

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Request For *Inter Partes* Reexamination Of:

U.S. Patent No. 7,222,078

Inventor: Daniel H. Abelow

Assignee: Lodsys, LLC

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For: Method and Systems For Gathering  
Information From Units Of A Commodity  
Across A Network

REQUEST FOR *INTER PARTES*  
REEXAMINATION OF  
U.S. PATENT NO. 7,222,078  
UNDER 35 U.S.C. § 311-318 AND  
37 C.F.R. §§ 1.913, 1.915

ATTACHMENT TO FORM 1465

Mail Stop *Inter Partes* Reexamination  
Attn: Central Reexamination Unit  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR *INTER PARTES* REEXAMINATION OF  
U.S. PATENT NO. 7,222,078**

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## TABLE OF EXHIBITS

### LIST OF EXHIBITS

The Exhibits to the present Request are arranged in four groups: prior art (“PA”), relevant patent prosecution file history (including patents) (“PAT”), claim charts (“CC”), and other documents (“OTH”).

#### Prior Art

PA-SB08	USPTO Form SB08
PA-A	U.S. Patent No. 5,003,384 (“Durden,” attachment AA to Form SB08)
PA-B	U.S. Patent No. 5,077,582 (“Kravette,” attachment BA to Form SB08)
PA-C	U.S. Patent No. 4,992,940 (“Dworkin,” attachment CA to Form SB08)
PA-D	U.S. Patent No. 5,477,262 (“Banker,” attachment DA to Form SB08)
PA-E	U.S. Patent No. 5,956,505 (“Manduley,” attachment EA to Form SB08)

#### Relevant Patent Materials (PAT)

PAT-A	U.S. Patent No. 7,222,078 (“’078 patent”)
PAT-B	Terminal Disclaimer for U.S. Patent No. 7,222,078
PAT-C	File Wrapper for U.S. Patent No. 7,222,078 (“’078 Pros. Hist.”)

#### Claim Charts (CC)

CC-A	Claim Chart for Durden invalidating Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 under 35 U.S.C. § 102(b)
CC-B	Claim Chart for Kravette invalidating Claims 1-7, 10, 15, 16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 under 35 U.S.C. § 102(e)
CC-C	Claim Chart for Dworkin invalidating Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 under 35 U.S.C. § 102(b)
CC-D	Claim Chart for Banker invalidating Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 under 35 U.S.C. § 102(e)
CC-E	Claim Chart for Manduley invalidating Claims 1-7, 10, 15, 16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 under 35 U.S.C. § 102(e)

## Other Documents (OTH)

- OTH-A Lodsys LLC v. Brother Int'l Corp. et al., Case No. 2:11-cv-00009, in the U.S. District Court for the Eastern District of Texas
- OTH-B Lodsys LLC v. Combay Inc. et al., Case No. 2:11-cv-00272, in the U.S. District Court for the Eastern District of Texas
- OTH-C Lodsys LLC v. Adidas America Inc. et al., Case No. 2:11-cv-00283, in the U.S. District Court for the Eastern District of Texas
- OTH-D Lodsys LLC v. DriveTime Automotive Group Inc. et al., Case No. 2:11-cv-00309, in the U.S. District Court for the Eastern District of Texas
- OTH-E DriveTime Automotive Group Inc., v. Lodsys LLC, Case No. 2:11-cv-01307, in the U.S. District Court for Arizona
- OTH-F ESET, LLC v. Lodsys LLC, Case No. 3:11-cv-01285, in the U.S. District Court for the Southern District of California
- OTH-G ESET, LLC v. Lodsys LLC, Case No. 2:11-cv-00650, in the U.S. District Court for the Eastern District of Wisconsin
- OTH-H Foresee Results, Inc. v. Lodsys LLC, Case No. 1:11-cv-03886, in the U.S. District Court for the Northern District of Illinois
- OTH-I New York Times Co. v. Lodsys LLC, Case No. 1:11-cv-04004, in the U.S. District Court for the Northern District of Illinois
- OTH-J LivePerson, Inc. v. Lodsys LLC, Case No. 1:11-cv-04088, in the U.S. District Court for the Northern District of Illinois
- OTH-K OpinionLab, Inc. v. Lodsys LLC, Case No. 1:11-cv-04015, in the U.S. District Court for the Northern District of Illinois

## REQUEST FOR *INTER PARTES* REEXAMINATION OF U.S. PATENT 7,222,078

Dear Sir:

Pursuant to 35 U.S.C. §§ 311 *et seq.* and 37 C.F.R. §§ 1.902 *et seq.*, Google Inc. (the “Requestor”) hereby requests *Inter Partes* reexamination of U.S. Patent No. 7,222,078<sup>1</sup> (“ ‘078 Patent”). The undersigned is counsel of record and represents that he is authorized to act in a representative capacity for Requestor under 37 C.F.R. § 1.34.

### I. INTRODUCTION

Requestor requests reexamination of Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 of the ‘078 Patent in view of the substantial new questions of patentability (“SNQs”) presented below. Requestor requests that the Patent Office find SNQs and cancel Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74, rendering them null, void., or otherwise unenforceable.

The Patent Office issued the ‘078 Patent on May 22, 2007. According to Patent Office records, the named applicant Daniel H. Abelow (the “Applicant”) assigned the ‘078 Patent to Ferrara Ethereal, LLC on Dec. 10, 2004. Ferrara Ethereal, LLC assigned the ‘078 Patent to Webvention, LLC on Nov. 16, 2009. Webvention, LLC assigned the ‘078 Patent to Lodsys, LLC (“Patent Owner”) who is its current owner on Aug. 31, 2010. The Patent Owner has filed at least one action for infringement of the ‘078 Patent. **Ex. OTH-B.** The Requestor concurrently files a request for *Inter Partes* reexamination of U.S. Patent No. 7,620,565 (‘565 Patent) for Claims 1-11, 13-15, 17-22, and 25-32. Both the ‘565 Patent and the ‘078 Patent are owned by Lodsys, LLC.

In allowing the ‘078 Patent to issue, the Examiner in the original prosecution stated that the prior arts do not disclose or fairly teach:

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<sup>1</sup> U.S. Patent 7,222,078 and its application 10/734,102 will be collectively referred to as “the ‘078 Patent.”

a user interface which is part of each of the units of the commodity, configured to provide a medium for two-way local interaction between one of the users and the corresponding unit of the commodity, and further configured to **elicit, from a user, information about the user's perception of the commodity;**

a memory within each of the units of the commodity capable of **storing results of the two-way local interaction, the results including elicited information about the user perception of the commodity.**

**Ex. PAT-C**, '078 Pros. Hist., Notice of Allowability, p.2, January 19, 2007 (emphasis added).

The prior art relied on in this Request discloses and teaches all the features recited by Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 of the '078 Patent, including the above-recited features that the Examiner in the original prosecution found to contain allowable subject matter.

In addition, the prior art relied on in this Request discloses new, non-cumulative technological teachings that were not previously considered or discussed on the record during the prosecution of the '078 Patent. Had the Examiner considered the prior art relied on in this Request, Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 would not have issued. Reexamination is respectfully requested in view of the SNQs presented below.

**II. REQUIREMENTS FOR *INTER PARTES* REEXAMINATION UNDER 37 C.F.R. § 1.915**

Pursuant to 37 C.F.R. § 1.915, Requestor satisfies each requirement for *Inter Partes* Reexamination of the '078 Patent. As a patent issuing from an "original filed application" filed after November 29, 1999, the '078 Patent qualifies for *Inter Partes* Reexamination. 37 C.F.R. § 1.913; MPEP, § 2610. The '078 Patent issued from U.S. Patent Application No. 10/734,102 filed on December 10, 2003.

**A. Payment Of Fees; 37 C.F.R. § 1.915(a)**

Requestor authorizes the Patent Office to charge Deposit Account No. 50-4616 for the fee set in 37 CFR § 1.20(c)(2) for reexamination. The fee for reexamination is \$8,800.00, and the fee for an Information Disclosure Statement is \$180.00. 37 C.F.R. § 1.915(a). Requestor further authorizes the Patent Office to charge Deposit Account No. 50-4616 for any other fees necessary in connection with this request for reexamination.

**B. Identification Of Claims For Reexamination; 37 C.F.R. § 1.915(b)(1)**

Requestor requests reexamination of **Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74** of U.S. Patent No. **7,222,078**.

**C. Citation Of Prior Art Presented; 37 C.F.R. § 1.915(b)(2)**

Patent Office Form SB08 states the patents and printed publications upon which Requestor bases this Request. A complete copy of each listed patent and printed publication is included herewith. As set forth in detail below, SNQs as to Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 are raised with respect to the prior art below. Requestor bases this Request for Reexamination on the following patents:

- Ex. PA-A** U.S. Patent No. 5,003,384 (“Durden,” attachment **AA** to Form SB08)
- Ex. PA-B** U.S. Patent No. 5,077,582 (“Kravette,” attachment **BA** to Form SB08)
- Ex. PA-C** U.S. Patent No. 4,992,940 (“Dworkin,” attachment **CA** to Form SB08)
- Ex. PA-D** U.S. Patent No. 5,477,262 (“Banker,” attachment **DA** to Form SB08)
- Ex. PA-E** U.S. Patent No. 5,956,505 (“Manduley,” attachment **EA** to Form SB08)

**D. Proposed Rejections; 37 C.F.R. § 1.915(b)(3)**

Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 are anticipated under 35 U.S.C. § 102(b) by each of:

- Durden; and

- Dworkin.

Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 are anticipated under 35 U.S.C. § 102(e) by each of:

- Kravette;
- Banker; and
- Manduley.

A statement pointing out each substantial new question of patentability is provided below in Sections VI, VII, and in Exhibits CC-A through CC-E.

**E. Copies Of Prior Art And Translations; 37 C.F.R. § 1.915(b)(4)**

A copy of every patent and printed publication relied upon in this Request is attached to Form SB08. **Ex. PA-SB08.**

**F. Copy Of U.S. Patent No. 7,222,078; 37 C.F.R. § 1.915(b)(5)**

Pursuant to 37 C.F.R. § 1.915(b)(5) and MPEP § 2614, the following exhibits are attached. **Ex. PAT-A** is a copy of the '078 Patent. **Ex. PAT-B** is a copy of the Terminal Disclaimer that was filed for the '078 Patent. To Requestor's knowledge, no reexamination certificate had been issued for the '078 Patent. A copy of the prosecution history of the '078 Patent is attached as **Ex. PAT-C**. To Requestor's knowledge, the '078 Patent has not been held to be unenforceable by a court of competent jurisdiction.<sup>2</sup>

**G. Certification Of Service On Patent Owner; 37 C.F.R. § 1.915(b)(6)**

The undersigned certifies that a complete and entire copy of this Request for *Inter Partes* Reexamination and all supporting documents have been provided to the Patent Owner by serving the attorney of record at the Patent Office for the '078 Patent as set forth in 37 CFR § 1.33(a):

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<sup>2</sup> As alleged by Patent Owner in the concurrent litigations, and as required by 37 C.F.R. § 1.913, the '078 Patent is still within its period of enforceability for reexamination purposes, to the extent that the '078 Patent has not lapsed for failure to pay maintenance fees, has not expired as a result of any terminal disclaimer, and has not yet been held unenforceable in a court of competent jurisdiction.

Lawrence Aaronson  
**McKeon Meunier Carlin & Curfman, LLC**  
817 West Peachtree Street  
Atlanta, Georgia 30308

The above-identified attorney of record at the Patent Office is also the Patent Owner's current counsel of record.

**H. Certification That Estoppel Provisions Do Not Prohibit *Inter Partes* Reexamination; 37 C.F.R. § 1.915(b)(7)**

Requestor hereby certifies that it is not prohibited under the provisions of 35 U.S.C. § 317 or 37 C.F.R. § 1.907 from filing this Request for *Inter Partes* reexamination. Requestor may request *Inter Partes* reexamination because neither it nor those in privity with it have previously requested *Inter Partes* reexamination of the '078 Patent. 37 C.F.R. § 1.907; 35 U.S.C. § 317(b); MPEP, § 2612.

**I. Statement Identifying Real Party In Interest; 37 C.F.R. § 1.915(b)(8)**

The real party in interest is Google Inc. ("Requestor"), a Delaware Corporation having its principal place of business at:

1600 Amphitheatre Parkway  
Mountain View, CA 94043

Requestor, as the real party in interest, requests reexamination of the '078 Patent in view of the SNQs presented below. Requestor reserves all rights and defenses available including, without limitation, defenses as to invalidity and unenforceability. By filing this Request, Requestor does not represent, agree, or concur that the '078 Patent is enforceable.

Requestor asserts that Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 are not patentable and as such the U.S. Patent and Trademark Office should reexamine and find Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 unpatentable. To that

extent, Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 should be cancelled, rendering them null, void, or otherwise unenforceable.

### **III. CONCURRENT LITIGATION**

The '078 Patent is presently the subject of at least eleven litigations (“Complaints”)

including:

- *Lodsys LLC v. Brother Int'l Corp. et al.*, Case No. 2:11-cv-00009, in the U.S. District Court for the Eastern District of Texas
- *Lodsys LLC v. Combay Inc. et al.*, Case No. 2:11-cv-00272, in the U.S. District Court for the Eastern District of Texas
- *Lodsys LLC v. Adidas America Inc. et al.*, Case No. 2:11-cv-00283, in the U.S. District Court for the Eastern District of Texas
- *Lodsys LLC v. DriveTime Automotive Group Inc. et al.*, Case No. 2:11-cv-00309, in the U.S. District Court for the Eastern District of Texas
- *DriveTime Automotive Group Inc., v. Lodsys LLC*, Case No. 2:11-cv-01307, in the U.S. District Court for Arizona
- *ESET, LLC v. Lodsys LLC*, Case No. 3:11-cv-01285, in the U.S. District Court for the Southern District of California
- *ESET, LLC v. Lodsys LLC*, Case No. 2:11-cv-00650, in the U.S. District Court for the Eastern District of Wisconsin
- *Foresee Results, Inc. v. Lodsys LLC*, Case No. 1:11-cv-03886, in the U.S. District Court for the Northern District of Illinois
- *New York Times Co. v. Lodsys LLC*, Case No. 1:11-cv-04004, in the U.S. District Court for the Northern District of Illinois
- *LivePerson, Inc. v. Lodsys LLC*, Case No. 1:11-cv-04088, in the U.S. District Court for the Northern District of Illinois
- *OpinionLab, Inc. v. Lodsys LLC*, Case No. 1:11-cv-04015, in the U.S. District Court for the Northern District of Illinois

A copy of the Complaints is attached as **Ex. OTH-A** through **OTH-K**.

Requestor respectfully urges that this Request be granted and reexamination conducted not only with “special dispatch,” but also with “priority over all other cases” due to the ongoing nature of the underlying litigation. 35 U.S.C. § 305; MPEP § 2661.

