept an unintentionally delayed claim of priority under 35 U.S.C 120 and 35 U.S.C 119 for the prior filed applications listed in the Application Data Sheet ("ADS"), filed herewith.

The above-identified application matured into U.S. Patent No. 11,664,123 on May 30, 2023.

1. Under certain conditions as specified below, a Certificate of Correction can be used to correct:

(A) the failure to make reference to a prior application; or

(B) an incorrect reference to a prior application.

2. In order to obtain a granted Petition, the following conditions must be satisfied:

(A) all requirements set forth in 37 CFR 1.78(a)(l) must have been met in the application which became the patent to be corrected;

(B) it must be clear from the record of the patent and the parent application(s) that priority is appropriate (see MPEP § 21 let seq.); and

(C) a grantable petition to accept an unintentionally delayed claim for the benefit of a prior application must be filed, including a surcharge.

3. If all the above-stated conditions are satisfied, a Certificate of Correction can be used to amend the patent to make reference to a prior application, or to correct an incorrect reference to the prior application.

A petition for acceptance of a claim for late priority under 37 CFR § 1.78(e) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR § l.78(d)(2) of the prior-filed application, unless previously submitted;

(2) the petition fee set forth in§ l.17(m); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR § l.78(d)(3) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Applicant's Remarks

Regarding section 1 above, Applicant provides the following statement:

Applicant unintentionally failed to make reference to a prior application.

Regarding section 2 above, Applicant provides the following remarks:

(A) all requirements set forth in 37 CFR 1.78(a)(l) must have been met in the application which became the patent to be corrected;

Applicant earnestly believes all requirements set forth in 37 CFR 1.78(a)(l) have been met in the application which became the patent to be corrected.

(B) it must be clear from the record of the patent and the parent application(s) that priority is appropriate (see MPEP § 21 let seq.); and

Applicant earnestly believes it is clear from the record of the patent and the parent application(s) that priority is appropriate.

Applicant respectfully notes: The following is the claim of priority, as presented in the first paragraph of the subject Application, as originally filed on June 07, 2016 states:

"[0001] The present application is a continuation application of U.S. Patent Application Serial No: 13/567,337, entitled A Barcode Generation and Implementation Method and System for Processing Information, filed August 06, 2012 which claims benefit of U.S. Provisional Patent Application Serial Number 61/515,728, entitled System and Method for Processing Information, filed August 05, 2011, U.S. Provisional Patent Application Serial Number 61/539,587, entitled System and Method for Processing Information, filed September 27, 2011 and U.S. Provisional Patent Application Serial

Number 61/622,175, entitled System and Method for Processing Information, filed April 10, 2012, the contents of all of which are incorporated herein by reference in their entireties."

and in the subject Patent, as issued on June 18, 2019 states:

"The present application is a continuation application of U.S. patent application Ser. No. 13/567,337, entitled A Barcode Generation and Implementation Method and System for Processing Information, filed Aug. 6, 2012 which claims benefit of U.S. Provisional Patent Application Ser. No. 61/515,728, entitled System and Method for Processing Information, filed Aug. 5, 2011, U.S. Provisional Patent Application Ser. No. 61/539,587, entitled System and Method for Processing Information, filed Sep. 27, 2011 and U.S. Provisional Patent Application Ser. No. 61/622,175, entitled System and Method for Processing Information, filed Apr. 10, 2012, the contents of all of which are incorporated herein by reference in their entireties."

Applicant respectfully presents the above as support that the Applicants intentions have been to claim priority back to U.S. Provisional Patent Application Serial No. 61/515,728, filed on August 05, 2011, including all intervening Applications. Atty. McHugh earnestly believed the Application Data Sheet (ADS) was to reference only pending Parent Applications and that the claim of priority of each Parent Application was automatically included in the claim of priority. Atty. McHugh earnestly believed the complete claim of priority was established by the first paragraph in the Application as originally filed.

The subject Application is established by the USPTO as being a continuation of U.S. Non-Provisional Patent Application Serial No. 13/567,337.

In the Application Data Sheet (ADS) for U.S. Application Ser. No. 15/175,599 (the subject Application), the ADS included the following Claim of Domestic Priority:

U.S. Application Ser. No. 15/175,599 (the subject Application) is a continuation claiming the benefit of U.S. Application Ser. No. 13/567,337, filed Aug. 6, 2012 (Only Parent Application that was Pending at the time of filing).

Atty. McHugh (US. Pat. Reg. No. 47,784) was the Practitioner representing the Applicant at the time of filing, but lacked filing/acceptance of a Power of Attorney).

In the Application Data Sheet (ADS) for U.S. Application Ser. No. 13/567,337, the ADS included the following correct Claim of Domestic Priority:

U.S. Application Ser. No. 13/567,337 is a non-provisional Patent Application claiming the benefit of each of:

U.S. Provisional Applications Ser. No. 61/515,728, filed Aug., 11, 2011 (Pending at the time of filing),

U.S. Provisional Applications Ser. No. 61/539,587, filed Sep., 27, 2011 (Pending at the time of filing), and

U.S. Provisional Applications Ser. No. 61/622,175, filed Apr., 10, 2012 (Pending at the time of filing).

Atty. McHugh (US. Pat. Reg. No. 47,784) was the Practitioner representing the Applicant at the time of filing, but lacked filing/acceptance of a Power of Attorney).

(C) a grantable petition to accept an unintentionally delayed claim for the benefit of a prior application must be filed, including a surcharge.

Applicant earnestly believed the priority was correct based upon the first paragraph (presented above) of the Application. Applicant earnestly believes the entire delayed claim for the benefit of a prior application was unintentional.

Regarding section 3 above, Applicant provides the following remarks:

A petition for acceptance of a claim for late priority under 37 CFR § 1.78(e) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR § 1.78(d)(2) of the prior-filed application, unless previously submitted;

Applicant is submitting a Supplemental Application Data Sheet indicating the changes:

Applicant is submitting a Supplemental Application Data Sheet (ADS) herewith wherein the subject Application maintains the following claim of priority:

"The present application is a continuation claiming the benefit of U.S. Application Ser. No. 13/567,337, filed Aug. 6, 2012."

Applicant is submitting a Supplemental Application Data Sheet (ADS) herewith to introduce the following additional claims of priority:

- - U.S. Application Ser. No. 13/567,337 is a non-provisional Patent Application claiming the benefit of each of: - -

- - U.S. Provisional Applications Ser. No. 61/515,728, filed Aug., 11, 2011 (Pending at the time of filing), - -

- - U.S. Provisional Applications Ser. No. 61/539,587, filed Sep., 27, 2011 (Pending at the time of filing), and - -

- - U.S. Provisional Applications Ser. No. 61/622,175, filed Apr., 10, 2012 (Pending at the time of filing). - -

The Supplemental Application Data Sheet is annotated indicating additions by

Underlining and Deletions by Strikethrough. Applicant earnestly believes the Supplemental ADS is complete.

Applicant respectfully requests the Office enter the Supplemental ADS.

Applicant respectfully requests the Office issue a corrected Official Filing Receipt (OFR) reflecting that the data is now considered consistent.

(2) the petition fee set forth in§ l.17(m); and

Applicant is submitting the Petition fee set forth in§ l.17(m) ($840)(Small Entity) herewith.

(3) a statement that the entire delay between the date the claim was due under 37 CFR § l.78(d)(3) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

Applicant earnestly believed the priority was correct based upon the first paragraph (presented above) of the Application. Applicant earnestly believes the entire delayed claim for the benefit of a prior application was unintentional. Applicant is providing support for the claim where the entire delayed claim for the benefit of a prior application was unintentional below.

Additional Information for Consideration with this Petition

Length of Claim of Priority

The request does not shorten the claim of priority. This Petition is to lengthen the claim of priority.

Facts and Circumstances Surrounding the Extended Delay

Background

1. Patent Owner is submitting detailed information supporting that the entire delay in claiming Domestic Benefit from US Patent Application Serial No. 17/181,423 and all of its predecessors to U.S. Provisional Patent Application Serial No.: 61/515,728, filed on Aug. 5, 2011 was unintentional.

2. Atty. Steven McHugh (US. Pat. Reg. No. 47,784) was the Practitioner representing the Applicant at the time of filing of US Application Serial No. 17/181,423 (the "Subject Application"). Atty. McHugh earnestly believed the Application Data Sheet (ADS) was to reference only pending Parent Applications and that the claim of priority of each Parent Application was automatically included in the claim of priority. Atty. McHugh earnestly believed in Pre-AIA Applications, that the complete claim of priority was established by the first paragraph in the Application as originally filed in accordance with the practice prior to the effective date (March 16, 2013) of the Leahy-Smith America Invents Act (AIA). The following prosecution history supported Atty. McHugh's beliefs without any reason to change his understanding.

3. The Parent Application, US Application Serial No. 16/412,585, was co-pending when the Subject Application was filed.

4. The Office of Petitions is requesting information pertaining to a delay between June and July, 2023 for the filing of Petitions for Application Nos. 15/809,174, 16/570,424, 16/570,496, 17/536,334, and 17/542,644 and the filing of the subject Petition on July 10, 2024.

Period In Question: Approx. June 2023 to July 10, 2024

5. The following information provides details on the delay of filing of the subject Petition

between June 2023 and July 10, 2024.

6. Application Nos. 15/809,174, 16/570,424, 16/570,496, 17/536,334, and 17/542,644 are all owned by Fitistics, LLC. Fitistics, LLC engaged with a licensing/litigation team to pursuing licensing agreements and/or identify any potential infringing parties. The Petition Decision states: "A Request for reexamination of U.S. Patent No. 11,185,738 was filed on May 31, 2023. Both Hertz and McKirdy were aware by July, 2023, that the benefit claims in the subject patent family, and/or benefit claims in McKirdy's patent applications that were previously prepared by McHugh, needed correction."

7. The subject Patent is in a separate family of Patents, all owned by iScan2d Technologies, LLC. Mr. Hertz was only aware of the Patent Family owned by Fitistics, LLC, as that family was involved in Patent Infringement litigation. Mr. Hertz was not aware of any additional Applications filed by Mr. McKirdy until approximately May 28, 2024. Mr. Hertz was undergoing major medical issues from December 3, 2021 through present which will be outlined below.

8. Mr. Hertz is a sole practitioner and does vend out any work to ensure high quality of the work product and maintain high levels of confidence with his clients.

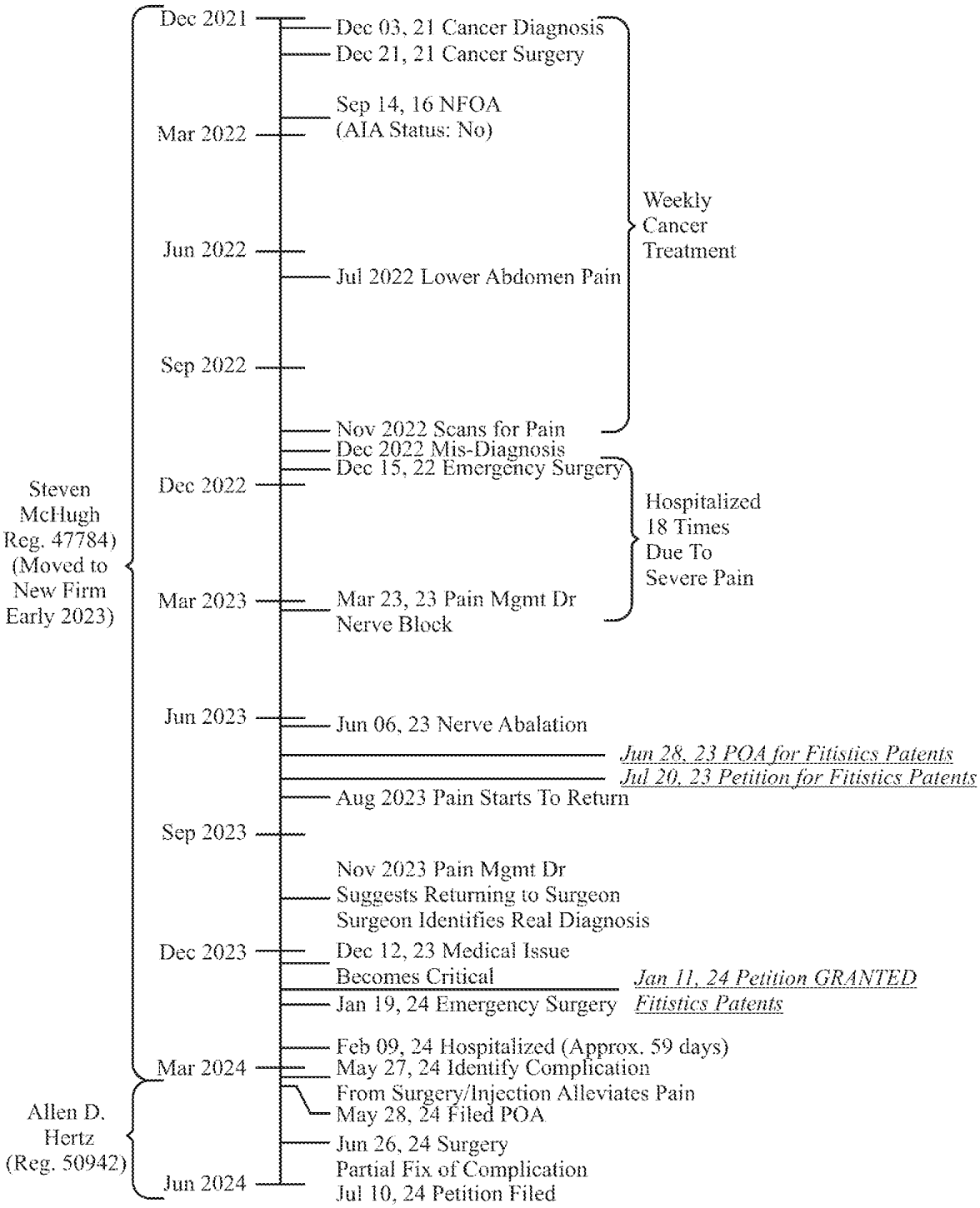
9. Mr. Hertz was initially contacted the licensing/litigation team representing Fitistics, LLC pertaining to Application Nos. 15/809,174, 16/570,424, 16/570,496, 17/536,334, and 17/542,644 to determine expertise in this area, interest, an availability. Mr. Hertz then conferred with Mr. McKirdy and obtained Power of Attorney from Fitistics, LLC / Mr. McKirdy regarding the work. Mr. Hertz was unaware of the existence of iScan2d Technologies, LLC, much less any Patents/Applications owned by iScan2d Technologies, LLC until approximately May 28, 2024.

10. As mentioned above, Mr. Hertz was undergoing major medical issues from December 3, 2021 through the present day (currently ongoing). On December 3, 2021, Mr. Hertz was diagnosed with Cancer with emergency surgery on December 21, 2021 and subsequent treatments for the following 18 months and ongoing monitoring to ensure that the cancer has not returned. In July 2022, Mr. Hertz began experiencing lower right flank discomfort and pursued a diagnosis, including multiple radiology imaging. A misdiagnosis was given to Mr. Hertz in

November 2022 which resulted in unnecessary surgery on December 15, 2022. Following the surgery on December 15, 2022, Mr. Hertz was treated approximately 18 times between December 18, 2022 and March 23, 2023 for significant pain either in the Emergency Room or admission to the hospital. On March 24, 2023 Mr. Hertz was attended to by a Pain Management Dr. On March 25, 2023 the Pain Management Dr. treated Mr. Hertz with a nerve block, which alleviated the severe pain for approximately 3 weeks. This treatment enabled Mr. Hertz to return to a reasonably normal workload. The nerve blocks and finally a nerve ablation addressed the severe pain until late August, 2023. In late August, 2023, the pain started recurring. Mr. Hertz was able to complete work from March 26, 2023 until early September, 2023 where Mr. Hertz's capability to complete work began to diminish due to the returning pain. This was the timeframe when the Petitions for Application Nos. 15/809,174, 16/570,424, 16/570,496, 17/536,334, and 17/542,644 were filed. Mr. McKirdy and the licensing/litigation team were aware of Mr. Hertz's ongoing medical issues. The severity of the pain continued to increase and under the direction of the Pain Management Dr., Mr. Hertz pursued a diagnosis with the correct diagnosis being determined in November 2023. This resulted in numerous hospitalizations and surgeries from December 2023 through June 26, 2024. Mr. Hertz encountered a significant medical event on December 12, 2023 which severely limited Mr. Hertz's capability to take on any new work.

11. Mr. Hertz underwent emergency surgery on January 19th, 2024 to address the medical condition. Complications aroused and Mr. Hertz was admitted to the hospital multiple times for a total of approximately 59 days. After numerous appointments with different doctors and multiple hospitalizations, the root cause of the complication from surgery was finally diagnosed in late May 2024 by a group of three (3) specialists referred by the Pain Management Dr. Mr. Hertz received an injection in late May 2024 to aided in affirming the diagnosis and also consequently alleviated the extreme pain, where Mr. Hertz was able to return to a reasonable workload.

Mr. Hertz Medical Summary 12/2021 - Present



12. In parallel, Mr. McKirdy was involved in a contentious divorce from April 2023 through April 05, 2024. The divorce involved two child. Mr. McKirdy's focus was on the welfare of his children while dealing with a combative spouse. To further aggravate the situation Mr. McKirdy was forced to change jobs due to a tax code change which eliminated any benefit of the services of Mr. McKirdy's former employer in June 2023 to their clients. Mr. McKirdy started a new job in a different profession in June 2023 which required a learning curve.

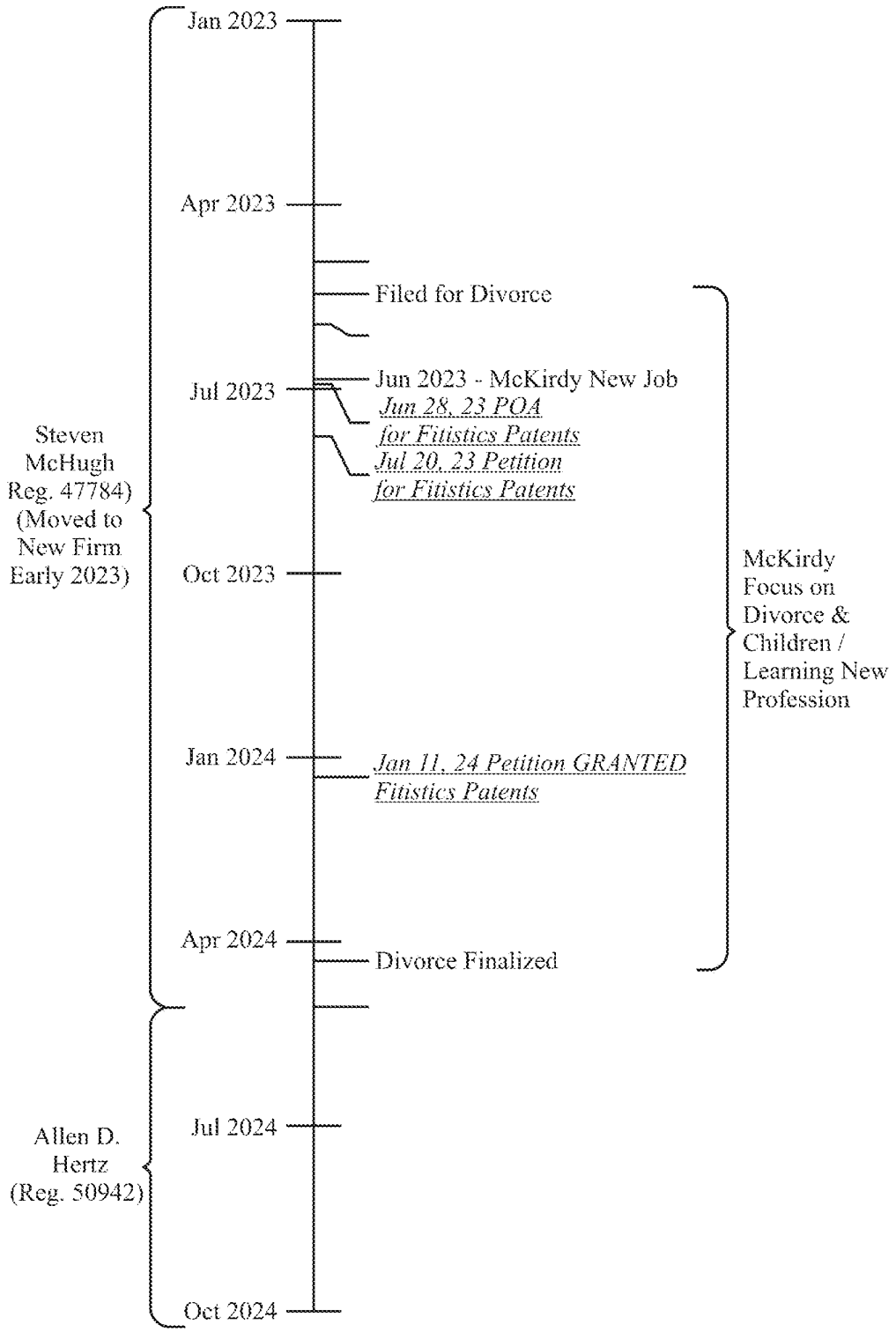
13. This situation minimized any focus pertaining to iScan2d Technologies, LLC and the owned Patent Portfolio. The only task associated with the iScan2d Technologies, LLC during this time was the filing of US Patent Application Serial No. 18/320,937 on May 19, 2023 to maintain copendency with an issuing Patent 11,664,123 (US Appl. No. 17/181,423).