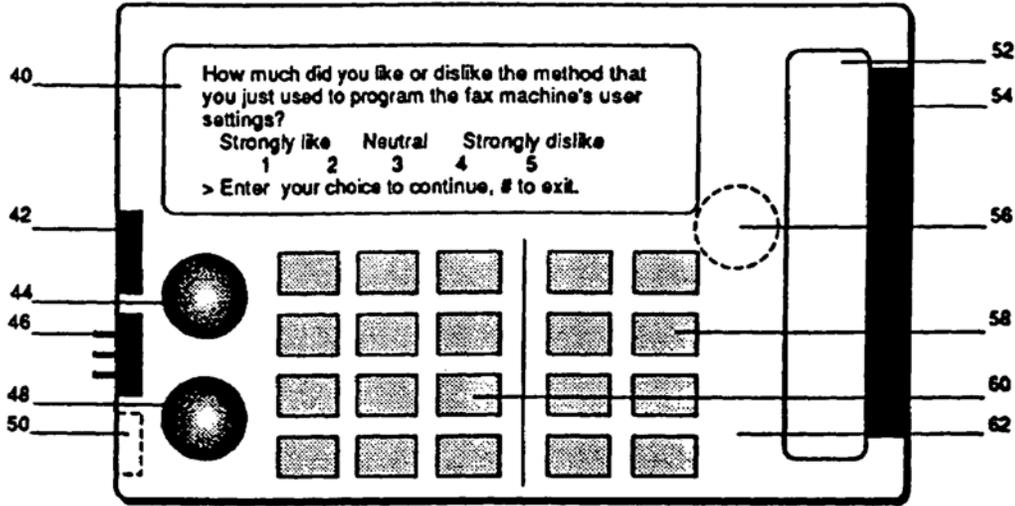
#### **IV. OVERVIEW OF THE ‘078 PATENT AND RELATED PATENTS**

##### **A. Summary Of The Disclosure Of The ‘078 Patent**

The ‘078 Patent is entitled “Methods And Systems For Gathering Information From Units Of A Commodity Across A Network.” The ‘078 Patent issued from U.S. Patent App. No. 10/734,102 (“ ‘102 Application”) that was filed on December 10, 2003. The ‘102 Application is a continuation of U.S. Patent App. No. 09/370,663 (“ ‘663 Application”), filed on August 6, 1999, now abandoned. The ‘663 Application is a continuation application of U.S. Patent App. No. 08/934,457 (“ ‘457 Application”), filed on September 19, 1997, now U.S. Patent App. No. 5,999,908, issued December 7, 1999. The ‘457 Application is a continuation of U.S. Patent App. No. 08/243,638 (“ ‘638 Application”), filed on May 16, 1994, now abandoned. The ‘638 Application is a continuation-in-part of U.S. Patent App. No. 07/926,333 (“ ‘333 Application”), filed on August 6, 1992, now abandoned.

The ‘078 Patent discloses a Customer-Based Product Design Module (CB-PD Module) that embeds a product feature within a Customer-Directed Product (CDP). **Ex. PAT-A**, ‘078 Patent, 9:40-42; 16:16-18.

**Figure 2: Customer-Based Product Design Module (CB-PDM)**



*Id.*, Fig. 2.

The CB-PD Module includes software and optional external components that together form a Customer Design System (CDS). *Id.*, 17:41-46. The CDS allows customers, by means of the CB-PD Module, to direct, guide or assist the vendors of the CB-PD module. *Id.*, 17:51-55.

As an example of CDPs, the '078 Patent discloses facsimile machines. *Id.*, Fig. 3; 75:61-64. The CDPs have a user interface *Id.*, Fig. 2; 20:43-46. Customers to tell vendors their perceptions. *Id.*, 18:32-34. The customers interact with their CDP, and the inputs are stored in a memory as a record. *Id.*, 42:23-32.

As an example of CB-PD Modules, the '078 Patent discloses a VCR combined with a TV. *Id.*, 11:50-53. Pre-recorded questions (*e.g.*, multiple choice questions) are displayed on the TV screen. *Id.*, 11:53-60. The customer answers by pressing channel number keys on the

VCR's remote control. *Id.*, 11:60-63. The customer's answers are recorded on a VCR tape. *Id.*, 11:56-57.

The '078 Patent discloses in other examples that CB-PD Modules include a software product, a computer, a computer peripheral, data communications devices (*Id.*, 12:27-31), interactive home television, and wireless mobile electronic devices (*Id.*, 12:32-34).

For the interactive television example, the '078 Patent discloses that a cable TV service provider sells vendors a "Customer-Based Product Design Channel" (CB-PDC) as one component of the Customer Design System (CDS). *Id.*, 76:32-36. The questions are provided on the customer's TV screen. *Id.*, 76:49-52. The customer presses numbers on a keypad or the hand-held remote of the VCR, or calls in on a particular phone number and presses numbers on the phone's keypad. *Id.*, 76:52-56.

The customer's response is received at a central location from different Customer-Directed Products (CDPs). *Id.*, Abstract; 1-2. The CDPs have built-in communications to provide multi-party communications. *Id.*, 43:20-25; 43: 41-54. The customers may conduct transactions such as placing orders for additional products, signing up for an annual service contract on the product, or ordering other products in the vendor's product line. *Id.*, 42:10-14.

**B. Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, And 69-74 Of The '078 Patent**

**1. Claim 1**

Claim 1 recites:

A system comprising:

units of a commodity that can be used by respective users in different locations;

a user interface, which is part of each of the units of the commodity, configured to provide a medium for two-way local interaction between one of the users and the corresponding unit of the commodity, and further

configured to elicit, from a user, information about the user's perception of the commodity;

a memory within each of the units of the commodity capable of storing results of the two-way local interaction, the results including elicited information about user perception of the commodity;

a communication element associated with each of the units of the commodity capable of carrying results of the two-way local interaction from each of the units of the commodity to a central location; and

a component capable of managing the interactions of the users in different locations and collecting the results of the interactions at the central location.

**2. Claim 2**

Claim 2 recites:

The system of claim 1 in which the user interface is triggered based on user behaviors to generate two-way interactions with each of the users, each of the interactions relating to a corresponding specific one of the behaviors.

**3. Claim 3**

Claim 3 recites:

The system of claim 1 in which the interactions are triggered to occur repetitively for each of the users based on repeated uses of a feature of a unit of the commodity by the user.

**4. Claim 4**

Claim 4 recites:

The system of claim 1 in which the user interface comprises part of a functional user interface of the unit of the commodity that can be used to control features of the commodity.

**5. Claim 5**

Claim 5 recites:

The system of claim 1 in which the communication element also carries information from a passive probe that monitors the user's use of the commodity.

**6. Claim 6**

Claim 6 recites:

The system of claim 1 in which the units of the commodity comprise telephone extension equipment and the central location comprises a private branch exchange or other central telephone network facility.

**7. Claim 7**

Claim 7 recites:

The system of claim 1 in which the results of the interactions are forwarded from the central location to a remote server for analysis.

**8. Claim 10**

Claim 10 recites:

The system of claim 1 in which the two-way interaction provides instructions on how to use the commodity.

**9. Claim 11**

Claim 11 recites:

The system of claim 1 in which the units of the commodity comprise consumer television equipment.

**10. Claim 12**

Claim 12 recites:

The system of claim 11 in which the two-way interaction comprises posing questions to a user on a television screen concerning use of the commodity and receiving answers from the user expressed through a keypad or a handheld remote.

**11. Claim 13**

Claim 13 recites:

The system of claim 12 in which the answers are forwarded to a vendor of the commodity.

**12. Claim 7**

Claim 7 recites:

**13. Claim 14**

Claim 14 recites:

The system of claim 12 in which the keypad or hand-held remote comprises numeric keys.

**14. Claim 15**

Claim 15 recites:

The system of claim 1 in which the two-way interaction is mediated by a publicly or privately accessible on-line computerized information service.

**15. Claim 16**

Claim 16 recites:

The system of claim 1 in which the user interface presents information in one or more of the following styles: text, lists, charts, views, arrangements, hierarchies, graphical maps, sample extracts, abstracts, summary descriptions, or hypertext.

**16. Claim 18**

Claim 18 recites:

The system of claim 16 in which the style is hypertext.

**17. Claim 22**

Claim 22 recites:

The system of claim 1 wherein the elicited information is information about the user's needs with respect to use of the commodity.

**18. Claim 24**

Claim 24 recites:

The system of claim 1 wherein the two-way local interactions comprise a transaction for sale of a product or a service contract for the commodity.

**19. Claim 25**

Claim 25 recites:

The system of claim 1 wherein the two-way local interactions comprise a request for servicing of the commodity by the user.

**20. Claim 30**

Claim 30 recites:

The system of claim 1 wherein the user interface includes a console displaying text or graphics.

**21. Claim 31**

Claim 31 recites:

The system of claim 30 wherein the console comprises a display of a computer, phone, or handheld device.

**22. Claim 32**

Claim 32 recites:

The system of claim 1 wherein the component is configured to provide access to the collection of results to vendors of the commodity.

**23. Claim 38**

Claim 38 recites:

The system of claim 1 in which the units of commodity store one or more probes that elicit specific information from the respective users through the user interfaces.

**24. Claim 46**

Claim 46 recites:

The system of claim 1 in which the two way local interaction enables the user to request help or support.

**25. Claim 47**

Claim 47 recites:

The system of claim 1 in which the information relates to perception of a problem relating to use of the commodity.

**26. Claim 47**

Claim 47 recites:

The system of claim 47 in which the two-way local interaction includes

suggestions of the user to solve the problem.

**27. Claim 50**

Claim 50 recites:

The system of claim 1 wherein the commodity is a demonstration unit.

**28. Claim 51**

Claim 51 recites:

The system of claim 1 wherein the communication element also carries objective information about the user's use of the commodity.

**29. Claim 52**

Claim 52 recites:

The system of claim 1 wherein the two-way local interactions occur while the user is using the commodity.

**30. Claim 53**

Claim 53 recites:

The system of claim 1 wherein the component further manages collection of the results of the interactions along with information about a trigger event that initiated each respective interaction.

**31. Claim 69**

Claim 69 recites:

A method for gathering information from units of a commodity in different locations, each unit of the commodity being coupled to a remote database on a network, the method comprising:

eliciting user perceptions of respective units of the commodity through interactions at a user-interface of the respective unit;

generating perception information based on inputs of the users at the respective user-interfaces;

transmitting the perception information to the remote database;

receiving the transmitted perception information from different units of the commodity; and

collecting and storing the received information at the remote database.

**32. Claim 70**

Claim 70 recites:

The method of claim 69 further comprising enabling users of the commodities to access the received information.

**33. Claim 71**

Claim 71 recites:

The method of claim 69 further comprising enabling third parties to access the received information.

**34. Claim 72**

Claim 72 recites:

The method of claim 71 in which the third parties include vendors or designers of the commodities.

**35. Claim 73**

Claim 73 recites:

The method of claim 69 further comprising making a design change using the received information, or marketing the commodity using the received information.

**36. Claim 74**

Claim 74 recites:

The method of claim 69 wherein said eliciting step includes interacting with the users through the respective user-interfaces of units of commodity to elicit perception information about

- (i) steps that a vendor of the commodity could take to improve user satisfaction or
- (ii) training or support provided for users of the commodity.

**C. Prosecution History Of The '078 Patent**

Application Filing: The Applicant filed Application Serial No. 10/734,102 on December 10, 2003. **Ex. PAT-C**, '078 Pros. Hist., Transmittal of New Application, December 10, 2003. Claims 1-47 were pending in the '078 Application. *Id.*

Preliminary Amendment: The Applicant filed a Preliminary Amendment on December 10, 2003. *Id.*, Transmittal of Preliminary Amendment, December 10, 2003. Claims 1-47 were canceled and Claims 48-139 were added in the '078 Application. *Id.*

Non-Final Rejection: On March 29, 2005, the Patent Office issued a Non-Final Rejection. *Id.*, Non-Final Rejection, March 29, 2005. Claims 53 and 55-57 were objected to under 37 C.F.R. 1.75 as being a substantial duplicate of Claims 90, 92, 97, and 118. *Id.* Claims 48-52, 54, 58-73, 75-89, 98-117, and 119-139 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,237,157 ("Kaplan"). *Id.* Claims 53, 74, 90-98 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan in view of U.S. Patent No. 4,803,348 ("Lohrey"). *Id.* Claims 55-57, 60, 80, 118 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan in view of U.S. Patent No. 5,283,819 ("Glick"). *Id.*

Amendment: On September 29, 2005, the Applicant filed an amendment to the Specification, Claims, and Abstract. *Id.*, Amendment and Request for Reconsideration, September 29, 2005. The Applicant canceled Claim 102, and added new Claim 104. *Id.* The Applicant argued that Kaplan fails to anticipate claim 48 because Kaplan's music CDs ("units of a commodity") do not have:

**a user interface** which is part of each of the units of the commodity, provides a medium for two-way local interaction between one of the users and the corresponding unit of the commodity, and is configured to **elicit, from a user, information about the user's perception of the commodity,**

as recited in claim 48. *Id.*, (emphasis added).

Final Rejection: On December 6, 2005, the Patent Office issued a Final Rejection. *Id.*, Final Rejection, December 6, 2005. Claims 48-89, 98-107, 122-129, 131-133 and 135-140 were allowed. *Id.* Claims 90, 91, 93-97, 108-121, 130, and 134 were rejected under 35 U.S.C. 102(b) as being unpatentable over U.S. Patent No. 4,731,818 (“Clark”). *Id.* Claims 92 and 97 were objected to but would be allowable if rewritten in independent form. *Id.* The Examiner allowed claim 48 and stated that Kaplan, Lohrey, Glick and Clark do not disclose or fairly teach:

**a user interface** which is part of each of the units of the commodity, provides a medium for two-way local interaction between one of the users and the corresponding unit of the commodity, and is configured to **elicit, from a user, information about the user’s perception of the commodity**, and

**a memory** that is included within each of the units of the commodity and **stores results of the two-way local interaction, the results including elicited information about user perception of the commodity**.

*Id.*, (emphasis added).

Amendment After Final: On February 24, 2006, the Applicant filed an Amendment after the Final Rejection. *Id.*, Amendment and Reply, February 24, 2006. The Applicant canceled Claims 91, 92, 108-121, 130, and 134. *Id.* The Applicant amended Claim 90 to include the allowable subject matter of Claim 92. The Applicant further amended Claims 48 and 98 to recite “a user interface *configured to provide*,” “a memory ... *capable of storing*,” “a communication element ... *capable of carrying*,” and “a component *capable of managing .. and collecting....*”

*Id.*, emphasis added.

Advisory Action: On March 8, 2006, the Patent Office issued an Advisory Action. *Id.*, Advisory Action, March 8, 2006. The Advisory Action did not enter the Applicant’s amendments to Claims 48 and 98 because additional consideration and/or a new search are required as the scope had changed. *Id.*

Request for Continued Examination: On April 6, 2006, the Applicant filed a Request for Continued Examination in response to the Advisory Action. *Id.*, Request for Continued Examination, April 6, 2006.

Non-Final Rejection: On July 7, 2006, the Patent Office issued a Non-Final Rejection. *Id.*, Non-Final Rejection, July 7, 2006. Claims 135-140 were rejected. *Id.* The Examiner allowed Claims 48-90, 93-101, 103-107, 122-129, and 131-133. The Examiner allowed Claim 48 and stated that Kaplan, Lohrey, Glick and Clark do not disclose or fairly teach:

**a user interface** which is part of each of the units of the commodity, configured to provide a medium for two-way local interaction between one of the users and the corresponding unit of the commodity, and further configured to **elicit, from a user, information about the user's perception of the commodity**; and

**a memory** within each of the units of the commodity capable of **storing results of the two-way local interaction, the results including elicited information about user perception of the commodity**.

*Id.*, (emphasis added).