14. Mr. McKirdy engaged Practitioner Mr. Steve War regarding the iScan2d Technologies, LLC portfolio including a request to prepare and file US Patent Application Serial No. 18/320,937. Mr. McKirdy believed the iScan2d Technologies, LLC portfolio was being reviewed and managed by Mr. War. Mr. War completed the task of preparing and filing of US Patent Application Serial No. 18/320,937 on May 19, 2023 and in doing so, filed an Application Data Sheet including a complete and correct Claim of Priority. **Because of the correct Application Data Sheet, it is obvious that Mr. War did at least some review of the claim of priority of the iScan2d Technologies, LLC portfolio. Mr. War did not identify any issues pertaining to the claims of priority of any of the Parent Applications. With the change in representation, Mr. McKirdy believed the iScan2d Technologies, LLC portfolio was reviewed and would have been notified of any potential issues.** Prosecution of US Patent Application Serial No. 18/320,937 would not have identified any potential issues with the claim of priority, as the claim of priority, as filed by Mr. War, and as recorded at the USPTO was complete and correct.

15. During this time period, Mr. McHugh transitioned from his boutique law firm in 2023 to working for a larger law firm. Mr. McKirdy was uncertain as to any handling of his cases during the April – May 2023 timeframe. An Issue Fee was due on April 24, 2023 for US Appl. No. 17/181,423. Mr. McKirdy was transitioning from Mr. McHugh to Mr. War for representation of

the iScan2d Technologies, LLC portfolio. Mr. McKirdy requested Mr. War prepare and file the Issue Fee. Unsure of the status of the submission of the Issue Fee, Mr. McKirdy also filed the same Issue Fee by First Class Mail on April 24, 2023. Both fee submissions are of record.

Mr. McKirdy Divorce Summary 03/2023 - 04/2024



16. Patent Owner filed Petitions for Application Nos. 15/809,174, 16/570,424, 16/570,496, 17/536,334, and 17/542,644 as a result of the filing of the reexamination.

17. In summary, Mr. McKirdy was preoccupied with his personal situation during the one year in question and relying upon appropriate professionals to address any Intellectual Property matters. The licensing/litigation team was the primary interface to Mr. Hertz (with copy to Mr. McKirdy) regarding the status and reviews of the Petitions for Application Nos. 15/809,174, 16/570,424, 16/570,496, 17/536,334, and 17/542,644. Mr. McKirdy provided background details during a conference call. Mr. Hertz was unaware of the existence of iScan2d Technologies, LLC and the respective Patent portfolio. Upon conclusion of Mr. McKirdy's divorce, Mr. McKirdy asked if Mr. Hertz was interested in taking over prosecution of pending US Application 18/320,937 from Mr. War. Mr. Hertz's medical conditions appeared to be improving and following treatment in late May, 2023, Mr Hertz filed the POA's for appointment for representation of the iScan2d Technologies, LLC portfolio.

18. The following information is retained herein as a convenience providing a timeline outside of the above described timeline between June 2023 and July 10, 2024.

First Period: Filing (February 22, 2021) through Approx. April 01, 2023
(Representative: Atty. Steven McHugh)

19. Atty. McHugh prepared and filed the Subject Application completing an Application Data Sheet (ADS). As the evidence supports, Atty. McHugh was of the understanding that the Subject Application was a Pre-AIA (FTI) Application and a mistaken impression that, in Pre-AIA (FTI) Applications, the Application Data Sheet was only to include all currently co-pending Applications and that any Issued Parent Patents and/or expired Provisional Patent Applications claimed by any Prior Application associated with the pending Application would automatically be included in the Claim of Priority. Atty. McHugh provided the complete Claim of Priority in the first paragraph of the Subject Application (as required practice prior to March 16, 2013, the implementation dated of the Leahy-Smith America Invents Act (AIA)) claiming priority back to U.S. Provisional Patent Application Serial No.: 61/515,728, filed on Aug. 5, 2011. Additional

actions supporting Atty. McHugh's (and the Patent Owner's) beliefs that the Claim of Priority was established in the first paragraph and that only co-pending Applications needed to be identified in the Application Data Sheet (ADS) will be discussed later. The ADS was filed claiming the benefit to US Patent Application Serial No. 16/412,585, whereby Atty. McHugh earnestly believed that the entire Claim of Priority established in US Patent Application Serial No. 16/412,585 would automatically pass through to the Subject Application.

20. Prior to the affectivity date of the Leahy-Smith America Invents Act (AIA), the Claim of Priority was governed by the first paragraph in any Application. Atty. McHugh believed that the Claim of Priority was governed by stating the entire Claim of Priority in the first Paragraph of the Subject Application, as is the case of Pre-AIA filed Applications. Atty. McHugh earnestly believed that the Application was Pre-AIA and therefore governed by the rules under Pre-AIA Applications. The first Paragraph of the Application provided a reference to related applications claiming a chain of priority back to U.S. Provisional Patent Application Serial No.: 61/515,728, filed on August 5, 2011. The first paragraph of the Subject Application, as originally filed, states:

"**[0001] The present application is a continuation application of U.S. Non-Provisional Patent Application Serial No: 16/412,585, entitled "Barcode Generation and Implementation Method and System for Processing Information," filed May 15, 2019 and claims the benefit of priority of U.S. Non-Provisional Patent Application Serial No: 16/412,585 which claims the benefit of U.S. Non-Provisional Patent Application Serial No: 15/175,599, entitled "Barcode Generation and Implementation Method and System for Processing Information," filed June 06, 2016 which claims the benefit of priority of U.S. Patent Application Serial No: 13/567,337, entitled "Barcode Generation and Implementation Method and System for Processing Information," filed August 06, 2012 which claims benefit of U.S. Provisional Patent Application Serial Number 61/515,728, entitled "System and Method for Processing Information," filed August 05, 2011, U.S. Provisional Patent Application Serial Number 61/539,587, entitled "System and Method for Processing Information," filed September 27, 2011 and U.S. Provisional Patent Application Serial Number 61/622,175, entitled "System and Method for Processing Information," filed**

April 10, 2012, the contents of all of which are incorporated herein by reference in their entireties."

21. Reiterating, the Subject Application was filed claiming the benefit to co-pending Parent Application (US Patent Application Serial No. 16/412,585).

22. Reiterating, Atty. McHugh earnestly believed that the Claim of Priority of a Parent Application passes through to each Child Application and thus the priority claim of the Subject Application, the Parent Application (US Patent Application Serial No. 16/412,585), and all other Pre-AIA Applications was ultimately governed by the first paragraph of the respective Application. These understandings were key contributors to believing that the claims of priority of the Subject Application and Prior Patent Applications were correct, which contributed to the unintentional delay of the Claim of Priority of the Subject Application over the entire first period of time. Since Atty. McHugh and the Sole Inventor/Applicant earnestly believed that the Claim of Priority was correct, Atty. McHugh and the Sole Inventor/Applicant believed no action to correct the Claim of Priority was required.

23. All Non-Provisional Patent Applications in the family of Applications were Continuing Applications. Therefore, if there was an issue with a claim of priority, it would have been assumed that the Examiner would have rejected the subject Application under U.S.C. 102 over any of the prior Applications. During prosecution of the subject Application (and the respective Parent Applications), the claims were not rejected under 102 over any of the Parent Applications. Therefore, there was no indication from the prosecution that there was any issued respective to the Claim of Priority.

24. Atty. McHugh did identify what he believed was an "error" in the status of the Application under AIA while drafting a response to a Non-Final Office Action dated September 10, 2021. Atty. McHugh on behalf of the Applicant presented remarks supporting this belief that the Application is Pre-AIA (First to Invent), as shown in page 8 of the response (Quoted below). This further supports Mr. McHugh's understanding of how the Claim of Priority is established on a Pre-AIA Application.

"*The applicant's note that the instant application should not be examined under the first inventor to file provisions of the AIA as the instant application claims valid priority to U.S. Non-Provisional Patent Application Serial No: 16/412,585, entitled "Barcode Generation and Implementation Method and System for Processing Information," filed May 15, 2019 which claims the benefit of priority of U.S. Non-Provisional Patent Application Serial No: 15/175,599, entitled "Barcode Generation and Implementation Method and System for Processing Information," filed June 06, 2016 which claims further benefit of priority of U.S. Patent Application Serial No: 13/567,337, entitled "Barcode Generation and Implementation Method and System for Processing Information," filed August 06, 2012 which claims further benefit of priority of U.S. Provisional Patent Application Serial Number 61/515,728, entitled "System and Method for Processing Information," filed August 05, 2011, U.S. Provisional Patent Application Serial Number 61/539,587, entitled "System and Method for Processing Information," filed September 27, 2011 and U.S. Provisional Patent Application Serial Number 61/622,175, entitled "System and Method for Processing Information," filed April 10, 2012. Accordingly, the priority dates of the instant application are August 05, 2011, September 27, 2011 and April 10, 2012 and therefore should be examined under Pre-AIA provisions. The applicant hereby requests that the examiner correct this examination approach and priority on the filing receipt.*"

25. In response to the amendments and remarks filed by the Applicant on March 10, 2022, the Examiner issued a Notice of Allowance on June 06, 2022. The Notice of Allowance lacked any remarks addressing Atty. McHugh's arguments respective to the status of the subject Application under AIA.

26. Following Notice of Allowance, Applicant filed a Request for Continued Examination to enter additional prior art on December 19, 2022. Atty. McHugh reiterated what he believed was an "error" in the status of the Application under AIA while previously drafting the response to the Non-Final Office Action dated September 10, 2021. Atty. McHugh on behalf of the Applicant presented remarks supporting this belief that the Application is Pre-AIA (First to Invent), as shown in page 2 of the discussion in the Request for Continued Examination (Quoted below). This further supports Mr. McHugh's understanding of how the Claim of Priority is

established on a Pre-AIA Application.

"*Additionally, the applicant requests that the examiner correct the basis for the examination of the Instant Application. Specifically, the applicant asserts that the Instant Application should be examined under Pre-AIA and NOT under AIA. Thus far been the Instant Application appears to have been examined under the America Invents Act (AIA), whereas the Instant Application should have been examined under Pre-AIA. The applicant supports this assertion by bringing to the examiner's attention that the Instant Application is a Continuation application of U.S. Patent Application Serial No. 16/412,585, which was a Continuation application of U.S. Patent Application Serial No. 15/175,599, which was a Continuation application of U.S. Patent Application Serial No. 13/567,337 which was filed on August 06, 2012 and which claimed benefit to benefit of priority of the filing dates of U.S. Provisional Patent Application Serial No. 61/622,175 filed on April 10, 2012, U.S. Provisional Patent Application Serial No. 61/539,587 filed on September 27, 2011 and U.S. Provisional Patent Application Serial No. 61/515,728 filed on August 05, 2011, all of which are Pre-AIA.*

Accordingly, the applicant respectfully requests that the Instant Application be examined under Pre-AIA rules."