Amendment: On October 10 2006, the Applicant filed an amendment to Claim 135. *Id.*, Amendment and Request for Reconsideration, October 10 2006. Amended Claim 135 recites “eliciting user perceptions of respective units of the commodity through interactions at a user-interface of the respective unit.” *Id.*

Notice of Allowance: On January 19, 2007, the Patent Office issued a Notice of Allowance for Claims 48-90, 93-101, 103-107, 122-129, 131-133, and 135-140. *Id.*, Notice of Allowance, January 19, 2007. The Examiner referred to the Non-Final Rejection of July 7, 2006 for the reason for allowance. *Id.*

Issue Fee Payment and Issuance: On April 19, 2007, the Applicant paid the issue fee. *Id.*, Issue Fee Payment, April 19, 2007. The '078 Patent issued on May 22, 2007. *Id.*, Issue Notification, April 19, 2007.

**D. Claim Construction For U.S. Patent No. 7,222,078**

For purposes of examination, including reexamination, the claims are to be given their “broadest reasonable interpretation.” MPEP, § 2111 (citing *In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000)). For purposes of this Request, the Requester has construed all claim language from Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 using the broadest reasonable interpretation.<sup>3</sup>

**V. SUMMARY OF THE PRIOR ART ESTABLISHING SUBSTANTIAL NEW QUESTIONS OF PATENTABILITY**

The following patents and publications, alone or in combination, are prior art that provide SNQs of patentability as to Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 of the ‘078 Patent:

- Ex. PA-A** U.S. Patent No. 5,003,384 (“Durden,” attachment **AA** to Form SB08)
- Ex. PA-B** U.S. Patent No. 5,077,582 (“Kravette,” attachment **BA** to Form SB08)
- Ex. PA-C** U.S. Patent No. 4,992,940 (“Dworkin,” attachment **CA** to Form SB08)
- Ex. PA-D** U.S. Patent No. 5,477,262 (“Banker,” attachment **DA** to Form SB08)
- Ex. PA-E** U.S. Patent No. 5,956,505 (“Manduley,” attachment **EA** to Form SB08)

The Applicant filed the ‘102 Application, from which the ‘078 Patent issued, on December 10, 2003. The ‘102 Application is based on the ‘333 Application filed on August 6, 1992.

Durden issued on March 26, 1991 and is prior art against the ‘078 Patent under 35 U.S.C. § 102(b). Kravette issued from U.S. Pat. App. No. 07/341,018 that was filed on April 20, 1989 and is prior art against the ‘078 Patent under 35 U.S.C. § 102(e). Dworkin issued on February 12, 1991 and is prior art against the ‘078 Patent under 35 U.S.C. § 102(b). Banker issued from

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<sup>3</sup> Different standards apply between claim construction by the Patent Office and by courts in the litigation context. MPEP, § 2111. The Requester reserves the right to propose alternative constructions in other proceedings or contexts.

U.S. Pat. App. No. 07/800,836 that was filed on November 29, 1991 and is prior art against the '078 Patent under 35 U.S.C. § 102(e). Manduley issued from U.S. Pat. App. No. 07/813,080 that was filed on December 24, 1991 and is prior art against the '078 Patent under 35 U.S.C. § 102(e).

The Patent Office did not consider Durden, Kravette, Banker, or Manduley during the prosecution of the '078 Patent. **Ex. PAT-C**, '078 Pros. Hist. Although cited on the face of the '078 patent, Dworkin did not form a basis for rejection of the claims of the '078 Patent. *Id.*

Sections VI-VII and **Ex. CC-A** through **CC-E** further point out and explain how each asserted SNQ is substantially different from those raised in the previous examination of the '078 Patent. Section VII and **Ex. CC- A** through **CC-E** demonstrate how each prior art reference or combination of references, presents new, non-cumulative technological teachings that were not previously considered and discussed on the record during the prosecution of the '078 Patent. MPEP §2216.

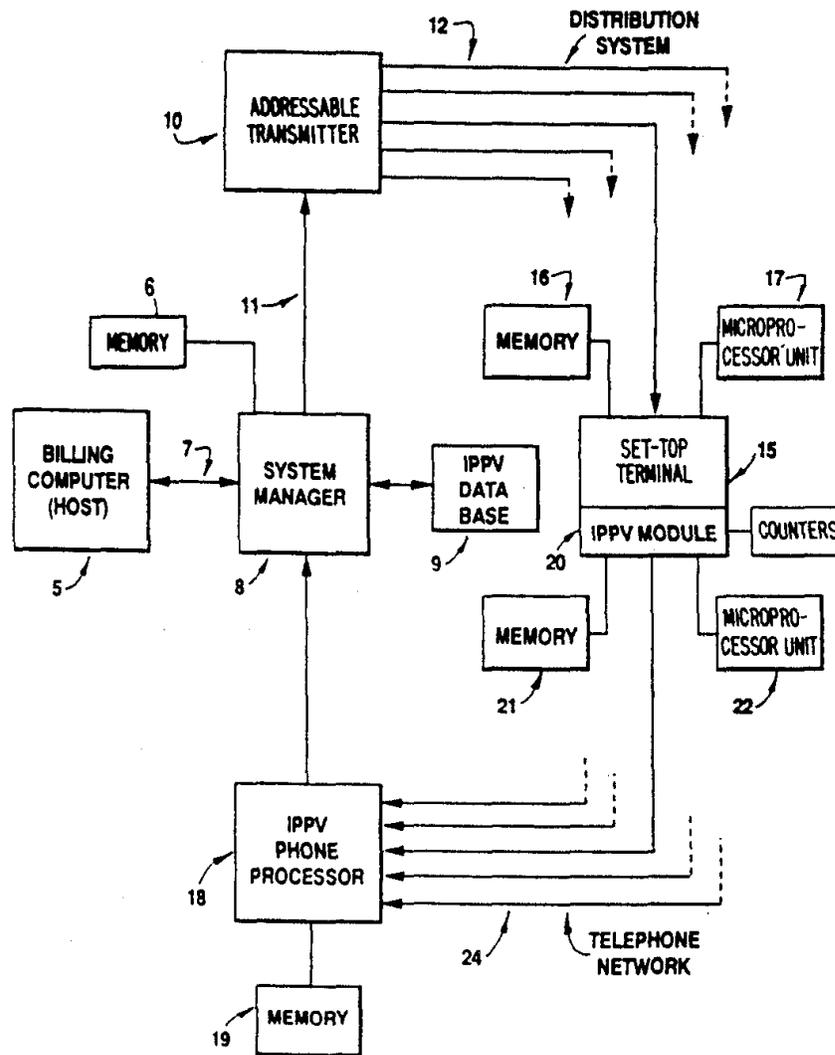
**A. Durden**

Durden issued on March 26, 1991. Thus, Durden qualifies as prior art to the '078 Patent under 35 U.S.C. § 102(b). Durden was not before the Patent Office during the initial examination of the '078 Patent. Durden was not cited by the Examiner during the prosecution of the '078 Patent, and did not form a basis for rejection of the claims of the '078 Patent.

Durden discloses an impulse pay-per-view (IPPV) system. **Ex. PA-A**, Durden, Abstract:1. Each of the subscribers of Durden's IPPV system is equipped with a set-top terminal (STT). *Id.*, 6:43-48.

The set-top terminal allows the subscriber to tune and descramble the services that he has requested from the cable system operator. *Id.*, 6:43-48. The IPPV module allows the subscriber to authorize his set-top terminal to receive a pay-per-view event. *Id.*, 6:57-61.

The subscriber's set-top terminal has a hand-held remote control. *Id.*, 11:67-12:2. In addition, the subscriber's set-top terminal has an IPPV module that is used to authorize a purchase of a pay-per-view event. *Id.*, 6:57-61; 8:51-55. The subscriber's set-top terminal also has a memory for storing IPPV information and data associated with the purchase of a pay-per-view event. *Id.*, Fig. 1; 5:12-16; 6:57-61; 5:28-37.



*Id.*, Fig. 1.

Durden discloses that the set-top terminal's IPPV module and the hand-held remote control provide an interface to send a request to purchase a pay-per-view event and receive the

purchased pay-per-view event. *Id.*, 6:43–48; 11:67–12:5. The request and the purchased pay-per-view event are transmitted to a system manager via the distribution system and telephone network associated with the set-top terminal. *Id.*, 8:24–26; 9:12–14. Durden discloses that the set-top terminal stores the IPPV transactions in the memory. *Id.*, 5:12–16.

Durden discloses that the system manager has a disk and controller dedicated to the storage of IPPV information and transactions. *Id.*, 5:12–16. A billing computer that communicates with the system manager records and maintains records for each cable subscriber including the type of equipment and the pay services that each subscriber is authorized to view. *Id.*, 4:51–57.

In view of Durden’s teachings as discussed above, Durden presents a new, non-cumulative technological teaching that was not previously considered and discussed on the record during the prosecution of the ‘078 Patent and specifically not discussed with regard to the subject matter of Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74. Moreover, Durden discloses the following features that the Examiner in the original prosecution found to contain allowable subject matter:

a user interface which is part of each of the units of the commodity, configured to provide a medium for two-way local interaction between one of the users and the corresponding unit of the commodity, and further configured to **elicit, from a user, information about the user’s perception of the commodity;** and

a memory within each of the units of the commodity capable of **storing results of the two-way local interaction, the results including elicited information about the user perception of the commodity.**

**Ex. PAT-C**, ‘078 Pros. Hist., Notice of Allowance, January 19, 2007 (emphasis added). Thus, Durden presents SNQs of patentability with regard to Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74.

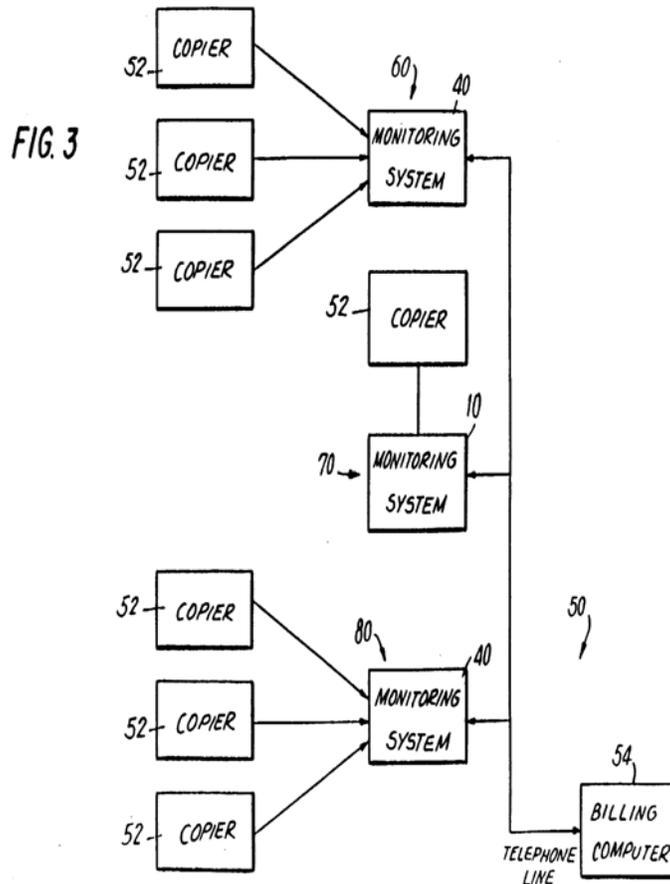
**B. Kravette**

Kravette issued from U.S. Pat. App. No. 07/341,018 that was filed on April 20, 1989.

Thus, Kravette qualifies as prior art to the '078 Patent under 35 U.S.C. § 102(e). Kravette was not before the Patent Office during the initial examination of the '078 Patent. Kravette was not cited by the Examiner during the prosecution of the '078 Patent, and did not form a basis for rejection of the claims of the '078 Patent.

Kravette discloses a monitoring system for paper processing devices (*e.g.*, photocopiers).

**Ex. PA-B**, Kravette, Abstract:1-2.



*Id.*, Fig. 3.

Each of Kravette's paper processing devices contains a display device for visually displaying the status of the device to the user. *Id.*, 4:38-42.

Kravette also discloses a portable hand held input/output device having a keypad/display that becomes a part of the photocopier monitoring system through an auxiliary input. *Id.*, 9:41-44. The portable hand-held input/output device can be used to receive information from and input information to the photocopier monitoring system. *Id.*, 12:18-20.

The photocopier produces internal signals for producing an output on a visual display device including a diagnostic signal for signaling to the user of the photocopier through the visual display device when a failure such as a paper jam or a part malfunction occurs. *Id.*, 8:29-33. Diagnostic data of the photocopier may be stored in a memory including data related to recent service and data as to when certain copier parts were replaced. *Id.*, 9:15-18. Such data can be entered and retrieved by a service person using the portable input/output device. *Id.*, 9:18-20.

The service person at the job site may also communicate with a central station through a modem of the photocopier monitoring system. *Id.*, 9:49-52. The billing computer validates the incoming message from the photocopier monitoring system and records the message in a transaction log file. *Id.*, 7:31-34. The photocopier monitoring system also sends billing data to the billing computer at the central station for processing. *Id.*, 3:30-33.

In view of Kravette's teachings as discussed above, Kravette presents a new, non-cumulative technological teaching that was not previously considered and discussed on the record during the prosecution of the '078 Patent and specifically not discussed with regard to the subject matter of Claims 1-7, 10, 15, 16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74.

Moreover, Kravette discloses the following features that the Examiner in the original prosecution found to contain allowable subject matter:

a user interface which is part of each of the units of the commodity, configured to provide a medium for two-way local interaction between one of the users and the corresponding unit of the commodity, and further configured to **elicit, from a user, information about the user's perception of the commodity;**  
and

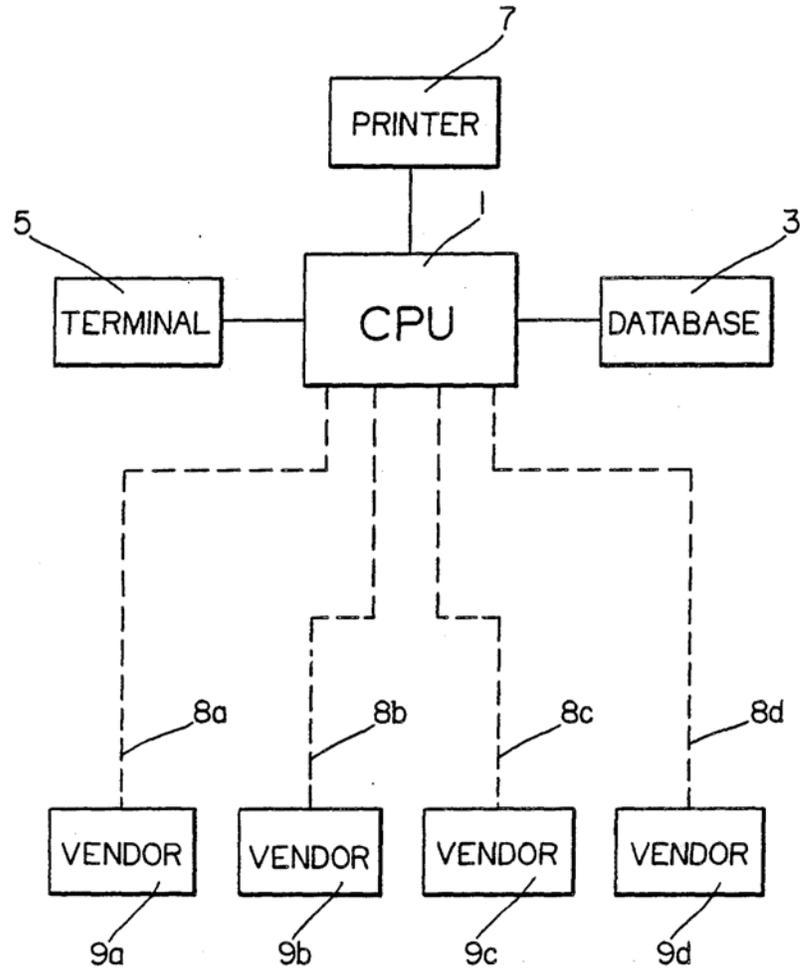
a memory within each of the units of the commodity capable of **storing results of the two-way local interaction, the results including elicited information about the user perception of the commodity.**

**Ex. PAT-C**, '078 Pros. Hist., Notice of Allowance, January 19, 2007 (emphasis added). Thus, Kravette presents SNQs of patentability with regard to Claims 1-7, 10, 15, 16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74.

### **C. Dworkin**

Dworkin issued on February 12, 1991. Thus, Dworkin qualifies as prior art to the '078 Patent under 35 U.S.C. § 102(b). Although cited on the face of the '078 patent, Dworkin did not form a basis for rejection of the claims of the '078 Patent.

Dworkin discloses an automated system for assisting users in locating and purchasing goods or services sold by a plurality of vendors. **Ex. PA-C**, Dworkin, Abstract:1-4. Each user operates a terminal that is connected to a central computer. *Id.*, 4:8-10.



*Id.*, Fig. 1.

The terminal displays, to the user, a main menu that lists the available selections. *Id.*, 4:39-41. The user selects an item from the menu and in response, the system displays the template corresponding to the user's selected item. *Id.*, 5:51-54. The user can note complaints about the system through the menu. *Id.*, 10:9-12. The user can also offer suggestions for improvement. *Id.*, 10:12-14. The system also stores information about each user. *Id.*, 8:20-24. The user's input data (*e.g.*, order) is transmitted to a main computer for processing. *Id.*, 3:62-66.

In view of Dworkin's teachings as discussed above, Dworkin presents a new, non-cumulative technological teaching that was not previously considered and discussed on the

record during the prosecution of the '078 Patent and specifically not discussed with regard to the subject matter of Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74.

Moreover, Dworkin discloses the following features that the Examiner in the original prosecution found to contain allowable subject matter:

a user interface which is part of each of the units of the commodity, configured to provide a medium for two-way local interaction between one of the users and the corresponding unit of the commodity, and further configured to **elicit, from a user, information about the user's perception of the commodity;** and

a memory within each of the units of the commodity capable of **storing results of the two-way local interaction, the results including elicited information about the user perception of the commodity.**

**Ex. PAT-C**, '078 Pros. Hist., Notice of Allowance, January 19, 2007 (emphasis added). Thus, Dworkin presents SNQs of patentability with regard to Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74.

#### **D. Banker**

Banker issued from U.S. Pat. App. No. 07/800,836 that was filed on November 29, 1991. Thus, Banker qualifies as prior art to the '078 Patent under 35 U.S.C. § 102(e). Banker was not before the Patent Office during the initial examination of the '078 Patent. Banker was not cited by the Examiner during the prosecution of the '078 Patent, and did not form a basis for rejection of the claims of the '078 Patent.

Banker discloses subscriber terminals for controlling impulse pay-per-view (IPPV) transactions in a cable distribution system. **Ex. PA-D**, Banker, 12:6-8. Each subscriber terminal has a user-friendly interface including an LED display and a key pad. *Id.*, Abstract; Fig. 3D; 6:1-2. The subscriber terminal also provides on-screen displays for time, channel number, and program identification. *Id.*, Fig. 6A; 6:21-22. The subscriber controls the movement of a cursor

key through choices presented by a menu, and actuates a selection of a menu choice via actuation of a select key. *Id.*, Abstract:14-17.

Information between a headend controller and the subscriber's terminal is written to nonvolatile memory in the subscriber terminals. *Id.*, 8:41-44. The subscriber terminal also include a plug-in module for controlling IPPV transactions and allowing the subscriber to authorize a purchase of a pay-per-view event, store the data associated with the purchase of that pay-per-view event in a non-volatile memory. *Id.*, 12:6-12. The data stored in the non-volatile memory of the subscriber terminal is transmitted to a system operator of a system control computer via a telephone return path or radio frequency data return path through the cable distribution system. *Id.*, 12:12-14.

The system control computer receives transactions such as authorization transactions from the billing computer and formats and forwards transactions to the headend controller 103 and addressable transmitter. *Id.*, 7:63-8:1. A billing computer that connects to the system control computer maintains a subscriber database and generates a monthly bill for the subscribers in the system based on level of service and any pay-per-view and impulse pay-per-view purchases. *Id.*, 7:60-63.

In view of Banker's teachings as discussed above, Banker presents a new, non-cumulative technological teaching that was not previously considered and discussed on the record during the prosecution of the '078 Patent and specifically not discussed with regard to the subject matter of Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74.

Moreover, Banker discloses the following features that the Examiner in the original prosecution found to contain allowable subject matter:

a user interface which is part of each of the units of the commodity, configured to provide a medium for two-way local interaction between one of the users

and the corresponding unit of the commodity, and further configured to **elicit, from a user, information about the user's perception of the commodity;** and

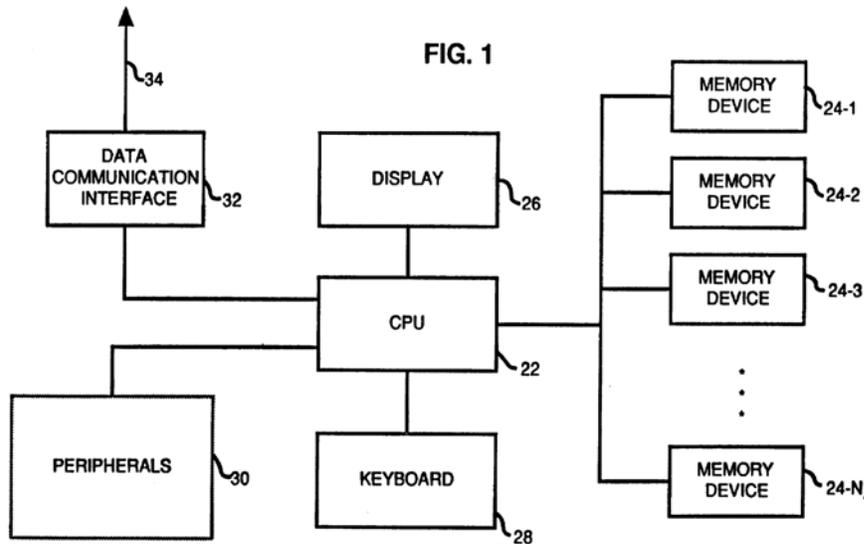
a memory within each of the units of the commodity capable of **storing results of the two-way local interaction, the results including elicited information about the user perception of the commodity.**

**Ex. PAT-C**, '078 Pros. Hist., Notice of Allowance, January 19, 2007 (emphasis added). Thus, Banker presents SNQs of patentability with regard to Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74.

**E. Manduley**

Manduley issued from U.S. Pat. App. No. 07/813,080 that was filed on December 24, 1991. Thus, Manduley qualifies as prior art to the '078 Patent under 35 U.S.C. § 102(e). Manduley was not before the Patent Office during the initial examination of the '078 Patent. Manduley was not cited by the Examiner during the prosecution of the '078 Patent, and did not form a basis for rejection of the claims of the '078 Patent.

Manduley discloses a method for activating an optional feature in a data processing device. **Ex. PA-E**, Manduley, Abstract:1-2. Manduley's data processing device includes a CPU, a plurality of memory devices, and a data communication interface. *Id.*, 3:34-41; 3:52-56. Manduley's data processing device runs an application program. *Id.*, 3:66-4:2.



*Id.*, Fig. 1.

Manduley's data processing device has a display and a keyboard. *Id.*, 3:42-43. Using the display and the keyboard, a user enters input into and receives information from the data processing device. *Id.*, 3:59-61. For example, the user sends a request for activation of an application or a feature. *Id.*, 6:1-3. The user's request code is transmitted from the data processing device to a data center where the received request codes from users are maintained. *Id.*, 7:24-26; 7:40-45.

In view of Manduley's teachings as discussed above, Manduley presents a new, non-cumulative technological teaching that was not previously considered and discussed on the record during the prosecution of the '078 Patent and specifically not discussed with regard to the subject matter of Claims 1-7, 10, 15, 16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74.

Moreover, Manduley discloses the following features that the Examiner in the original prosecution found to contain allowable subject matter:

a user interface which is part of each of the units of the commodity, configured to provide a medium for two-way local interaction between one of the users and the corresponding unit of the commodity, and further configured to **elicit**,

**from a user, information about the user's perception of the commodity;**  
and

a memory within each of the units of the commodity capable of **storing results of the two-way local interaction, the results including elicited information about the user perception of the commodity.**

**Ex. PAT-C**, '078 Pros. Hist., Notice of Allowance, January 19, 2007 (emphasis added). Thus, Manduley presents SNQs of patentability with regard to Claims 1-7, 10, 15, 16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74.

**VI. STATEMENT UNDER 37 C.F.R. § 1.915(B)(3) OF EACH SUBSTANTIAL NEW QUESTION OF PATENTABILITY**

Durden invalidates Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 of the '078 Patent under 35 U.S.C. § 102(b). Kravette invalidates Claims 1-7, 10, 15, 16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 of the '078 Patent under 35 U.S.C. § 102(e). Dworkin invalidates Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 of the '078 Patent under 35 U.S.C. § 102(b). Banker invalidates Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 of the '078 Patent under 35 U.S.C. § 102(e). Manduley invalidates Claims 1-7, 10, 15, 16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 of the '078 Patent under 35 U.S.C. § 102(e).

Claim charts demonstrating the applicability of the above prior art combinations to Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 are attached hereto as **Ex. CC-A** through **CC-E**.

**A. Substantial New Questions Of Patentability Under Durden**

Durden anticipates Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 of the '078 Patent under 35 U.S.C. § 102(b). A claim chart demonstrating the applicability of

Durden to Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 is attached hereto as Exhibit CC-A. 37 C.F.R. § 1.915(b).

SNQs are raised by Durden. Durden discloses an impulse pay-per-view (IPPV) system that uses a number of downloadable transactions to effect increased control and diversity. **Ex. PA-A**, Durden, Abstract:1-3. Durden discloses that the set-top terminal's IPPV module and the hand-held remote control provide an interface to send a request to purchase a pay-per-view event. *Id.*, 6:43-48; 11:67-12:5. Durden also discloses that the set-top terminal stores the IPPV transactions in the memory. *Id.*, 5:12-16.

These teachings were not present during the prior examination. A reasonable Examiner would consider these teachings important in determining whether or not Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 are patentable. Accordingly, Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 should be reexamined, rejected under 35 U.S.C. § 102(b) and canceled pursuant to this Request.

**B. Substantial New Questions Of Patentability Under Kravette**

Kravette anticipates Claims 1-7, 10, 15, 16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 of the '078 Patent under 35 U.S.C. § 102(e). A claim chart demonstrating the applicability of Kravette to Claims 1-7, 10, 15, 16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 is attached hereto as Exhibit CC-B. 37 C.F.R. § 1.915(b).

SNQs are raised by Kravette. Kravette discloses a system for monitoring a variable output paper processing device. **Ex. PA-B**, Kravette, Abstract:1-2. The paper processing device produces internal signals for producing an output on a visual display device including a diagnostic signal for signaling to the user of the photocopier through the visual display device when a failure such as a paper jam or a part malfunction occurs. *Id.*, 8:29-33. Diagnostic data of the photocopier may be stored in a memory including data related to recent service and data as to

when certain copier parts were replaced. *Id.*, 9:15-18. Such data can be entered and retrieved by a service person using the portable input/output device. *Id.*, 9:18-20. The service person at the job site may also communicate with a billing computer through a modem of the photocopier monitoring system. *Id.*, 9:49-52.

These teachings were not present during the prior examination. A reasonable Examiner would consider these teachings important in determining whether or not Claims 1-7, 10, 15, 16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 are patentable. Accordingly, Claims 1-7, 10, 15, 16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 should be reexamined, rejected under 35 U.S.C. § 102(e) and canceled pursuant to this Request.

**C. Substantial New Questions Of Patentability Under Dworkin**

Dworkin anticipates Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 of the '078 Patent under 35 U.S.C. § 102(b). A claim chart demonstrating the applicability of Dworkin to Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 is attached hereto as Exhibit CC-E. 37 C.F.R. § 1.915(b).

SNQs are raised by Dworkin. Dworkin discloses an automated system for assisting users in locating and purchasing goods or services sold by a plurality of vendors. **Ex. PA-C**, Dworkin, Abstract:1-4.

A user's terminal displays a main menu that lists the available selections. *Id.*, 4:39-41. The user selects an item from the menu and in response, the system displays the template corresponding to the user's selected item. *Id.*, 5:51-54. As a choice of input to the system, the user can note complaints about the system or about a supplier. *Id.*, 10:9-12. The user can also offer suggestions for improvement. *Id.*, 10:12-14. The system also stores information about each user. *Id.*, 8:20-24. The user's input data (*e.g.*, order) is transmitted to a main computer for processing. *Id.*, 3:62-66.

These teachings were not present during the prior examination. A reasonable Examiner would consider these teachings important in determining whether or not Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 are patentable. Accordingly, Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 should be reexamined, rejected under 35 U.S.C. § 102(b) and canceled pursuant to this Request.

**D. Substantial New Questions Of Patentability Under Banker**

Banker anticipates Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 of the '078 Patent under 35 U.S.C. § 102(e). A claim chart demonstrating the applicability of Banker to Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 is attached hereto as Exhibit CC-E. 37 C.F.R. § 1.915(b).

SNQs are raised by Banker. Banker discloses an apparatus for providing a user friendly interface to a subscription television terminal. **Ex. PA-D**, Banker, Abstract:1-2. The subscriber terminal provides on-screen displays for time, channel number, and program identification. *Id.*, Fig. 6A; 6:21-22. The subscriber controls the movement of a cursor key through choices presented by a menu, and actuates a selection of a menu choice via actuation of a select key. *Id.*, Abstract:14-17.

Information pertinent data streams between a headend controller and the subscriber's terminal is written to nonvolatile memory in the subscriber terminals. *Id.*, 8:41-44. The subscriber terminal also include a plug-in module for controlling IPPV transactions and allowing the subscriber to authorize a purchase of a pay-per-view event, store the data associated with the purchase of that pay-per-view event in a non-volatile memory. *Id.*, 12:6-12.

These teachings were not present during the prior examination. A reasonable Examiner would consider these teachings important in determining whether or not Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 are patentable. Accordingly, Claims 1-7, 10-16,

18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 should be reexamined, rejected under 35 U.S.C. § 102(e) and canceled pursuant to this Request.