27. In response to the discussion filed by the Applicant in the Request for Continued Examination (RCE) on December 19, 2022, the Examiner issued a Notice of Allowance on January 23, 2023. The Notice of Allowance lacked any remarks addressing Atty. McHugh's arguments respective to the status of the subject Application under AIA.

Second Period: Approx. April 01, 2023 to May 28, 2024
(Representative: Steven War (Reg. No. 48,024) Acting under 27 CFR 1.34)

28. Atty. War (US Pat. Reg. No. 48,024) filed the Issue Fee as Atty. McHugh merged his practice with a larger firm in early April, 2023, and the Applicant preferred to continue with a solo Practitioner. Since the only task at hand for the subject Application was to file the Issue Fee,

Atty. War did not review the file wrapper for any discrepancies and believed everything was in order. Atty. War electronically filed the Issue Fee. To ensure that the Issue Fee was timely filed, the Applicant also filed the Issue Fee via USPS; mailed on April 24, 2023 with a certificate of mailing and received and entered by the USPTO on April 27, 2023.

Third Period: May 28, 2024 through Present
Obtaining Powers of Attorney / Preparing and Filing the Subject Petition
(Representative: Allen D. Hertz)

29. The Applicant (Sean McKirdy) contacted Patent Agent Allen D. Hertz (Reg. No. 50942) asked Mr. Hertz if he were interested in taking over representation of Child Application (U.S. Application Serial Number 18/320,937, filed on May 19, 2023) and review the overall portfolio associated with the subject invention.

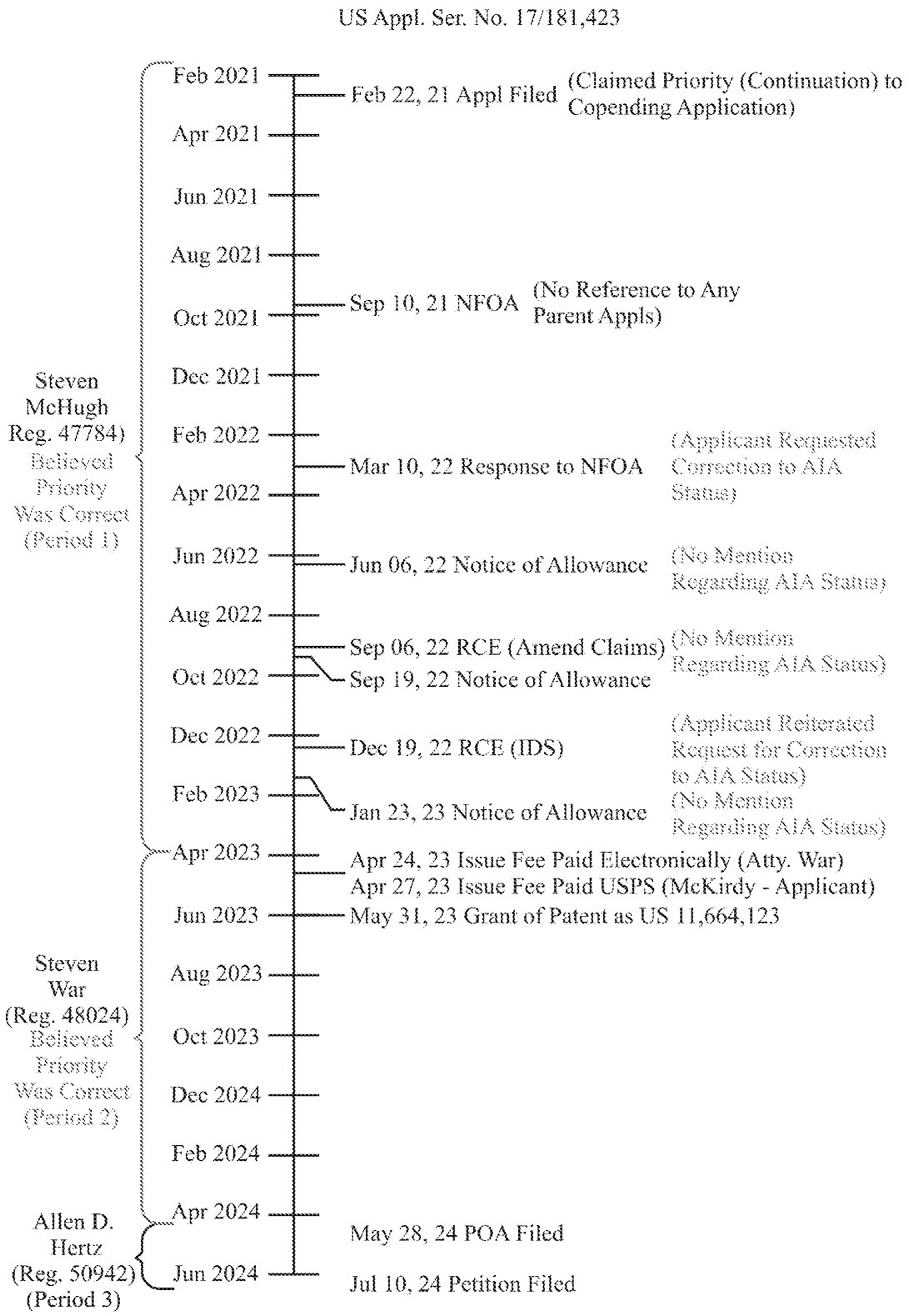
30. A revocation and appointment of Power of Attorney was prepared, forwarded to the Applicant, executed by the sole Applicant (Sean McKirdy), and subsequently filed on May 28, 2024; the Power of Attorney revoking representation from all previously established Powers of Attorney (including Atty War and/or Atty. McHugh where applicable) and appointed the current practitioner of record (all associates under Customer Number 31877, which includes Allen D. Hertz / Reg. No. 50,942). The appointment of the new Power of Attorney to Mr. Hertz were issued on June 18, 2024.

31. Mr. Hertz inspected the file wrappers for the complete family of Patents related to (U.S. Application Serial Number 18/320,937, filed on May 19, 2023). Mr. Hertz identified that the Claim of Priority for the Parent Application (this subject application) and other Parent Applications were incorrectly filed and therefore incomplete in the records at the USPTO. Mr. Hertz discussed the situation with the Applicant and immediately started preparing this Petition and an associated Certificate of Correction to correct the Claim of Priority of the Subject Application.

32. The subject Petition was completed on June 10, 2024, less than 2 weeks of being retained for the work. A copy of the Petition was forwarded to Atty. McHugh for a statement of support on June 17, 2024 (delayed one week due to medical issues Mr. Hertz was experiencing). The Subject Petition to Correct the Claim of Priority is being filed, one day after receiving the requested statement from Atty. McHugh (received on July 09, 2024). It is earnestly believed that the filing of the Petition by Mr. Hertz was considered to be timely.

Summary

33. Applicant earnestly believes the entire time from the date of filing of the Subject Application to the time of filing the subject Petition and this Request for Reconsideration was unintentional. The mistaken understanding of the process for establishing a Claim of Priority led the Patent Owner to earnestly believe that all appropriate actions were taken to resolve the Claim of Priority of the Subject Application (by requesting the Pre-AIA status be instituted several times) Atty. McHugh earnestly believed referencing the pending Parent Application in the ADS automatically included the Claim of Priority of all prior Non-Provisional Applications that were issued or Provisional Applications that were expired. The Claim of Priority, as presented in the first paragraph of the Specification includes U.S. Provisional Patent Application Serial No.: 61/515,728, filed on August 5, 2011, and all intervening Applications and no additional action with respect to claiming domestic benefit was needed. The issue was only presented when Mr. Hertz reviewed the file wrapper near the end of May, 2024, at which time, the Patent Owner requested that Mr. Hertz immediately act to correct the domestic Claim of Priority. A number of events throughout the prosecution of the Subject Application supported this misunderstanding as previously presented. Applicant notes that an unintentional error in a Practitioner's honest misunderstanding of the procedure to properly claim priority of a Child Application which is subsequently supported by correspondences and actions does not equate to an intentional delay to correct the Claim of Priority. The following timeline summarizes the three (3) time periods described above in a graphical format.


US Appl. Ser. No. 17/181,423
Feb 2021
Feb 22, 21 Appl Filed
(Claimed Priority (Continuation) to Copending Application)
Apr 2021
Jun 2021
Aug 2021
Sep 10, 21 NFOA
(No Reference to Any Parent Appls)
Oct 2021
Dec 2021
Steven McHugh Reg. 47784) Believed Priority Was Correct (Period 1)
Feb 2022
Mar 10, 22 Response to NFOA
(Applicant Requested Correction to AIA Status)
Apr 2022
Jun 2022
Jun 06, 22 Notice of Allowance
(No Mention Regarding AIA Status)
Aug 2022
Sep 06, 22 RCE (Amend Claims)
(No Mention Regarding AIA Status)
Oct 2022
Sep 19, 22 Notice of Allowance
Dec 2022
Dec 19, 22 RCE (IDS)
(Applicant Reiterated Request for Correction to AIA Status)
Feb 2023
Jan 23, 23 Notice of Allowance
(No Mention Regarding AIA Status)
Apr 2023
Apr 24, 23 Issue Fee Paid Electronically (Atty. War)
Apr 27, 23 Issue Fee Paid USPS (McKirdy - Applicant)
Jun 2023
May 31, 23 Grant of Patent as US 11,664,123
Aug 2023
Steven War (Reg. 48024) Believed Priority Was Correct (Period 2)
Oct 2023
Dec 2024
Feb 2024
Apr 2024
May 28, 24 POA Filed
Allen D. Hertz (Reg. 50942) (Period 3)
Jun 2024
Jul 10, 24 Petition Filed

Details of Timeline Pertaining to the Petition under 37 CFR 1.78(e)

Date(s)	Event	Remarks
Feb 22, 2021	Application Filed	Filed by Steven HcHugh (Reg. No. 47784) Filed with Priority to 16/412,585 Power of Attorney to Steven McHugh was not filed Correspondence Address was to Customer Number 42638 (The Law Offices of Steven McHugh, LLC)
Mar 04, 2021	Filing Receipt	Filing Receipt claimed Priority to 16/412,585
Sep 10, 2021	NFOA	Claim(s) 1-5, 7-9, 11-15 and 17-19 is/are rejected under 35 U.S.C. 102(a)(2) as being anticipated by Karkanias et al. US 2008/0300109 A1. Claims 6 and 16 is/are rejected under 35 U.S.C. 103 as being unpatentable over Karkanias et al. US 2008/0300109 A1 in view of Arguello US 2011/0210170 A. Claims 10 and 20 is/are rejected under 35 U.S.C. 103 as being unpatentable over Karkanias et al. US 2008/0300109 A1 in view of Hakki US 2008/0032864 A1.
Mar 10, 2022	Response to NFOA	Applicant earnestly believed the proper and complete claim of priority back to first Provisonal Patent Application (PPA) 61/515,728 dated August 05, 2011 and all intervening Applications was correctly established. See page 8 of the response, where the Applicant presents the belief that the Application is Pre-AIA (First to Invent).
Jun 06, 2022	Notice of Allowance	Notice of Allowance. The Examiner does not address the AIA status in the NOA. (Notice of Allowability Summary Form Indicates AIA FITF - Yes)
Sep 06, 2022	RCE w/ Amendment	Applicant amended the Claims and submitted an RCE prior to filing the Issue Fee
Sep 19, 2022	Notice of Allowance	Notice of Allowance. The Examiner does not address the AIA status in the NOA. (Notice of Allowability Summary Form Indicates AIA FITF - Yes)
Dec 19, 2022	RCE w/ IDS	Applicant filed an IDS and submitted an RCE prior to filing the Issue Fee. Applicant again, reiterated the belief that the Application is Pre-AIA and included reference to the chain of the Claim of Priority that was submitted in the first paragraph of the Specification.