**E. Substantial New Questions Of Patentability Under Manduley**

Manduley anticipates Claims 1-7, 10, 15, 16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 of the '078 Patent under 35 U.S.C. § 102(e). A claim chart demonstrating the applicability of Manduley to Claims 1-7, 10, 15, 16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 is attached hereto as Exhibit CC-D. 37 C.F.R. § 1.915(b).

SNQs are raised by Manduley. Manduley discloses a method for activating an optional feature in a data processing device. **Ex. PA-E**, Manduley, Abstract:1-2. Manduley's data processing device has a display and a keyboard. *Id.*, 3:42-43. Using the display and the keyboard, a user enters input into and receives information from the data processing device. *Id.*, 3:59-61. For example, the user sends a request for activation of an application or a feature. *Id.*, 6:1-3. Manduley's data processing device has memory devices for storing application programs and data including user's activation request. *Id.* 3:34-41

These teachings were not present during the prior examination. A reasonable Examiner would consider these teachings important in determining whether or not Claims 1-7, 10, 15, 16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 are patentable. Accordingly, Claims 1-7, 10, 15, 16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 should be reexamined, rejected under 35 U.S.C. § 102(e) and canceled pursuant to this Request.

**VII. DETAILED EXPLANATION OF THE SUBSTANTIAL NEW QUESTIONS OF PATENTABILITY**

Pursuant to 37 C.F.R. § 1.915(b)(3), Requestor provides a detailed statement of substantial new question of patentability for Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 based on each of:

- Durden;
- Kravette;
- Dworkin;
- Banker; and
- Manduley.

**A. Proposed Rejections And Substantial New Questions Of Patentability**

**1. Anticipated By Durden Under 35 U.S.C. § 102(b)**

**a. Claim 1**

Claim 1 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 1 based on Durden under 35 U.S.C. § 102(b).

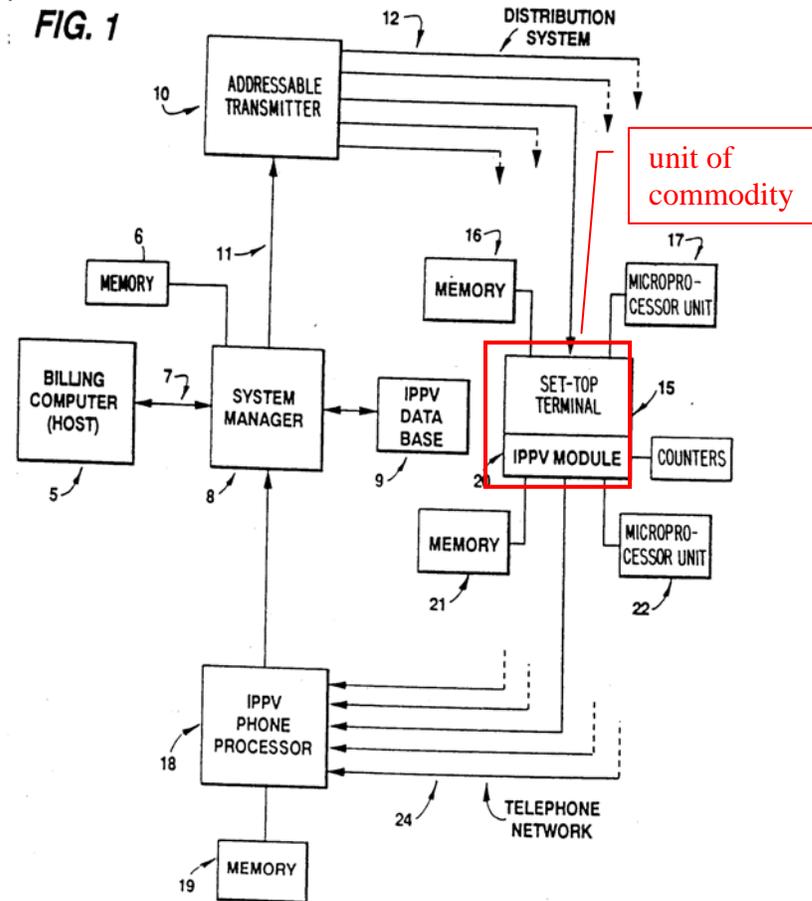
**Please see attached Exhibit CC-A for a claim chart  
comparing Durden with Claim 1 of the '078 Patent under  
35 U.S.C. § 102(b)**

Claim 1 recites and Durden discloses “[a] system comprising units of a commodity that can be used by respective users in different locations.” **Ex. PAT-A**, ‘078 Patent, 91:44-46 (emphasis added).

Durden discloses set-top terminals (“units of a commodity”) that can be used by respective subscribers in different locations.

“Each subscriber in the addressable cable system is provided with a **set-top terminal (STT) 15** by the cable operator as schematically indicated in FIG. 1. STT 15 allows the subscriber to tune and descramble the services that he has requested from the cable system operator.”

**Ex. PA-A**, Durden, 6:43-48 (emphasis added). Figure 1 shows Durden’s set-top terminal (“unit of a commodity”).



Id., Fig. 1.

Claim 1 next recites and Durden discloses “a user interface, which is part of each of the units of the commodity...” **Ex. PAT-A**, ‘078 Patent, 91:47-48 (emphasis added).

Durden discloses a hand-held remote control and LED display (“a user interface”) that is a part of the converter/set-top terminal (“unit of a commodity”).

“With the **converter turned on**, the subscriber depresses the keyboard keys “PRG” and “-” of his **hand-held remote control**. If an access code is required to purchase programming, this must be entered before the converter will enter the IPPV mode and display “VCR” using LED elements.”

**Ex. PA-A**, Durden, 11:67–12:5 (emphasis added). Durden also discloses an IPPV module (“a user interface”) that is part of the set-top terminal (“unit of the commodity”) and is used to authorize a purchase of a pay-per-view event.

**Module 20** allows the subscriber to **authorize his STT to receive a pay-per-view event**, store the data associated with the purchase of that event in memory 21, and transmit that stored data to the cable operator via the telephone network 24.

*Id.*, 6:57–61 (emphasis added).

Claim 1 next recites and Durden discloses that the user interface is “*configured to provide a medium for two-way local interaction between one of the users and the corresponding unit of the commodity...*” **Ex. PAT-A**, ‘078 Patent, 91:48-50 (emphasis added).

Durden discloses that the subscriber depresses keys to enter an access code and sees the LED elements (“two-way local interaction”) of the converter/set-top terminal.

“With the **converter turned on**, the subscriber **depresses the keyboard keys “PRG” and “–”** of his hand-held remote control. If an access code is required to purchase programming, this must be **entered** before the converter will enter the IPPV mode and display “VCR” using LED elements.”

**Ex. PA-A**, Durden, 11:68–12:5 (emphasis added).

Claim 1 next recites and Durden discloses that the user interface is “*further configured to elicit, from a user, information about the user’s perception of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 91:50-52 (emphasis added).

Durden discloses that the set-top-terminal is configured to allow the subscriber to authorize a purchase of a pay-per-view program.

“Each subscriber in the addressable cable system is provided with a set-top terminal (STT) 15 by the cable operator as schematically indicated in FIG. 1. STT 15 **allows the subscriber to tune and descramble the services that he has requested from the cable system operator.**”

**Ex. PA-A**, Durden, 6:43–48 (emphasis added). ). The subscriber enters an event ID for the program that he wishes to purchase (“*elicit, from a user, information about the user’s perception*”).

the subscriber simply **enters the three or four digit event ID number** of the program he wishes to purchase.

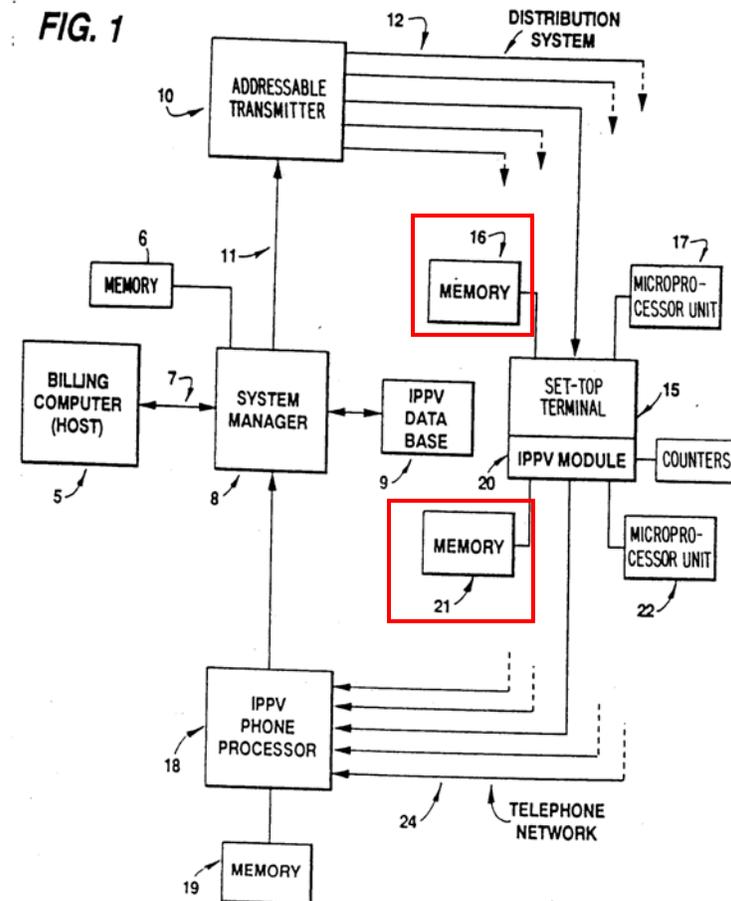
*Id.*, 12: 9-11 (emphasis added). Durden also discloses that the set-top terminal is configured to cancel a pre-bought program (“elicit, from a user, information about the user’s perception”).

“...it is possible to step through the list of programs which have been pre-bought with an opportunity to **cancel any event which the subscriber no longer wishes to view or which have erroneously entered.**”

*Id.*, 12:14-18 (emphasis added).

Claim 1 next recites and Durden discloses “*a memory within each of the units of the commodity capable of storing results of the two-way local interaction, the results including elicited information about user perception of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 91:53-56 (emphasis added).

Durden discloses a memory within each of the subscriber’s set-top terminal (“units of the commodity”). Figure 1 shows the memory.



Ex. PA-A, Durden, Fig. 1 (emphasis added).

Durden discloses that the data associated with the purchased pay-per-view event (“information about the user perception of the commodity”) is stored in the memory.

“Module 20 allows the subscriber to authorize his STT to receive a pay-per-view event, **store the data associated with the purchase of that event in memory 21**, and transmit that stored data to the cable operator via the telephone network 24.”

*Id.*, 6:57–61 (emphasis added).

Claim 1 next recites and Durden discloses “*a communication element associated with each of the units of the commodity capable of carrying results of the two-way local interaction from each of the units of the commodity to a central location.*” Ex. PAT-A, ‘078 Patent, 91:57-60 (emphasis added).

Durden discloses a transmitter (“communication element”) associated with the set-top terminal (“unit of the commodity”).

**“A transmitter coupled to the memory transmits the stored billing information over a telephone network.”**

*Id.*, 3:39–41 (emphasis added). Durden discloses that the billing information transmitted to a billing computer (“a central location”) includes the subscriber’s authorization (*e.g.*, access code) (“results of the two-way local interaction”).

**“Billing computer 5 records and maintains records for each cable subscriber. These records may contain information such as the subscriber’s name, address and telephone number, the type of equipment the subscriber has in his possession, and which pay services the subscriber is authorized to view.”**

*Id.*, 4:51–57 (emphasis added).

Claim 1 next recites and Durden discloses “*a component capable of managing the interactions of the users in different locations and collecting the results of the interactions at the central location.*” **Ex. PAT-A**, ‘078 Patent, 91:61-63 (emphasis added).

Durden discloses a system manager (“a component” “at a central location”) reads billing information including the subscriber’s authorization (*e.g.*, access code) (“results of the two-way local interaction”) uploaded from the IPPV modules of the subscriber’s set-top terminal.

**“A computer of system manager 8 will have a disk and controller dedicated to the storage of IPPV information. A memory resident program of system manager 8 will read the IPPV transactions, uploaded from the IPPV modules in the system.”**

**Ex. PA-A**, Durden, 5:12–16 (emphasis added). Durden also discloses that the billing computer (“a component” “at a central location”) maintains records including the subscriber’s authorization (*e.g.*, access code) (“results of the two-way local interaction”).

**“Billing computer 5 records and maintains records for each cable subscriber. These records may contain information such as the subscriber’s name, address and telephone number, the type of equipment the subscriber has in his possession,**

and which pay services the subscriber is authorized to view.”

*Id.*, 4:51–57 (emphasis added).

**b. Claim 2**

Claim 2 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 2 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart  
comparing Durden with Claim 2 of the ‘078 Patent under  
35 U.S.C. § 102(b)**

Claim 2 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 91:64 (emphasis added). As shown in Section VII.A.1.a, Durden discloses the system of claim 1.

Claim 2 next recites and Durden discloses that “*the user interface is triggered based on user behaviors to generate two-way interactions with each of the users.*” **Ex. PAT-A**, ‘078 Patent, 91:64-66 (emphasis added).

Durden discloses that the subscriber’s depression of “PRG” and “-” keys (“user behavior”) generates an access code and shows the LED elements (“two-way local interaction”) of the converter/set-top terminal .

“With the converter turned on, the subscriber **depresses the keyboard keys “PRG” and “-” of his hand-held remote control.** If an access code is required to purchase programming, this must be entered before the converter will enter the IPPV mode and **display “VCR” using LED elements.**”

**Ex. PA-A**, Durden, 11:68–12:5 (emphasis added). Durden also discloses that the subscriber’s depression of “AU” key (“user behavior”) enters into a pre-buy mode in which the subscriber enters an event ID number. (“two-way local interaction”).

“Once in the IPPV mode, depression of the “AU” key **creates access to the pre-buy mode.** Once in the pre-buy mode, the **subscriber simply enters the three or four digit event ID number of the program** he wishes to purchase. The ID

numbers may be provided in a programming guide, for example. After the last digit of each program ID has been entered, it is stored in nonvolatile memory 21 of the module.”

*Id.*, 12:8-14 (emphasis added).

Durden also discloses that that the subscriber has an opportunity to cancel a purchased IPPV event. It is understood that the subscriber’s action (“behavior”) for canceling the IPPV event is provided in a two-way local interaction. For example, a certain model of the subscribers’ set-top boxes would provide a screen for listing the purchased IPPV events and allow the subscriber to enter a key for cancellation.

“As indicated, it is possible to step through the list of programs which have been pre-bought with an **opportunity to cancel any event** which the subscriber no longer wishes to view or which have erroneously entered. Although the above description has been given with respect to a particular set-top model, it will be apparent to **those of ordinary skill that similar procedures may be employed on different set-tops** and the invention should not be understood as limited in this respect.”

*Id.*, 12:14-23 (emphasis added).

Claim 2 next recites and Durden discloses “*each of the interactions relating to a corresponding specific one of the behaviors.*” **Ex. PAT-A**, ‘078 Patent, 91:66-67 (emphasis added).

Durden discloses that each of predetermined key sequences (“each of the interactions”) corresponds to the subscriber’s action for selecting the event (“specific one of the behaviors”).

“First, a **predetermined key sequence is actuated, the key sequence generating information corresponding to a selected event** on one of the plurality of channels.”