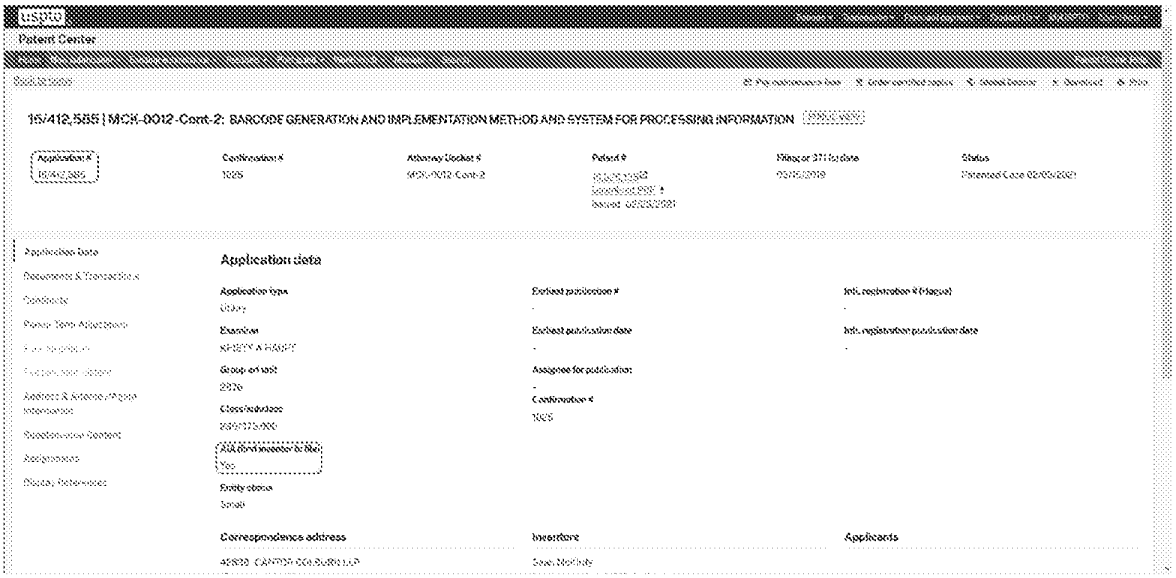
Jan 23, 2023	Notice of Allowance	Notice of Allowance. The Examiner does not address the AIA status in the NOA. (Notice of Allowability Summary Form Indicates AIA FITF - Yes)
Apr 24, 2023	Issue Fee Payment	Electronically Filed (Steven War under 1.43a)(USPTO Reg. No. 48,024) (Cert of Transmission by Christine Kenedy)
Apr 27, 2023	Issue Fee Payment	USPS Mailing on April 24, 2023 (Sean McKirdy) (Applicant/Inventor)(Cert of Mailing by Sean McKirdy)
May 31, 2023	Grant	Patent Issued as US 11,664,123
May 28, 2024	POA to Hertz (50942) filed	Power of Attorney to Allen D Hertz (50942) filed
Jun 18, 2024	POA Accepted	
July 10, 2024	Petition Filed	Petition to Correct Claim of Priority under 37 CFR 1.78(e) in conjunction with Certificate of Correction Filed

Affect On Patentability Resulting From a Change From FITF to FTI (or from FTI to FITF)

The following provides Applicants remarks pertaining to the affect on patentability resulting from a change from FITF to FTI (or from FTI to FITF):

Applicant has checked the Transition Statement box on page 4 of the Supplemental ADS.

The current status of the Parent Application (US Application Serial No. 16/412,585) of AIA is indicated as "YES". Therefore, the AIA status of the current Application should also remain as "YES".



Request for Updated Official Filing Receipt

Upon completion of the correction to the claim of priority, Applicant is requesting issuance of an updated Official Filing Receipt (OFR).

Conclusions

Applicant earnestly believes all of the requirements to grant a Petition under 37 CFR 1.78(e) have been met.

(1) the reference required by 35 U.S.C. § 120 and 37 CFR § 1.78(d)(2) of the prior-filed application, unless previously submitted (Applicant has submitted a Supplemental Application Data Sheet herewith);

(2) the petition fee set forth in§ 1.17(m) (Applicant has submitted a Petition Fee of $840 (Small Entity) herewith); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(d)(3) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. (Applicant provided a detailed timeline supporting the claim that the entire timeframe between filing of the Application and identification that the Claim of Priority was incorrect was unintentional herein.)

Applicant respectfully requests the Petitions Office Grant this subject Petition and issue the associated Certificate of Correction accordingly.

Upon granting of the subject Petition, Applicant respectfully requests the Office issue an Updated Official Filing Receipt.

Respectfully submitted,
Allen D. Hertz
(Customer No. 31877)

By _____
Allen D. Hertz
Reg. No.50,942
12784 Tulipwood Circle
Boca Raton, FL 33428
Tel.: (561) 883-0115
Cell: (561) 716-3915

Attachments:

USPTO Form PTO/SB/445 (09/22) – Renewed Petition to Accept an Unintentionally Delayed Claim under 35 U.S.C. 120, 121, 365(c), or 386(c) (37 CFR 1.78(e)) for the Benefit of a Prior-Filed Application
Supplemental Application Data Sheet (ADS)
Certificate of Correction (2 Sheets) with Cover Sheet
Statement Provided by Steven McHugh on July 09, 2024 (Previously Submitted)
Petition Fee of $840 (Fee Code 2454)(Small Entity)(Previously Paid)
Certificate of Correction Fee of $160 (**37 CFR §** 1.20(a))(Fee Code 2811)(Small Entity) (Previously Paid)

SUPPLEMENTAL ADS

PTO/AIA/14 (01-22)
Approved for use through 05/31/2024. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	~~MCK-0012-Cont-3~~ MCK-21-101
	Application Number	17/181,423
Title of Invention	~~A~~ BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION	

The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76.
This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.

Secrecy Order 37 CFR 5.2:

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Inventor Information:

Inventor 1 Remove

Legal Name

Prefix	Given Name	Middle Name	Family Name	Suffix
	Sean		McKirdy	

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

City	Newington	State/Province	CT	Country of Residence	US

Mailing Address of Inventor:

Address 1	83 Northwood Road		
Address 2			
City	Newington	State/Province	CT
Postal Code	06111	Country	US

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

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below.
For further information see 37 CFR 1.33(a).

☐ **An Address is being provided for the correspondence Information of this application.**

Customer Number	~~42638~~ 31877		
Email Address	~~smchugh@mchugh-law.com~~ Patents@AllenHertz.com	Add Email	Remove Email

Application Information:

Title of the Invention	~~A~~ BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION		
Attorney Docket Number	~~MCK-0012-Cont-3~~ MCK-21-101	Small Entity Status Claimed	☒
Application Type	Nonprovisional		
Subject Matter	Utility		
Total Number of Drawing Sheets (if any)	11	Suggested Figure for Publication (if any)	

SUPPLEMENTAL ADS

PTO/AIA/14 (01-22)
Approved for use through 05/31/2024. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Application Data Sheet 37 CFR 1.76	Attorney Docket Number	~~MCK-0012-Cont-3~~ MCK-21-101
	Application Number	17/181,423
Title of Invention	~~A~~ BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION	

Filing By Reference:

Only complete this section when filing an application by reference under 35 U.S.C. 111(c) and 37 CFR 1.57(a). Do not complete this section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(s) below (i.e., "Domestic Benefit/National Stage Information" and "Foreign Priority Information").

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this reference to the previously filed application, subject to conditions and requirements of 37 CFR 1.57(a).

Application number of the previously filed application	Filing date(YYYY-MM-DD)	Intellectual Property Authority or Country

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

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

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.

Please Select One:	◉ Customer Number	○ US Patent Practitioner	○ Limited Recognition (37 CFR 11.9)
Customer Number	~~42638~~ 31877		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing benefit claim information in the Application Data Sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.
When referring to the current application, please leave the "Application Number" field blank.

Prior Application Status	Pending		Remove
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)
17181423	Continuation of	16412585	2019-05-15

SUPPLEMENTAL ADS

PTO/AIA/14 (01-22)
Approved for use through 05/31/2024. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	~~MCK-0012-Cont-3~~ MCK-21-101
	Application Number	17/181,423
Title of Invention	~~A~~ BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION	

Prior Application Status	Patented			Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
16412585	Continuation of	15175599	2016-06-07	10322313	2019-06-19
Prior Application Status	Patented			Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)	Patent Number	Issue Date (YYYY-MM-DD)
15175599	Continuation of	13567337	2012-08-06	9367860	2016-06-14
Prior Application Status	Pending		Remove		
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)		
13567337	Claims benefit of provisional	61515728	2011-08-05		
Prior Application Status			Remove		
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)		
13567337	Claims benefit of provisional	61539587	2011-09-27		
Prior Application Status	Pending		Remove		
Application Number	Continuity Type	Prior Application Number	Filing or 371(c) Date (YYYY-MM-DD)		
13567337	Claims benefit of provisional	61622175	2012-04-10		

Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the **Add** button.

Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55. When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX)[i] the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(i)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

Remove			
Application Number	Country[i]	Filing Date (YYYY-MM-DD)	Access Code[i] (if applicable)

Additional Foreign Priority Data may be generated within this form by selecting the **Add** button.

SUPPLEMENTAL ADS

PTO/AIA/14 (01-22)
Approved for use through 05/31/2024. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	~~MCK-0012-Cont-3~~ MCK-21-101
	Application Number	17/181,423
Title of Invention	~~A~~ BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION	

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

☒ This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013.
NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA.

SUPPLEMENTAL ADS

PTO/AIA/14 (01-22)
Approved for use through 05/31/2024. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	~~MCK-0012-Cont-3~~ MCK-21-101
	Application Number	17/181,423
Title of Invention	~~A~~ BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION	

Authorization or Opt-Out of Authorization to Permit Access:

When this Application Data Sheet is properly signed and filed with the application, applicant has provided written authority to permit a participating foreign intellectual property (IP) office access to the instant application-as-filed (see paragraph A in subsection 1 below) and the European Patent Office (EPO) access to any search results from the instant application (see paragraph B in subsection 1 below).

Should applicant choose not to provide an authorization identified in subsection 1 below, applicant **must opt-out** of the authorization by checking the corresponding box A or B or both in subsection 2 below.

NOTE: This section of the Application Data Sheet is **ONLY** reviewed and processed with the **INITIAL** filing of an application. After the initial filing of an application, an Application Data Sheet cannot be used to provide or rescind authorization for access by a foreign IP office(s). Instead, Form PTO/SB/39 or PTO/SB/69 must be used as appropriate.

1. Authorization to Permit Access by a Foreign Intellectual Property Office(s)

A. Priority Document Exchange (PDX) - Unless box A in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Organization (WIPO), and any other foreign intellectual property office participating with the USPTO in a bilateral or multilateral priority document exchange agreement in which a foreign application claiming priority to the instant patent application is filed, access to: (1) the instant patent application-as-filed and its related bibliographic data, (2) any foreign or domestic application to which priority or benefit is claimed by the instant application and its related bibliographic data, and (3) the date of filing of this Authorization. See 37 CFR 1.14(h)(1).

B. Search Results from U.S. Application to EPO - Unless box B in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the EPO access to the bibliographic data and search results from the instant patent application when a European patent application claiming priority to the instant patent application is filed. See 37 CFR 1.14(h)(2).

The applicant is reminded that the EPO's Rule 141(1) EPC (European Patent Convention) requires applicants to submit a copy of search results from the instant application without delay in a European patent application that claims priority to the instant application.

2. Opt-Out of Authorizations to Permit Access by a Foreign Intellectual Property Office(s)

☐ A. Applicant **DOES NOT** authorize the USPTO to permit a participating foreign IP office access to the instant application-as-filed. If this box is checked, the USPTO will not be providing a participating foreign IP office with any documents and information identified in subsection 1A above.

☐ B. Applicant **DOES NOT** authorize the USPTO to transmit to the EPO any search results from the instant patent application. If this box is checked, the USPTO will not be providing the EPO with search results from the instant application.

NOTE: Once the application has published or is otherwise publicly available, the USPTO may provide access to the application in accordance with 37 CFR 1.14.

SUPPLEMENTAL ADS

PTO/AIA/14 (01-22)
Approved for use through 05/31/2024. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	~~MCK-0012-Cont-3~~ MCK-21-101
	Application Number	17/181,423
Title of Invention	~~A~~ BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION	

Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Applicant 1

If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.

Clear

◯ Assignee	◯ Legal Representative under 35 U.S.C. 117	◯ Joint Inventor
◯ Person to whom the inventor is obligated to assign.	◯ Person who shows sufficient proprietary interest	

If applicant is the legal representative, indicate the authority to file the patent application, the inventor is:

Name of the Deceased or Legally Incapacitated Inventor:

If the Applicant is an Organization check here. ☐

Prefix	**Given Name**	Middle Name	**Family Name**	Suffix

Mailing Address Information For Applicant:

Address 1			
Address 2			
City		**State/Province**	
Country		Postal Code	
Phone Number		Fax Number	
Email Address			

Additional Applicant Data may be generated within this form by selecting the Add button.

Assignee Information including Non-Applicant Assignee Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

SUPPLEMENTAL ADS

PTO/AIA/14 (01-22)
Approved for use through 05/31/2024. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	~~MCK-0012-Cont-3~~ MCK-21-101
	Application Number	17/181,423
Title of Invention	A BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION	

Assignee 1

Complete this section if assignee information, including non-applicant assignee information, is desired to be included on the patent application publication. An assignee-applicant identified in the "Applicant Information" section will appear on the patent application publication as an applicant. For an assignee-applicant, complete this section only if identification as an assignee is also desired on the patent application publication.

If the Assignee or Non-Applicant Assignee is an Organization check here. ☐

Prefix	**Given Name**	Middle Name	**Family Name**	Suffix

Mailing Address Information For Assignee including Non-Applicant Assignee:

Address 1			
Address 2			
City		**State/Province**	
Country		Postal Code	
Phone Number		Fax Number	
Email Address			

Additional Assignee or Non-Applicant Assignee Data may be generated within this form by selecting the Add button.

Signature:

NOTE: This Application Data Sheet must be signed in accordance with 37 CFR 1.33(b). **However, if this Application Data Sheet is submitted with the INITIAL filing of the application and either box A or B is not checked in subsection 2 of the "Authorization or Opt-Out of Authorization to Permit Access" section, then this form must also be signed in accordance with 37 CFR 1.14(c).**

This Application Data Sheet **must** be signed by a patent practitioner if one or more of the applicants is a **juristic entity** (e.g., corporation or association). If the applicant is two or more joint inventors, this form must be signed by a patent practitioner, **all** joint inventors who are the applicant, or one or more joint inventor-applicants who have been given power of attorney (e.g., see USPTO Form PTO/AIA/81) on behalf of **all** joint inventor-applicants.

See 37 CFR 1.4(d) for the manner of making signatures and certifications.

Signature				Date (YYYY-MM-DD)	2024-12-04
First Name	Allen D.	Last Name	Hertz	Registration Number	50942

Additional Signature may be generated within this form by selecting the Add button.

SUPPLEMENTAL ADS

PTO/AIA/14 (01-22)
Approved for use through 05/31/2024. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Application Data Sheet 37 CFR 1.76	Attorney Docket Number	~~MCK-0012-Cont-3~~ MCK-21-101
	Application Number	17/181,423
Title of Invention	~~A~~ BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION	

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 11,664,123

APPLICATION NO.: 17/181,423

ISSUE DATE : May 30, 2023

INVENTOR(S) : Sean McKirdy

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the title page:

Item (63) under "Related U.S. Application Data" delete the paragraph and insert the following:

- - Continuation of application No. 16/412,585, filed on May 15, 2019, now Pat. No. 10,926,135, which is a continuation of application No. 15/175,599, filed on Jun. 6, 2016, now Pat. No. 10,322,313, which is a continuation of application No. 13/567,337, filed on Aug. 6, 2012, now Pat. No. 9,367,860. - -

Under Related U.S. Application Data, beneath the above inserted paragraph, insert the following:

- - (60) Provisional application No. 61/515,728, filed on Aug. 5, 2011,
Provisional application No. 61/539,587, filed on Sept. 27, 2011, and
Provisional application No. 61/622,175, filed on Apr. 10, 2012. - -

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Allen D Hertz, P.A., 12784 Tulipwood Circle, Boca Raton, Florida 33428

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 11,664,123

APPLICATION NO.: 17/181,423

ISSUE DATE : May 30, 2023

INVENTOR(S) : Sean McKirdy

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 1, line 8, (Paragraph under the section titled: "CROSS-REFERENCE TO RELATED PATENT APPLICATIONS) cancel the text begininning with "The present application ..." and ending "... by reference in their entireties" in column 1, line 23, and insert the following replacement Paragraph:

-- The present application is a continuation application of copending U.S. Non-Provisional Patent Application Ser. No. 16/412,585, filed May 15, 2019 (now U.S. Patent 10,926,135, issued on February 23, 2021),
wherein U.S. Non-Provisional Patent Application Ser. No. 16/412,585 claims the benefit of copending U.S. Non-Provisional Patent Application Ser. No. 15/175,599, filed Jun. 6, 2016 (now U.S. Patent 10,322,313, issued on Jun. 19, 2019),
wherein U.S. Non-Provisional patent application Ser. No. 15/175,599 claims the benefit of copending U.S. Non-Provisional Patent Application Ser. No. 13/567,337, filed Aug. 6, 2012 (now U.S. Patent 9,367,860, issued on Jun. 14, 2016),
wherein U.S. Non-Provisional Patent Application Ser. No. 13/567,337 claims the benefit of each of:
copending U.S. Provisional Patent Application Ser. No. 61/515,728, filed on Aug. 5, 2011,
copending U.S. Provisional Patent Application Ser. No. 61/539,587, filed on Sep. 27, 2011, and
copending U.S. Provisional Patent Application Ser. No. 61/622,175, filed on Apr. 10, 2012,
the contents of all of which are incorporated herein by reference in their entireties. --

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Allen D Hertz, P.A., 12784 Tulipwood Circle, Boca Raton, Florida 33428

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

Doc Code: PET.OP
Document Description: Petition for Review by the Office of Petitions

PTO/SB/445 (09-22)
Approved for use through 05/31/2024. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. 119(e) (37 CFR 1.78(c)) AND/OR TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. 120, 121, 365(c), or 386(c) (37 CFR 1.78(e)) FOR THE BENEFIT OF A PRIOR-FILED APPLICATION

First named inventor: Sean McKirdy

Application No.: 17/181,423 Art Unit: 2876

Filed: February 22, 2021 Examiner: Kristy A. HAUPT

Title: BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX 571-273-8300

When filing via USPTO's patent electronic filing systems, use Doc Code PET.PCT (Petition for review by the PCT Legal Office) for applications filed under 35 U.S.C. 371 and/or if the reference to the prior-filed application(s) includes an international application or an international design application. In all other instances, use Doc Code PET.OP (Petition for review by the Office of Petitions).

NOTE: If information or assistance is needed in completing this form, please contact the Office of Petitions at 571-272-3282.

APPLICANT HEREBY PETITIONS FOR ACCEPTANCE OF AN UNINTENTIONALLY DELAYED BENEFIT CLAIM TO A PRIOR-FILED APPLICATION UNDER 37 CFR 1.78(c) AND/OR 37 CFR 1.78(e).

NOTE: For a petition under 37 CFR 1.78(e), the above-identified application must have been filed during the pendency of the prior application or during the pendency of an intermediate application similarly entitled to the benefit of the filing date of the prior application. For a petition under 37 CFR 1.78(c), the above-identified application must have been filed within 12 months of the filing date of the provisional application or be entitled to claim the benefit under 35 U.S.C. 120, 121, or 365(c) of an application that was filed within 12 months of the filing date of the provisional application, except as provided in 37 CFR 1.78(b).