**Ex. PA-A**, Durden, 2:58-61 (emphasis added).

c. **Claim 3**

Claim 3 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 3 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart  
comparing Durden with Claim 3 of the '078 Patent under  
35 U.S.C. § 102(b)**

Claim 3 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:1 (emphasis added). As shown in Section VII.A.1.a, Durden discloses the system of claim 1.

Claim 3 next recites and Durden discloses that “*the interactions are triggered to occur repetitively for each of the users based on repeated uses of a feature of a unit of the commodity by the user.*” **Ex. PAT-A**, ‘078 Patent, 92:1-4 (emphasis added).

Durden discloses entering a predetermined key sequence (“each of the interactions”). It is understood that the subscriber can repeatedly enter keys (“uses of a feature”) of the set-top box (“unit of the commodity”).

**“First, a predetermined key sequence is actuated, the key sequence generating information corresponding to a selected event on one of the plurality of channels.”**

**Ex. PA-A**, Durden, 2:58-61 (emphasis added).

d. **Claim 4**

Claim 4 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 4 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart  
comparing Durden with Claim 4 of the '078 Patent under  
35 U.S.C. § 102(b)**

Claim 4 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:5 (emphasis added). As shown in Section VII.A.1.a, Durden discloses the system of claim 1.

Claim 4 next recites and Durden discloses that “*the user interface comprises part of a functional user interface of the unit of the commodity that can be used to control features of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 92:5-8 (emphasis added).

Durden discloses a hand-held remote control and LED display (“functional user interface”) that are a part of the converter/set-top terminal (“unit of a commodity”) and used to control entry of keys and display (“features”) of the converter/set-top terminal (“unit of a commodity”).

“With the **converter turned on**, the subscriber depresses the keyboard keys “PRG” and “-” of his **hand-held remote control**. If an access code is required to purchase programming, this must be entered before the converter will enter the IPPV mode and display “VCR” using LED elements.”

**Ex. PA-A**, Durden, 11:68–12:5 (emphasis added).

e. **Claim 5**

Claim 5 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden. Requestor provides a concise statement of the substantial new question of patentability for Claim 5 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 5 of the ‘078 Patent under 35 U.S.C. § 102(b)**

Claim 5 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:9 (emphasis added). As shown in Section VII.A.1.a, Durden discloses the system of claim 1.

Claim 5 next recites and Durden discloses that “*the communication element also carries information from a passive probe that monitors the user’s use of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 92:9-11 (emphasis added).

Durden discloses that the event ID number (“information”) that the subscriber enters (“user’s use of the commodity”) is carried via the telephone network (“communication element”). It is understood that the set-top terminal/converter has a passive probe that monitors the subscriber’s entry of the event ID number (“use of the commodity”).

“Once in the IPPV mode, depression of the "AU" key creates access to the **pre-buy mode**. Once in the pre-buy mode, the **subscriber simply enters the three or four digit event ID number of the program** he wishes to purchase. The ID numbers may be provided in a programming guide, for example. After the last digit of each program ID has been entered, it is stored in nonvolatile memory 21 of the module.”

**Ex. PA-A**, Durden, 12:8-14 (emphasis added).

**f. Claim 6**

Claim 6 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 6 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart  
comparing Durden with Claim 6 of the ‘078 Patent under  
35 U.S.C. § 102(b)**

Claim 6 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:12 (emphasis added). As shown in Section VII.A.1.a, Durden discloses the system of claim 1.

Claim 6 next recites and Durden discloses that “*the units of the commodity comprise telephone extension equipment.*” **Ex. PAT-A**, ‘078 Patent, 92:12-13 (emphasis added).

Durden discloses a telephone network. It is understood that the subscriber’s set-top terminal/converter has telephone extension equipment.

“Module 20 allows the subscriber to authorize his STT to receive a pay-per-view event, store the data associated with the purchase of that event in memory 21, and transmit that stored data to the cable operator via the **telephone network 24.**”

**Ex. PA-A**, Durden, 6:57–61 (emphasis added).

Claim 6 next recites and Durden discloses that “*the central location comprises a private branch exchange or other central telephone network facility.*” **Ex. PAT-A**, ‘078 Patent, 92:13-15 (emphasis added).

Durden discloses a phone processor (“central telephone network facility”).

“Module 20 transfers IPPV data to the system manager 8 via **phone processor 18** when a “request IPPV data” command is received.”

**Ex. PA-A**, Durden, 6:67-7:2 (emphasis added). Durden also discloses a private branch exchange.

“This is particularly useful when it is necessary to dial out of a local **private branch exchange.**”

*Id.*, 13:3-4 (emphasis added).

**g. Claim 7**

Claim 7 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 7 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 7 of the ‘078 Patent under 35 U.S.C. § 102(b)**

Claim 7 recites “[*t*]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:16 (emphasis added). As shown in Section VII.A.1.a, Durden discloses the system of claim 1.

Claim 7 next recites and Durden discloses that “*the results of the interactions are forwarded from the central location to a remote server for analysis.*” **Ex. PAT-A**, ‘078 Patent, 92:16-18 (emphasis added).

Durden discloses transmitting the record of PPV events (*e.g.*, access code and event ID number) purchased by a subscriber to a system manager (“server”).

“This data is **transmitted to the system manager** by the IPPV module 20 via the telephone network 24 and contains **a record of which PPV events have been purchased by each subscriber.**”

**Ex. PA-A**, Durden, 7:36-39 (emphasis added). Durden also discloses that the system manager (“central location”) uploads transaction data (“results of the interactions”) to a billing computer (“remote server”) where the data is grouped (“analysis”).

“**System manager 8 will upload the transaction data to billing computer 5** in response to an Initialize IPPV Upload command. **The data returned to the billing computer will be grouped** by the identification of a particular set-top terminal or converter, that is, all event IDs associated with a particular converter serial number will be returned together.”

*Id.*, 5:21-27 (emphasis added).

**h. Claim 10**

Claim 10 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 10 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 10 of the ‘078 Patent under 35 U.S.C. § 102(b)**

Claim 10 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:28 (emphasis added). As shown in Section VII.A.1.a, Durden discloses the system of claim 1.

Claim 10 next recites and Durden discloses that “*the two-way interaction provides instructions on how to use the commodity.*” **Ex. PAT-A**, ‘078 Patent, 92:28-29 (emphasis added).

Durden discloses that the transactions (“two-way interaction”) include instructions to effect a predetermined period between dialing (“how to use the commodity”).

“The present invention is further concerned with a method of **instructing a plurality of subscriber modules to report** over a public telephone network

billing information associated with the viewing of selected events on the plurality of channels. A transaction is downloaded to the subscriber module which includes a telephone number corresponding to a storage means for storing billing information associated with the plurality of subscribers. **Included in this transaction are instructions adapted to effect a predetermined delay period between the dialing** of selected digits.”

**Ex. PA-A**, Durden, 3:3-13 (emphasis added).

i. **Claim 11**

Claim 11 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 11 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 11 of the ‘078 Patent under 35 U.S.C. § 102(b)**

Claim 11 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:30 (emphasis added). As shown in Section VII.A.1.a, Durden discloses the system of claim 1.

Claim 11 next recites and Durden discloses that “*the units of the commodity comprise consumer television equipment.*” **Ex. PAT-A**, ‘078 Patent, 92:30-31 (emphasis added).

Durden discloses a cable television system.

“This object may be achieved in **a control apparatus** for an individual subscriber in **a cable television system** which distributes a television signal from a headend office to a plurality of subscribers...”

**Ex. PA-A**, Durden, 2:11-14 (emphasis added). Durden also discloses that each subscriber is equipped with a set-top terminal (“consumer television equipment”) of the cable television system.

“Each subscriber in the addressable cable system is provided with **a set –top terminal (STT) 15** by the cable operator as schematically indicated in FIG. 1. STT 15 allows the subscriber to tune and descramble the services that he has requested from the cable system operator.”

*Id.*, 6:43–48 (emphasis added).

**j. Claim 12**

Claim 12 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden. Requestor provides a concise statement of the substantial new question of patentability for Claim 12 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 12 of the ‘078 Patent under 35 U.S.C. § 102(b)**

Claim 12 recites “[*t*]he system of claim 11.” **Ex. PAT-A**, ‘078 Patent, 92:32 (emphasis added). As shown in Section VII.A.1.i, Durden discloses the system of claim 11.

Claim 12 next recites and Durden discloses that “*the two-way interaction comprises posing questions to a user on a television screen concerning use of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 92:32-34 (emphasis added).

Durden discloses a programming guide allowing the subscriber to view choices of pay-per-view programs available (“posing questions to a user on a television”).

“Once in the pre-buy mode, the subscriber simply enters the three or four digit event ID number of the program he wishes to purchase. **The ID numbers may be provided in a programming guide**, for example. After the last digit of each program ID has been entered, it is stored in nonvolatile memory 21 of the module.”

**Ex. PA-A**, Durden, 12:8-14 (emphasis added).

Claim 12 next recites and Durden discloses “*receiving answers from the user expressed through a keypad or a handheld remote.*” **Ex. PAT-A**, ‘078 Patent, 92:34-36 (emphasis added).

Durden discloses that the subscriber enters the event ID (“answers from the user expressed through a keypad or a hand-held remote”) for a pay-per-view program to watch.

“Once in the pre-buy mode, **the subscriber simply enters the three or four digit event ID number of the program he wishes to purchase.** The ID numbers may

be provided in a programming guide, for example. After the last digit of each program ID has been entered, it is stored in nonvolatile memory 21 of the module.”

**Ex. PA-A**, Durden, 12:8-14 (emphasis added). Durden also discloses a hand-held remote control (“hand-held remote”).

“The process for performing a pre-buy with a Scientific Atlanta Set-top Model 8550 or 8585 is illustrated in FIG. 3. With the converter turned on, the subscriber depresses the keyboard keys "PRG" and "-" of his **hand-held remote control**. If an access code is required to purchase programming, this must be entered before the converter will enter the IPPV mode and display "VCR" using LED elements.”

*Id.*, 11:66-12:5 (emphasis added).

**k. Claim 13**

Claim 13 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 13 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 13 of the '078 Patent under 35 U.S.C. § 102(b)**

Claim 13 recites “[t]he system of claim 12.” **Ex. PAT-A**, ‘078 Patent, 92:37 (emphasis added). As shown in Section VII.A.1.j, Durden discloses the system of claim 12.

Claim 13 next recites and Durden discloses that “*the answers are forwarded to a vendor of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 92:37-38 (emphasis added).

Durden discloses that the subscriber’s data (“answers”) associated with the purchase of a pay-per-view event is transmitted to a cable operator (“vendor of the commodity”).

“Module 20 allows the subscriber to authorize his STT to receive a pay-per-view event, store the data associated with the purchase of that event in memory 21, and **transmit that stored data to the cable operator** via the telephone network 24.”

**Ex. PA-A**, Durden, 6:57-61 (emphasis added).

**I. Claim 14**

Claim 14 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 14 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 14 of the '078 Patent under 35 U.S.C. § 102(b)**

Claim 14 recites “[t]he system of claim 12.” **Ex. PAT-A**, ‘078 Patent, 92:39 (emphasis added). As shown in Section VII.A.1.j, Durden discloses the system of claim 12.

Claim 14 next recites and Durden discloses that “*the keypad or hand-held remote comprises numeric keys.*” **Ex. PAT-A**, ‘078 Patent, 92:39-40 (emphasis added).

Durden discloses that the hand-held remote control (“hand-held remote”) has keyboard keys (“numeric keys”).

“The process for performing a pre-buy with a Scientific Atlanta Set-top Model 8550 or 8585 is illustrated in FIG. 3. With the converter turned on, the subscriber depresses the **keyboard keys** "PRG" and "-" of his **hand-held remote control**. If an access code is required to purchase programming, this must be entered before the converter will enter the IPPV mode and display "VCR" using LED elements.”

**Ex. PA-A**, Durden, 11:66-12:5 (emphasis added).

**m. Claim 15**

Claim 15 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 15 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 15 of the '078 Patent under 35 U.S.C. § 102(b)**

Claim 15 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:41 (emphasis added). As shown in Section VII.A.1.a, Durden discloses the system of claim 1.

Claim 15 next recites and Durden discloses that “*the two-way interaction is mediated by a publicly or privately accessible on-line computerized information service.*” **Ex. PAT-A**, ‘078 Patent, 92:41-43 (emphasis added).

Durden discloses that the billing computer controls the cable TV IPPV service (“on-line computerized information service”).

“...billing computer 5 functions to **control IPPV service**, maintain IPPV access codes, control IPPV event billing, and maintain PPV event and preview definitions.”

**Ex. PA-A**, Durden, 4:59-61 (emphasis added).

**n. Claim 16**

Claim 16 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 16 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 16 of the ‘078 Patent under 35 U.S.C. § 102(b)**

Claim 16 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:44 (emphasis added). As shown in Section VII.A.1.a, Durden discloses the system of claim 1.

Claim 16 next recites and Durden discloses that “*the user interface presents information in one or more of the following styles: text, lists, charts, views, arrangements, hierarchies, graphical maps, sample extracts, abstracts, summary descriptions, or hypertext.*” **Ex. PAT-A**, ‘078 Patent, 92:44-48 (emphasis added).

Durden discloses that the programming guide lists available pay-per-view programs with event ID number (“lists”).

“Once in the pre-buy mode, the subscriber simply enters the three or four digit event ID number of the program he wishes to purchase. **The ID numbers may be provided in a programming guide**, for example. After the last digit of each program ID has been entered, it is stored in nonvolatile memory 21 of the module.”

**Ex. PA-A**, Durden, 12:8-14 (emphasis added).

**o. Claim 18**

Claim 18 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 18 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 18 of the ‘078 Patent under 35 U.S.C. § 102(b)**

Claim 18 recites “[t]he system of claim 16.” **Ex. PAT-A**, ‘078 Patent, 92:55 (emphasis added). As shown in Section VII.A.1.n, Durden discloses the system of claim 16.

Claim 18 next recites and Durden discloses that “*the style is hypertext.*” **Ex. PAT-A**, ‘078 Patent, 92:55 (emphasis added).

Durden discloses that the programming guide lists available pay-per-view programs with event ID number (“lists”). It is understood that the program list can be provided in hypertext.

“Once in the pre-buy mode, the subscriber simply enters the three or four digit event ID number of the program he wishes to purchase. **The ID numbers may be provided in a programming guide**, for example. After the last digit of each program ID has been entered, it is stored in nonvolatile memory 21 of the module.”

**Ex. PA-A**, Durden, 12:8-14 (emphasis added).

**p. Claim 22**

Claim 22 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 22 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 22 of the '078 Patent under 35 U.S.C. § 102(b)**

Claim 22 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:65 (emphasis added). As shown in Section VII.A.1.a, Durden discloses the system of claim 1.

Claim 22 next recites and Durden discloses that “*the elicited information is information about the user’s needs with respect to use of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 92:65-67 (emphasis added).

Durden discloses that the subscriber requests for a service (“user’s need with respect to use of the commodity”).

“STT 15 allows the subscriber to tune and descramble the **services that he has requested** from the cable system operator.”

**Ex. PA-A**, Durden, 6:45–48 (emphasis added).

**q. Claim 24**

Claim 24 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 24 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 24 of the '078 Patent under 35 U.S.C. § 102(b)**

Claim 24 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:4(emphasis added). As shown in Section VII.A.1.a, Durden discloses the system of claim 1.

Claim 24 next recites and Durden discloses “*wherein the two-way local interactions comprise a transaction for sale of a product or a service contract for the commodity.*” **Ex. PAT-A**, ‘078 Patent, 93:4-6 (emphasis added).

Durden discloses that the subscriber’s entry of an access code (“two-way local interactions”) allows IPPS transaction for sale (“transaction for sale”) of an IPPV program (“a product or a service”).

A computer of system manager 8 will have a disk and controller dedicated to the storage of IPPV information. A memory resident program of system manager 8 will read the **IPPV transactions**, uploaded from the IPPV modules in the system.

*Id.*, 5:12–16 (emphasis added). Durden also discloses IPPV purchase (“a transaction for sale of a product”).

Set-top commands are used to configure an IPPV equipped STT for **impulse PPV purchase**. They enable the module for IPPV purchases and define the “buy code” that must be entered in order to purchase an IPPV event.

*Id.*, 8:51–55 (emphasis added).

Durden also discloses that the subscriber’s entry of an access code (“two-way local interactions”) authorizes pay services (“a service contract for the commodity”) of the set-top terminal equipment (“unit of commodity”).

Billing computer 5 records and maintains records for each cable subscriber. These records may contain information such as the subscriber’s name, address and telephone number, the type of equipment the subscriber has in his possession, and which **pay services the subscriber is authorized to view**.

*Id.*, 4:51–57 (emphasis added).

r. **Claim 25**

Claim 25 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 25 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 25 of the '078 Patent under 35 U.S.C. § 102(b)**

Claim 25 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:7 (emphasis added). As shown in Section VII.A.1.a, Durden discloses the system of claim 1.

Claim 25 next recites and Durden discloses that “*the two-way local interactions comprise a request for servicing of the commodity by the user.*” **Ex. PAT-A**, ‘078 Patent, 93:7-9 (emphasis added).

Durden discloses that the subscriber requests for a service (“request for servicing of the commodity”).

“STT 15 allows the subscriber to tune and descramble the **services that he has requested** from the cable system operator.”

**Ex. PA-A**, Durden, 6:45–48 (emphasis added).

s. **Claim 30**

Claim 30 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 30 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 30 of the '078 Patent under 35 U.S.C. § 102(b)**

Claim 30 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:18 (emphasis added). As shown in Section VII.A.1.a, Durden discloses the system of claim 1.

Claim 30 next recites and Durden discloses that “*the user interface includes a console displaying text or graphics.*” **Ex. PAT-A**, ‘078 Patent, 93:18-19 (emphasis added).

Durden discloses the set-top terminal displays “VCR” (“text”) using LED elements.

“The process for performing a pre-buy with a Scientific Atlanta Set-top Model 8550 or 8585 is illustrated in FIG. 3. With the converter turned on, the subscriber depresses the keyboard keys "PRG" and "-" of his hand-held remote control. If an access code is required to purchase programming, this must be entered before the converter will enter the IPPV mode and **display "VCR" using LED elements.**”

**Ex. PA-A**, Durden, 11:66-12:5 (emphasis added).

**t. Claim 31**

Claim 31 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 31 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 31 of the ‘078 Patent under 35 U.S.C. § 102(b)**

Claim 31 recites “[t]he system of claim 30.” **Ex. PAT-A**, ‘078 Patent, 93:20 (emphasis added). As shown in Section VII.A.1.s, Durden discloses the system of claim 30.

Claim 31 next recites and Durden discloses that “*the console comprises a display of a computer, phone, or handheld device.*” **Ex. PAT-A**, ‘078 Patent, 93:20-21 (emphasis added).

Durden discloses that the display is of the set-top terminal (“computer”).

“The process for performing a pre-buy with a Scientific Atlanta Set-top Model 8550 or 8585 is illustrated in FIG. 3. With the converter turned on, the subscriber depresses the keyboard keys "PRG" and "-" of his hand-held remote control. If an access code is required to purchase programming, this must be entered before the converter will enter the IPPV mode and **display "VCR" using LED elements.**”

**Ex. PA-A**, Durden, 11:66-12:5 (emphasis added).

**u. Claim 32**

Claim 32 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 32 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 32 of the '078 Patent under 35 U.S.C. § 102(b)**

Claim 32 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:22 (emphasis added). As shown in Section VII.A.1.a, Durden discloses the system of claim 1.

Claim 32 next recites and Durden discloses that “*the component is configured to provide access to the collection of results to vendors of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 93:22-24 (emphasis added).

Durden discloses that the computer time (“collection of results”) is shared with billing vendors (“provide access ... to the vendors of the commodity”).

“...the cable operator owns the billing computer, leases the equipment from a **vendor who specializes in this type of equipment, or shares computer time on a machine owned by one of these billing vendors.**”

**Ex. PA-A**, Durden, 4:62-65 (emphasis added).

**v. Claim 38**

Claim 38 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 38 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 38 of the '078 Patent under 35 U.S.C. § 102(b)**

Claim 38 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:41 (emphasis added). As shown in Section VII.A.1.a, Durden discloses the system of claim 1.

Claim 38 next recites and Durden discloses that “*the units of commodity store one or more probes that elicit specific information from the respective users through the user interfaces.*” **Ex. PAT-A**, ‘078 Patent, 93:41-43 (emphasis added).

Durden discloses that the subscriber’s set-top terminal stores event ID numbers that the subscriber entered for purchasing (“one or more probes that elicit specific information”).

“Once in the IPPV mode, depression of the "AU" key creates access to the pre-buy mode. Once in the pre-buy mode, the subscriber simply enters the three or four digit event ID number of the program he wishes to purchase. The ID numbers may be provided in a programming guide, for example. After the last digit of each program ID has been entered, it is stored in nonvolatile memory 21 of the module.”

**Ex. PA-A**, Durden, 12:8-14 (emphasis added).

w. **Claim 46**

Claim 46 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 46 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 46 of the ‘078 Patent under 35 U.S.C. § 102(b)**

Claim 46 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:61 (emphasis added). As shown in Section VII.A.1.a, Durden discloses the system of claim 1.

Claim 46 next recites and Durden discloses that “*the two way local interaction enables the user to request help or support.*” **Ex. PAT-A**, ‘078 Patent, 93:61-62 (emphasis added).

Durden discloses an IPPV “HELP” barker channel (“request help”).

“System Manager 8 will also maintain data elements for each headend in its data

base. These data elements may include the telephone number for each IPPV module transfer, **IPPV "HELP" barker channel, ...**"

**Ex. PA-A**, Durden, 5:53-57 (emphasis added).

x. **Claim 47**

Claim 47 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 47 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 47 of the '078 Patent under 35 U.S.C. § 102(b)**

Claim 47 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:63(emphasis added). As shown in Section VII.A.1.a, Durden discloses the system of claim 1.

Claim 47 next recites and Durden discloses that “*the information relates to perception of a problem relating to use of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 93:63-64 (emphasis added).

Durden discloses detecting an unsuccessful response from a phone processor (“problem relating to use of the commodity”).

“...after dialing the phone processor, the phone processor sends a signal to the module indicating it has gone off hook. The module will then send its data. Afterwards the phone processor sends a signal indicating it has received the data. ... These parameters may be sent as part of the transaction shown in FIG. 6. The bit patterns TL0-TL1 represent the **call back attempt** limit and may include values from zero to FF, with zero used to instruct the module to stop calling. L0-L1 represent the host time out or how long the module will wait after dialing the last digit for the first signal from the phone processor. **If no response is received, the IPPV module will consider the call to be unsuccessful and retry at a later time.**”

**Ex. PA-A**, Durden, 13:19-36 (emphasis added).

y. **Claim 48**

Claim 48 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 48 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart  
comparing Durden with Claim 48 of the '078 Patent  
under 35 U.S.C. § 102(b)**

Claim 48 recites “[t]he system of claim 47.” **Ex. PAT-A**, ‘078 Patent, 93:65 (emphasis added). As shown in Section VII.A.1.x, Durden discloses the system of claim 47.

Claim 48 next recites and Durden discloses that “*the two-way local interaction includes suggestions of the user to solve the problem.*” **Ex. PAT-A**, ‘078 Patent, 93:65-67 (emphasis added).

Durden discloses an IPPV “HELP” barker channel.

“System Manager 8 will also maintain data elements for each headend in its data base. These data elements may include the telephone number for each IPPV module transfer, **IPPV "HELP" barker channel, ...**”

**Ex. PA-A**, Durden, 5:53-57 (emphasis added).

It is understood that the subscriber can submit suggestions via the IPPV “HELP” barker channel to solve a problem to the system manager or the billing computer.

z. **Claim 50**

Claim 50 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 50 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart  
comparing Durden with Claim 50 of the '078 Patent  
under 35 U.S.C. § 102(b)**

Claim 50 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 94:4 (emphasis added). As shown in Section VII.A.1.a, Durden discloses the system of claim 1.

Claim 50 next recites and Durden discloses that “*the commodity is a demonstration unit.*” **Ex. PAT-A**, ‘078 Patent, 94:4-5 (emphasis added).

Durden disclose that each subscriber has a set-top terminal.

“**Each subscriber** in the addressable cable system is provided with a **set –top terminal (STT) 15** by the cable operator as schematically indicated in FIG. 1. STT 15 allows the subscriber to tune and descramble the services that he has requested from the cable system operator.”

**Ex. PA-A**, Durden, 6:43–48 (emphasis added).

It is understood that the subscriber’s set-top terminal can be a demonstration unit.

**aa. Claim 51**

Claim 51 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 51 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 51 of the ‘078 Patent under 35 U.S.C. § 102(b)**

Claim 51 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 94:6 (emphasis added). As shown in Section VII.A.1.a, Durden discloses the system of claim 1.

Claim 51 next recites and Durden discloses that “*the communication element also carries objective information about the user’s use of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 94:6-8 (emphasis added).

Durden discloses carrying billing information (“objective information about the user’s use of the commodity”).

“A memory is coupled to the microprocessor and the selector for storing **billing**

**information** regarding selected pay-per-view events. **A transmitter is coupled to the storage means for transmitting the stored billing information.”**

**Ex. PA-A**, Durden, 2:25-29 (emphasis added).

**bb. Claim 52**

Claim 52 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 52 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 52 of the ‘078 Patent under 35 U.S.C. § 102(b)**

Claim 52 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 94:9 (emphasis added). As shown in Section VII.A.1.a, Durden discloses the system of claim 1.

Claim 52 next recites and Durden discloses that “*the two-way local interactions occur while the user is using the commodity.*” **Ex. PAT-A**, ‘078 Patent, 94:9-10 (emphasis added).

Durden discloses that the subscriber depresses keys while watching a channel (“the user is using the commodity”) to enter an access code and sees the LED elements (“two-way local interaction”) of the converter/set-top terminal.

“With the converter turned on, the subscriber **depresses the keyboard keys “PRG” and “-” of his hand-held remote control.** If an access code is required to purchase programming, this must be entered before the converter will enter the IPPV mode and display “VCR” using LED elements.”

**Ex. PA-A**, Durden, 11:68–12:5 (emphasis added).

**cc. Claim 53**

Claim 53 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 53 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart  
comparing Durden with Claim 53 of the '078 Patent  
under 35 U.S.C. § 102(b)**

Claim 53 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 94:11 (emphasis added). As shown in Section VII.A.1.a, Durden discloses the system of claim 1.

Claim 53 next recites and Durden discloses that “*the component further manages collection of the results of the interactions along with information about a trigger event that initiated each respective interaction.*” **Ex. PAT-A**, ‘078 Patent, 94:11-14 (emphasis added).

Durden discloses counting elapsed time (“information about a trigger event”) using a counter of the set-top terminal (“product”).

“Once the subscriber has tuned to a channel on which a IPPV event is being shown, **a counter counts down** until the free **time has elapsed.**”

**Ex. PA-A**, Durden, 10:47-49 (emphasis added). Durden discloses that the counters correspond to pay channels. The counter information is managed by the system manager and billing computer.

“...each subscriber module has **a plurality of counters corresponding to the number of pay channels.** A preferred embodiment includes sixteen counters.”

*Id.*, 10:51-54 (emphasis added). Durden also discloses a security counter that allows a subscriber to view an IPPV programming as the time elapses (“information about a trigger event”).

“**A security counter controls the length of time that an impulse pay-per-view module will allow the cable TV subscriber to view an impulse pay-per-view channel** without receiving an IPPV authorization transaction.”

*Id.*, 11:17-20 (emphasis added).

Durden discloses that the subscriber’s request IPPV data command (“information about a trigger event that initiated each respective interaction”) is sent to the system manager (“component” that “manages collection of the results of the interactions”).

“Module 20 transfers IPPV data to the system manager 8 via **phone processor 18** when a "request IPPV data" command is received.”

*Id.*, 6:67-7:2 (emphasis added). Durden also discloses that the IPPV transactions from respective subscribers are managed by the system manager (“component” that “manages collection of the results of the interactions”).

“This data is **transmitted to the system manager** by the IPPV module 20 via the telephone network 24 and contains **a record of which PPV events have been purchased by each subscriber.**”

*Id.*, 7:36-39 (emphasis added).

“**A computer of system manager 8 will have a disk and controller dedicated to the storage of IPPV information.** A memory resident program of system manager 8 will read the **IPPV transactions**, uploaded from the IPPV modules in the system.”

*Id.*, 5:12–16 (emphasis added).

**dd. Claim 69**

Claim 69 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 69 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 69 of the ‘078 Patent under 35 U.S.C. § 102(b)**

Claim 69 recites and Durden discloses “[a] *method for gathering information from units of a commodity in different locations, each unit of the commodity being coupled to a remote database on a network.*” **Ex. PAT-A**, ‘078 Patent, 95:26-28 (emphasis added).

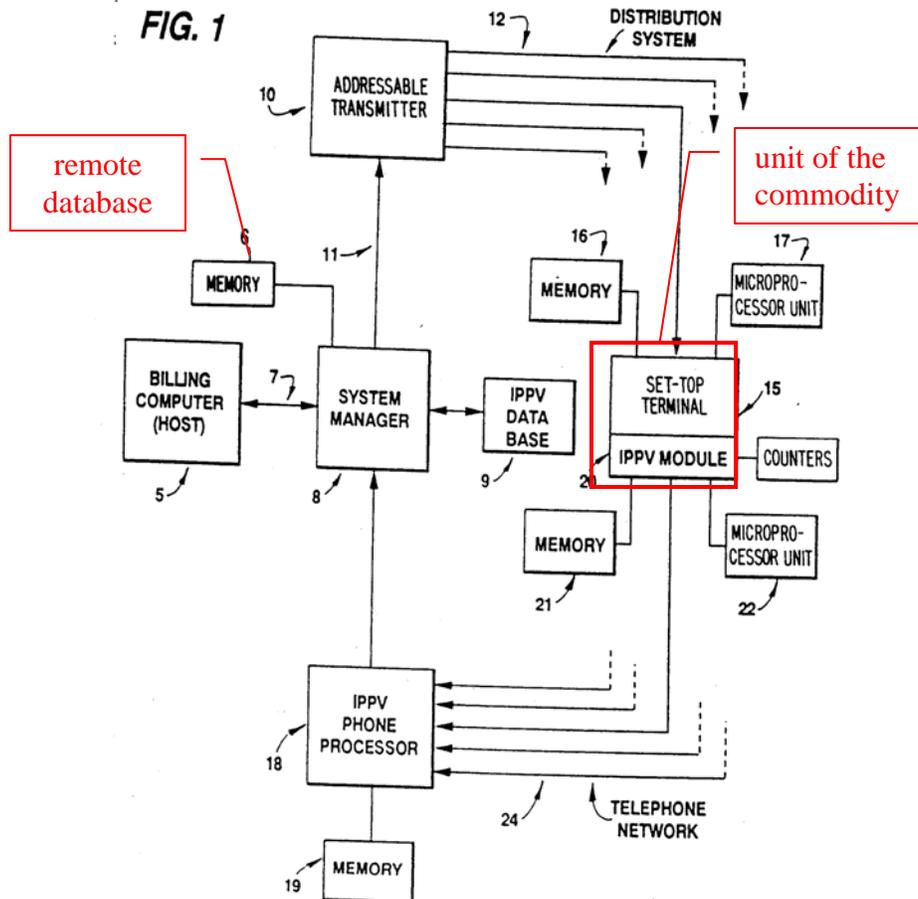
Durden discloses storing billing information (“gathering information”) from set-top terminals (“units of a commodity in different locations”).