NOTE: A grantable petition requires the following items:

(1) the reference required by 35 U.S.C. 119(e) and 37 CFR 1.78(a)(3) to the prior-filed provisional application and/or the reference required by 35 U.S.C. 120 and 37 CFR 1.78(d)(2) to the prior-filed nonprovisional application, international application designating the United States, or international design application designating the United States, unless previously submitted;
(2) the petition fee set forth in 37 CFR 1.17(m); and
(3) a statement that the entire delay between the date the benefit claim was due under 37 CFR 1.78(d)(3) and/or 37 CFR 1.78(a)(4) and the date the benefit claim was filed was unintentional. The Director may require additional information where there is a question as to whether the delay was unintentional.

1. The required reference to the prior-filed application:

☑ The above-identified application was filed on or after September 16, 2012, and the reference is either set forth in the attached corrected application data sheet (ADS) or in a corrected ADS that was previously submitted.

☐ The above-identified application was filed prior to September 16, 2012, and the reference is either (1) set forth in a supplemental ADS, (2) set forth in the attached amendment to the first sentence(s) of the specification, or (3) set forth in a supplemental ADS or amendment to the first sentence(s) of the specification that was previously submitted. See 37 CFR 1.78(h).

Reminder: Any ADS which corrects or updates the information of record must comply with 37 CFR 1.76(c)(2) (or for applications filed prior to September 16, 2012, pre-AIA 37 CFR 1.76(c)).

A Federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with an information collection subject to the requirements of the Paperwork Reduction Act of 1995, unless the information collection has a currently valid OMB Control Number. The OMB Control Number for this information collection is 0651-0032. Public burden for this form is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the information collection. Send comments regarding this burden estimate or any other aspect of this information collection, including suggestions for reducing this burden to the Chief Administrative Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 or email InformationCollection@uspto.gov. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. 119(e) (37 CFR 1.78(c)) AND/OR TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. 120, 121, 365(c), or 386(c) (37 CFR 1.78(e)) FOR THE BENEFIT OF A PRIOR-FILED APPLICATION

2. Petition fee (37 CFR 1.17(m)):

☐ Other than a small or micro entity (undiscounted) fee $ _____ (Fee Code 1454).

☑ Small entity fee $ 840 (Fee Code 2454). Applicant asserts small entity status. See 37 CFR 1.27.

☐ Micro entity fee $ _____ (Fee Code 3454). Applicant has established or is establishing micro entity status. See 37 CFR 1.29. Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

3. Statement: The entire delay between the date the benefit claim was due under 37 CFR 1.78(d)(3) and/or 37 CFR 1.78(a)(4) and the date the benefit claim was filed was unintentional.

Petitioner is reminded that a change in circumstance or a delay resulting from a deliberately chosen course of action does not become an "unintentional" delay because, for example:

- the applicant does not consider any patent to be of sufficient value to justify the financial expense of obtaining the patent; or
- the applicant remains interested in eventually obtaining a patent, but simply seeks to defer patent fees and patent prosecution expenses.

NOTE: Where the petition under 37 CFR 1.78(c) and/or 37 CFR 1.78(e) is filed more than two years after the date the priority or benefit claim was due, the United States Patent and Trademark Office requires an additional explanation of the circumstances surrounding the delay that establishes the entire delay was unintentional. This requirement is in addition to the requirement to provide a statement that the entire delay was unintentional. See *Clarification of the Practice for Requiring Additional Information in Petitions Filed in Patent Applications and Patents Based on Unintentional Delay*, 85 FR 12222 (March 2, 2020). See MPEP 711.03(c)(II)(C)-(F) for additional guidance on the information required to establish that the entire delay was unintentional.

☑ Because this petition under 37 CFR 1.78(c) and/or 37 CFR 1.78(e) is being filed more than two years after the date the priority or benefit claim was due, additional explanation of the circumstances surrounding the delay that establishes the entire delay was unintentional is enclosed herewith.

PTO/SB/44S (09-22)
Approved for use through 05/31/2024. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. 119(e) (37 CFR 1.78(c)) AND/OR TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. 120, 121, 365(c), or 386(c) (37 CFR 1.78(e)) FOR THE BENEFIT OF A PRIOR-FILED APPLICATION

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

/Allen D. Hertz/ — Signature*

December 04, 2024 — Date

Allen D. Hertz — Typed or Printed Name

50942 — Registration Number, if applicable

12784 Tulipwood Cir — Address

561-716-3915 — Telephone Number

Boca Raton, FL 33428 — Address

* This petition must be signed in accordance with 37 CFR 1.33. Please see 37 CFR 1.4(d) for the signature requirements. Submit multiple forms if more than one signature is required.

Enclosures:

- [x] Application Data Sheet (see instructions starting on page 4)
- [x] Fee (along with supporting documentation, if required)
- [x] Other: Transmittal

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- [ ] Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- [x] Transmitted by electronic filing (EFS-Web or Patent Center) or by facsimile on the date shown below to the United States Patent and Trademark Office at 571-273-8300.

December 04, 2024 — Date

/Allen D. Hertz/ — Signature

Allen D. Hertz — Typed or printed name of person signing certificate

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Sean McKirdy	Confirmation No. 7904
Patent No.	: 11,664,123	Issued : May 30, 2023
Application No.	: 17/181,423	Filed : February 22, 2021
Title	: **BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION**	
TC/A.U.	: 2876	
Examiner	: Kristy A HAUPT	Tel: 571-272-8545
Docket No.	: MCK-21-101	
Customer No.	: 31877	

Request for Certificate of Correction
Under 35 U.S.C. 255 Certificate of Correction of Applicant's Mistake

Commissioner for Patents
Office of Data Management Attention: Certificates of Correction Branch
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. The above patent contains at least one mistake of minor character, as indicated on the attached Certificate of Correction forms. These errors arose at the respective places in the application file indicated below.

2. Applicant has previously submitted a fee as set forth in § 1.20(a) (Fee Code 2811) of ($160.00).

MPEP 1481 Certificates of Correction - Applicant's Mistake [R-11.2013]

35 U.S.C. 255 Certificate of Correction of Applicant's Mistake

Whenever a mistake of a clerical or typographical nature, or of minor character, which was not the fault of the Patent and Trademark Office, appears in a patent and a showing has been made that such mistake occurred in good faith, the Director may, upon payment of the required fee, issue a certificate of correction, if the correction does not involve such changes in the patent as would constitute new matter or would require reexamination. Such patent, together with the certificate, shall have the same effect and operation in law on the trial of actions for causes thereafter arising as if the same had been originally issued in such corrected form.

37 CFR 1.323 Certificate of Correction of Applicant's Mistake

The Office may issue a certificate of correction under the conditions specified in 35 U.S.C. 255 at the request of the patentee or the patentee's assignee, upon payment of the fee set forth in § 1.20(a). If the request relates to a patent involved in an interference or trial before the Patent Trial and Appeal Board, the request must comply with the requirements of this section and be accompanied by a motion under § 41.121(a)(2), § 41.121(a)(3) or § 42.20 of this title.

37 CFR 1.323 relates to the issuance of certificates of correction for the correction of errors which were not the fault of the Office. Mistakes in a patent which are not correctable by certificate of correction may be correctable via filing a reissue application (see MPEP § 1401 - § 1460). See Novo Industries, L.P. v. Micro Molds Corporation, 350 F.3d 1348, 69 USPQ2d 1128 (Fed. Cir. 2003) (The Federal Circuit stated that when Congress in 1952 defined USPTO authority to make corrections with prospective effect, it did not deny correction authority to the district courts. A court, however, can correct only if "(1) the correction is not subject to reasonable debate based on consideration of the claim language and the specification and (2) the prosecution history does not suggest a different interpretation...").

In re Arnott, 19 USPQ2d 1049, 1052 (Comm'r Pat. 1991) specifies the criteria of 35 U.S.C. 255 (for a certificate of correction) as follows:

Two separate statutory requirements must be met before a Certificate of Correction for an

applicant's mistake may issue. The first statutory requirement concerns the nature, i.e., type, of the mistake for which a correction is sought. The mistake must be:

(1) of a clerical nature,

(2) of a typographical nature, or

(3) a mistake of minor character.

The second statutory requirement concerns the nature of the proposed correction. The correction must not involve changes which would:

(1) constitute new matter or

(2) require reexamination.

3. Applicant earnestly believes the mistakes are at least one of:

(1) of a clerical nature,

(2) of a typographical nature, or

(3) a mistake of minor character.

Each of the mistakes is outlined below. Details presenting that the mistakes are one of the following are presented following each amended section as presented below.

4. Applicant respectfully requests a Certificate of Correction be issued for correction of the following paragraph as indicated below (underlined identifies added text; strikethrough or text contained between facing pairs of double brackets identifies deleted text):

4(a) "It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below: On the Title Page

Item (63) under Related U.S. Application Data, delete the paragraph and insert the following:

-- (63) Continuation of application No. 16/412,585, filed on May 15, 2019, now Pat. No. 10,926,135, which is a continuation of application No. 15/175,599, filed on Jun. 6, 2016, now Pat. No. 10,322,313, which is a continuation of application No. 13/567,337, filed on Aug. 6, 2012, now Pat. No. 9,367,860.--

4(b) Applicant requests to add the following "Under Related U.S. Application Data" to the title page of the Patent:

- - (60) Provisional application No. 61/515,728, filed on Aug. 5, 2011,

Provisional application No. 61/539,587, filed on Sept. 27, 2011, and

Provisional application No. 61/622,175, filed on Apr. 10, 2012. - -

4(c) **Paragraph immediately following the section Title: "CROSS-REFERENCE TO RELATED PATENT APPLICATIONS"** (Col. 1, Lines 8-20) should be amended as follows:

"The present application is a continuation application of copending U.S. Non-Provisional [[p]]Patent [[a]]Application Ser. No. 16/412,585, ~~entitled "Barcode Generation and Implementation Method and System for Processing Information,"~~ filed May 15, 2019 (now U.S. Patent 10,926,135, issued on February 23, 2021), ~~and~~

wherein ~~claims the benefit of priority of~~ U.S. Non-Provisional [[p]]Patent [[a]]Application Ser. No. 16/412,585 ~~which~~ claims the benefit of copending U.S. Non-Provisional [[p]]Patent [[a]]Application Ser. No. 15/175,599, ~~entitled "Barcode Generation and Implementation Method and System for Processing Information,"~~ filed Jun. 6, 2016 (now U.S. Patent 10,322,313, issued on Jun. 19, 2019),

wherein U.S. Non-Provisional patent application Ser. No. 15/175,599 ~~which~~ claims the benefit of ~~priority of~~ copending U.S. Non-Provisional [[p]]Patent [[a]]Application Ser. No. 13/567,337, ~~entitled "Barcode Generation and Implementation Method and System for Processing Information,"~~ filed Aug. 6, 2012 (now U.S. Patent 9,367,860, issued on Jun. 14, 2016), ~~which~~

wherein U.S. Non-Provisional Patent Application Ser. No. 13/567,337 claims the benefit of each of:

copending U.S. Provisional Patent Application Ser. No. 61/515,728, ~~entitled System and Method for Processing Information,~~ filed on Aug. 5, 2011,

copending U.S. Provisional Patent Application Ser. No. 61/539,587, ~~entitled System and Method for Processing Information,~~ filed on Sep. 27, 2011, and

copending U.S. Provisional Patent Application Ser. No. 61/622,175, ~~entitled System and Method for Processing Information,~~ filed on Apr. 10, 2012,

the contents of all of which are incorporated herein by reference in their entireties."

5. Applicant is submitting a Petition to Correct Claim of Priority under 37 CFR 1.78 in parallel with this request to Issue a Certificate of Correction.

6. Each of the Applications is a continuation of the respective child. All Specifications and Drawings are the same. Therefore, the amendment has not introduced any new matter.

7. Applicant earnestly believes the submission is complete. Applicant earnestly believes the corrections are all to maintain consistency with the correct claims of priority. Applicant earnestly

believes the corrections do not involve changes that would constitute any new matter or require a reexamination. Applicant kindly solicits a telephone call to resolve any questions or other matters that arise as a result of this request in order to help facilitate this request.

Respectfully submitted,
Allen D. Hertz
(Member of Customer No. 31877)

By _____
Allen D. Hertz
Reg. No.50,942

Allen D Hertz, P.A.
Customer No. 31877
Representatives for the Applicant
12784 Tulipwood Circle
Boca Raton, FL 33428
Tel.: (561) 883-0115
Cell: (561) 716-3915

Attachments:
Certificate of Correction (2 Sheets)
$160 fee as set forth in § 1.20(a)(Previously Submitted)

UNITED STATES
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Alexandria, VA 22313 - 1450
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ELECTRONIC ACKNOWLEDGEMENT RECEIPT

APPLICATION #	RECEIPT DATE / TIME	ATTORNEY DOCKET #
17/181,423	**12/04/2024 09:05:50 PM Z ET**	**MCK-21-101**

Title of Invention

BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

Application Information

APPLICATION TYPE	Utility - Nonprovisional Application under 35 USC 111(a)	PATENT #	11664123
CONFIRMATION #	7904	FILED BY	Allen Hertz
PATENT CENTER #	68231659	FILING DATE	02/22/2021
CUSTOMER #	31877	FIRST NAMED INVENTOR	Sean McKirdy
CORRESPONDENCE ADDRESS	-	AUTHORIZED BY	-

Documents

TOTAL DOCUMENTS: 6

DOCUMENT	PAGES	DESCRIPTION	SIZE (KB)
1_MCK-21-101_McKirdy_17181423_sb0445_120424.pdf	3	Petition for review by the Office of Petitions	482 KB
2_MCK-21-101_McKirdy_17181423_McKirdy_Petition_OFR_120424.pdf	31	Petition for review by the Office of Petitions	4691 KB
3_MCK-21-101_McKirdy_17181423_ADS_Supplemental_120424.pdf	8	Application Data Sheet	517 KB
Warning: This is not a USPTO supplied ADS fillable form. Data in the form cannot be automatically loaded to other USPTO systems.			
4_MCK-21-	6	Request for Certificate of	213 KB

101_McKirdy_17181423_CoC_Request_120424.pdf		Correction	
5_MCK-21-101_McKirdy_17181423_CoC_SB44_120424_P1_Native.pdf	1	Request for Certificate of Correction	131 KB
6_MCK-21-101_McKirdy_17181423_CoC_SB44_120424_P2_Native.pdf	1	Request for Certificate of Correction	215 KB

Digest

DOCUMENT	MESSAGE DIGEST(SHA-512)
1_MCK-21-101_McKirdy_17181423_sb0445_120424.pdf	E64AFC25647943DF666A97F6EC4BBA7806BB4D88EBB9884B4AA78D8A08108C98BB802CB92DBE34299DF680F2F4C82FE4D2024C2C3A3D19C4E71DDB2DA1C6A1A7
2_MCK-21-101_McKirdy_17181423_McKirdy_Petition_OFR_120424.pdf	C5BC78A16BD7E197B40B1C9B00406A5311EC9BFAEA0AA27E1E167F34B4ADA8E0BE90009731D2A8CC55950C0DEF18F87D6A7D27E8815752E32DF8AE656163776F
3_MCK-21-101_McKirdy_17181423_ADS_Supplemental_120424.pdf	49A29A91F3F696DBC08C510E5D5A3AB35AAE3B5E8E88C9F1A15875E3CD529086252C659E8D35DA693A655F0F991D3C0EC89FF6B031D356E44E1BD299F0409F2C
4_MCK-21-101_McKirdy_17181423_CoC_Request_120424.pdf	58CB8CF361CF1E5B00ABE2054B6AC6189988A6D57FF0BED995B7FE84780D1D78BA3F8321A60DC35443AAFCB570B537E63877A32545342C1D35A01B3FC857B8E8
5_MCK-21-101_McKirdy_17181423_CoC_SB44_120424_P1_Native.pdf	E79BE90CE21A106582B399CA5FAE7D90F7294B1239A950BC1E30654876118552BD4FABAAE59C21F4C21A40514745861DB4812285D3D851412C5A6D68EB28999D
6_MCK-21-101_McKirdy_17181423_CoC_SB44_120424_P2_Native.pdf	0096B528F60D3B3DD47E5DB1CF588AD33E6198ABB48A74BE6A744219DB6092A5AD041046622D29770E9407C957748AF404771DD90E97593CE299277B3987FFE3

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

New Applications Under 35 U.S.C. 111

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

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C.

371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

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

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
17/181,423	02/22/2021	Sean McKirdy	MCK-21-101	7904

31877 7590 01/14/2025

ALLEN D. HERTZ
ALLEN D HERTZ, P.A.
12784 TULIPWOOD CIRCLE
BOCA RATON, FL 33428

EXAMINER	
HAUPT, KRISTY A	

ART UNIT	PAPER NUMBER
2876	

MAIL DATE	DELIVERY MODE
01/14/2025	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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In re Patent No. 11,664,123	:	
Issue Date: 30 May 2023	:	DECISION ON PETITION
Application No. 17/181,423	:	
Filing or 371(c) Date: 22 Feb 2021	:	
Attorney Docket No. MCK-21-101	:	

This is a decision on the renewed petition under 37 CFR 1.78(c) & (e) filed December 4, 2024 to accept an unintentionally delayed claim under 35 U.S.C. 119(e) and 120 for the benefit of priority to the prior-filed provisional and nonprovisional applications listed in the concurrently-filed Application Data Sheet (ADS), by way of a Certificate of Correction.

The petition is **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR 1.78(c) and 1.78(e) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR 1.78(a)(4) and 1.78(d)(3). In addition, the petition under 37 CFR 1.78(c) and 1.78(e) must be accompanied by:

(1) the reference required by 35 U.S.C. 120 and 119(e) and 37 CFR 1.78(d)(2) and 1.78(a)(3) of the prior-filed application, which must be filed in an Application Data Sheet, unless previously submitted;

(2) the petition fee set forth in § 1.17(m); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(d)(3) and 1.78(a)(4) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application. All the above requirements having been satisfied, the late claims for benefit of priority under 35 U.S.C. 119(e) and 120 are accepted as being unintentionally delayed.

Petitioner has provided an adequate explanation that the delay was unintentional in that current counsel, Allan D. Hertz (hereinafter "Hertz") was not aware of the existence of the subject patent family until May, 2024, when the inventor, Sean McKirdy, asked Hertz to take over prosecution from prior counsel. The attorney who originally prosecuted the application, Steven McHugh, had mistakenly assumed that only the immediately prior benefit claim needed to be listed on the ADS in order for the application to claim benefit of all prior-filed applications in the benefit chain. Additionally, the inventor assumed that the practitioner who paid the issue fee, Steven War, had verified that the domestic benefit information was correct when War reviewed the application. The inventor was not aware of the omission in the benefit claim until informed by Hertz of such in May, 2024. The initial petition under 37 CFR 1.78 was filed July 10, 2024.

Petitioner is advised that this decision grants the petition to accept the unintentionally delayed domestic benefit claim to the prior filed application(s) because the petition requirements of 37 CFR 1.78(c) & (e) and the formal requirements for claiming domestic benefit (see MPEP § 211.01 et. seq.) have been met. This acceptance should not be construed as meaning that this application is entitled to the benefit of the prior-filed application(s). Whether a claimed invention in a nonprovisional application is entitled to the benefit of the filing date of a prior-filed application on the basis of the disclosure thereof is determined during examination if it becomes necessary to do so (e.g., intervening reference and interference proceeding). See MPEP § 211.05.

A corrected Filing Receipt, which includes the benefit claims to the prior-filed applications, is being mailed under separate cover.

This application is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction. Receipt of the certificate of correction fee on July 10, 2024 is acknowledged.

Any questions concerning this matter may be directed to the undersigned at 571-272-3231.

/DOUGLAS I WOOD/
Attorney Advisor, OPET

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
17/181,423	02/22/2021	2876	830	MCK-21-101	20	2

CONFIRMATION NO. 7904

CORRECTED FILING RECEIPT

31877
ALLEN D. HERTZ
ALLEN D HERTZ, P.A.
12784 TULIPWOOD CIRCLE
BOCA RATON, FL 33428

Date Mailed: 01/16/2025

Receipt is acknowledged of this non-provisional utility patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF FIRST INVENTOR, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection.

Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a corrected Filing Receipt, including a properly marked-up ADS showing the changes with strike-through for deletions and underlining for additions. If you received a "Notice to File Missing Parts" or other Notice requiring a response for this application, please submit any request for correction to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections provided that the request is grantable.

Inventor(s)

Sean McKirdy, Newington, CT;

Applicant(s)

Sean McKirdy, Newington, CT;

Power of Attorney: The patent practitioners associated with Customer Number 31877

Domestic Applications for which benefit is claimed

This application is a CON of 16/412,585 05/15/2019 PAT 10,926,135
which is a CON of 15/175,599 06/07/2016 PAT 10,322,313
which is a CON of 13/567,337 08/06/2012 PAT 9,367,860
which claims benefit of 61/515,728 08/05/2011
and claims benefit of 61/539,587 09/27/2011
and claims benefit of 61/622,175 04/10/2012

Foreign Applications for which priority is claimed (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see http://www.uspto.gov for more information.) **- None.**
Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Permission to Access Application via Priority Document Exchange: Yes

Permission to Access Search Results: Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 03/02/2021
The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 17/181,423**
Projected Publication Date: 11/11/2021
Non-Publication Request: No
Early Publication Request: No
**** SMALL ENTITY ****
Title

BARCODE GENERATION AND IMPLEMENTATION METHOD AND SYSTEM FOR PROCESSING INFORMATION

Preliminary Class

235

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific

countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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