“A memory is coupled to the microprocessor and the selector for **storing billing information regarding selected pay-per-view events.** A transmitter is coupled

to the storage means for transmitting the stored billing information.”

Ex. PA-A, Durden, 2:25-29 (emphasis added).

Durden discloses set-top terminals (“units of a commodity”) that can be used by respective subscribers (“users”) in different locations. Figure 1 shows Durden’s set-top terminal (“unit of the commodity”) and a system manager that has a memory (“remote database”).



Id., Fig. 1.

“Each subscriber in the addressable cable system is provided with a set-top terminal (STT) 15 by the cable operator as schematically indicated in FIG. 1. STT 15 allows the subscriber to tune and descramble the services that he has requested from the cable system operator.”

Id., 6:43-48 (emphasis added).

Durden discloses a memory (“remote database”) coupled to a system manager.

“The system manager will also maintain a table of viewing statistics in **memory 6** and on the IPPV disk.”

*Id.*, 5:28–29 (emphasis added).

Claim 69 next recites and Durden discloses “*the method comprising: eliciting user perceptions of respective units of the commodity through interactions at a user-interface of the respective unit.*” **Ex. PAT-A**, ‘078 Patent, 95:28-96:3 (emphasis added).

Durden discloses a hand-held remote control and LED display (“a user interface”) that is a part of the converter/set-top terminal (“unit of a commodity”).

“With the **converter turned on**, the subscriber depresses the keyboard keys “PRG” and “–” of his **hand-held remote control**. If an access code is required to purchase programming, this must be entered before the converter will enter the IPPV mode and display “VCR” using LED elements.”

**Ex. PA-A**, Durden, 11:68–12:5 (emphasis added).

Durden discloses that the IPPV module 20 that is part of the set-top terminal (“unit of the commodity”) is used to authorize a purchase of a pay-per-view event.

“Module **20 allows the subscriber to authorize his STT to receive a pay-per-view event**, store the data associated with the purchase of that event in memory 21, and transmit that stored data to the cable operator via the telephone network 24.”

*Id.*, 6:57–61 (emphasis added).

Durden discloses that the set-top-terminal is configured to allow the subscriber to authorize a purchase (“user perceptions of the respective units of the commodity”) of a pay-per-view program.

“Each subscriber in the addressable cable system is provided with a set –top terminal (STT) 15 by the cable operator as schematically indicated in FIG. 1. **STT 15 allows the subscriber to tune and descramble the services that he has requested** from the cable system operator.”

*Id.*, 6:43–48 (emphasis added). The subscriber enters an event ID for the program that he wishes to purchase (“elicit, from a user, information about the user’s perception”).

“...the subscriber simply **enters the three or four digit event ID number** of the program he wishes to purchase.”

*Id.*, 12: 9-11 (emphasis added). Durden also discloses that the set-top terminal is configured to cancel a pre-bought program (“elicit, from a user, information about the user’s perception”).

“...it is possible to step through the list of programs which have been pre-bought with an opportunity to **cancel any event which the subscriber no longer wishes to view or which have erroneously entered.**”

*Id.*, 12:14-18 (emphasis added).

Claim 69 next recites and Durden discloses “*generating perception information based on inputs of the users at the respective user-interfaces.*” **Ex. PAT-A**, ‘078 Patent, 96:4-5 (emphasis added).

Durden discloses that the set-top terminal generates the IPPV transactions based on the subscriber’s input for the event ID number and/or access code (“perception information based on inputs of the users”).

“A computer of system manager 8 will have a disk and controller dedicated to the **storage of IPPV information**. A memory resident program of system manager 8 will read the IPPV transactions, uploaded from the IPPV modules in the system.”

**Ex. PA-A**, Durden, 5:12–16 (emphasis added).

“Module 20 allows the subscriber to authorize his STT to receive a pay-per-view event, store **the data associated with the purchase of that event in memory 21**, and transmit that stored data to the cable operator via the telephone network 24.”

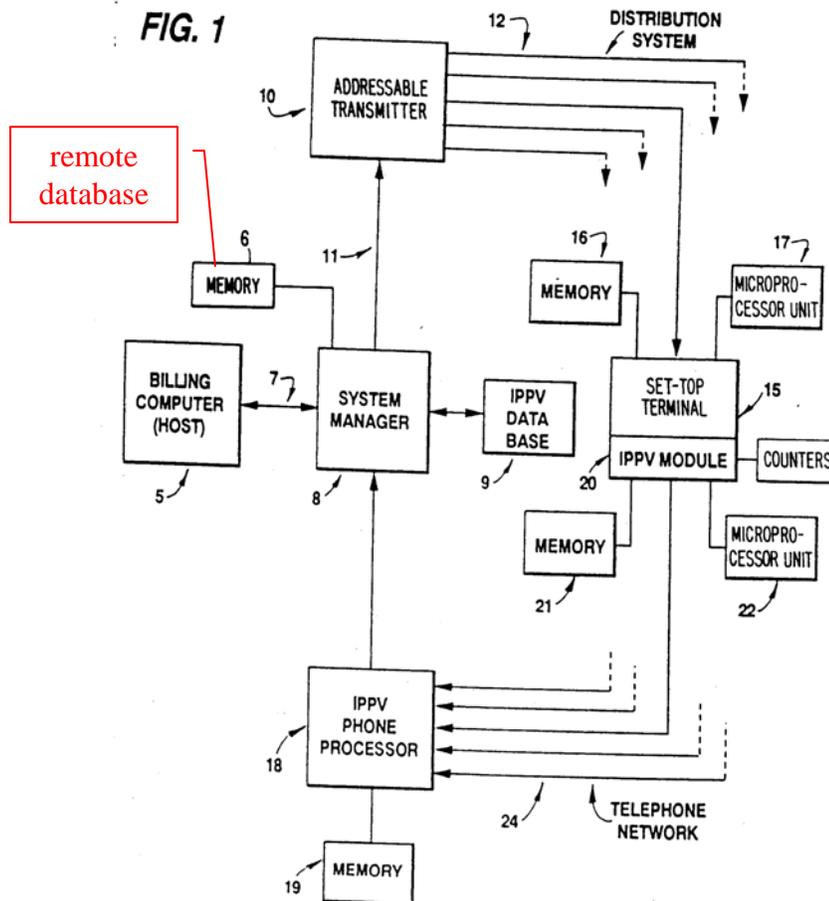
*Id.*, 6:57–61 (emphasis added).

“The system manager will also maintain a table of viewing statistics in memory 6 and on the IPPV disk. System manager 8 will further be able to direct all IPPV-equipped set-top terminals to record the channel to which each is tuned by transmitting a viewing statistic transaction (discussed in detail below) via addressable transmitter (ATX) 10. This information is recorded in the IPPV module’s memory and is transmitted along with **the IPPV transaction data** during the next interrogation of the module.”

*Id.*, 5:28–37 (emphasis added).

Claim 69 next recites and Durden discloses “transmitting the perception information to the remote database.” **Ex. PAT-A**, ‘078 Patent, 96:6-7 (emphasis added).

Durden discloses carrying the results of the purchased IPPV transactions (“transmitting the perception information”) to the memory (“remote database”) of the system manager. Figure 1 shows the memory (“remote database”).



**Ex. PA-A**, Durden, Fig. 1.

“Module 20 allows the subscriber to authorize his STT to receive a pay-per-view event, store the data associated with the purchase of that event in memory 21, and **transmit that stored data to the cable operator via the telephone network 24.**”

*Id.*, 6:57–61 (emphasis added).

Claim 69 next recites and Durden discloses “*receiving the transmitted perception information from different units of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 96:8-9 (emphasis added).

Durden discloses that the system manager receives subscriber’s IPPV transactions (“perception information”).

“**A computer of system manager 8** will have a disk and controller dedicated to the storage of IPPV information. A memory resident program of system manager 8 will read the **IPPV transactions**, uploaded from the IPPV modules in the system.”

**Ex. PA-A**, Durden, 5:12–16 (emphasis added).

Claim 69 next recites and Durden discloses “*collecting and storing the received information at the remote database.*” **Ex. PAT-A**, ‘078 Patent, 96:10-11 (emphasis added).

Durden discloses that the system manager collects and stores the IPPV transactions including the subscriber’s authorization (*e.g.*, access code) (“received information”).

“**A computer of system manager 8** will have a disk and controller dedicated to the storage of IPPV information. A memory resident program of system manager 8 will read the **IPPV transactions**, uploaded from the IPPV modules in the system.”

**Ex. PA-A**, Durden, 5:12–16 (emphasis added).

Durden discloses that the billing computer records and maintains records including the subscriber’s authorization (*e.g.*, access code) (“results of the two-way local interaction”).

“Billing computer 5 **records and maintains records for each cable subscriber**. These **records may contain information** such as the subscriber’s name, address and telephone number, the type of equipment the subscriber has in his possession, and which pay services the subscriber is authorized to view.”

*Id.*, 4:51–57 (emphasis added).

ee. **Claim 70**

Claim 70 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 70 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 70 of the '078 Patent under 35 U.S.C. § 102(b)**

Claim 70 recites “[t]he method of claim 69.” **Ex. PAT-A**, ‘078 Patent, 96:12 (emphasis added). As shown in Section VII.A.1.dd, Durden discloses the method of claim 69.

Claim 70 next recites and Durden discloses “enabling users of the commodities to access the received information.” **Ex. PAT-A**, ‘078 Patent, 96:12-13 (emphasis added).

Durden discloses that that the subscriber has an opportunity to access and cancel a purchased IPPV event (“received information”)

“As indicated, it is possible to step through the list of programs which have been pre-bought with an **opportunity to cancel any event** which the subscriber no longer wishes to view or which have erroneously entered.”

**Ex. PA-A**, Durden, 12:14-18 (emphasis added).

ff. **Claim 71**

Claim 71 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 71 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 71 of the '078 Patent under 35 U.S.C. § 102(b)**

Claim 71 recites “[t]he method of claim 69.” **Ex. PAT-A**, ‘078 Patent, 96:14 (emphasis added). As shown in Section VII.A.1.dd, Durden discloses the method of claim 69.

Claim 71 next recites and Durden discloses “*enabling third parties to access the received information.*” **Ex. PAT-A**, ‘078 Patent, 96:14-15 (emphasis added).

Durden discloses that the computer time (“received information”) is shared with billing vendors (“enabling third parties to access”).

“...the cable operator owns the billing computer, leases the equipment from a **vendor who specializes in this type of equipment, or shares computer time on a machine owned by one of these billing vendors.**”

**Ex. PA-A**, Durden, 4:62-65 (emphasis added).

**gg. Claim 72**

Claim 72 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 72 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 72 of the ‘078 Patent under 35 U.S.C. § 102(b)**

Claim 72 recites “[t]he method of claim 71.” **Ex. PAT-A**, ‘078 Patent, 96:16 (emphasis added). As shown in Section VII.A.1.ff, Durden discloses the method of claim 71.

Claim 72 next recites and Durden discloses that “*the third parties include vendors or designers of the commodities.*” **Ex. PAT-A**, ‘078 Patent, 96:16-17 (emphasis added).

Durden discloses equipment leasing vendors and billing vendors (“vendors”).

“...the cable operator owns the billing computer, leases the equipment from a **vendor who specializes in this type of equipment, or shares computer time on a machine owned by one of these billing vendors.**”

**Ex. PA-A**, Durden, 4:62-65 (emphasis added).

**hh. Claim 73**

Claim 73 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 73 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 73 of the '078 Patent under 35 U.S.C. § 102(b)**

Claim 73 recites “[t]he method of claim 69.” **Ex. PAT-A**, ‘078 Patent, 96:18 (emphasis added). As shown in Section VII.A.1.dd, Durden discloses the method of claim 69.

Claim 73 next recites and Durden discloses “*making a design change using the received information, or marketing the commodity using the received information.*” **Ex. PAT-A**, ‘078 Patent, 96:18-20 (emphasis added).

Durden discloses sharing (“marketing the commodity”) the computer time (“received information”) with billing vendors.

“...the cable operator owns the billing computer, leases the equipment from a **vendor who specializes in this type of equipment, or shares computer time on a machine owned by one of these billing vendors.**”

**Ex. PA-A**, Durden, 4:62-65 (emphasis added).

**ii. Claim 74**

Claim 74 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Durden.

Requestor provides a concise statement of the substantial new question of patentability for Claim 74 based on Durden under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-A for a claim chart comparing Durden with Claim 74 of the '078 Patent under 35 U.S.C. § 102(b)**

Claim 74 recites “[t]he method of claim 69.” **Ex. PAT-A**, ‘078 Patent, 96:21 (emphasis added). As shown in Section VII.A.1.dd, Durden discloses the method of claim 69.

Claim 74 next recites and Durden discloses that “*said eliciting step includes interacting with the users through the respective user-interfaces of units of commodity.*” **Ex. PAT-A**, ‘078 Patent, 96:21-23 (emphasis added).

Durden discloses that each subscriber (“user”) uses a hand-held remote control and LED display (“interacting ... through the respective user-interfaces”) to purchase pay-per-view programming.

“With the converter turned on, the subscriber **depresses the keyboard keys “PRG” and “-” of his hand-held remote control.** If an access code is required **to purchase programming**, this must be entered before the converter will enter the IPPV mode and display “VCR” using LED elements.”

**Ex. PA-A**, Durden, 11:68–12:5 (emphasis added).

Claim 74 next recites and Durden discloses “*to elicit perception information about (i) steps that a vendor of the commodity could take to improve user satisfaction or (ii) training or support provided for users of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 96:23-26 (emphasis added).

Durden discloses an IPPV “HELP” barker channel.

“System Manager 8 will also maintain data elements for each headend in its data base. These data elements may include the telephone number for each IPPV module transfer, **IPPV “HELP” barker channel, ...**”

**Ex. PA-A**, Durden, 5:53-57 (emphasis added). It is understood that the subscriber can submit perception information via the IPPV “HELP” barker channel to improve user satisfaction or training or support.

2. **Anticipated By Kravette Under 35 U.S.C. § 102(e)**

a. **Claim 1**

Claim 1 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 1 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-B for a claim chart comparing Kravette with Claim 1 of the '078 Patent under 35 U.S.C. § 102(e)**

Claim 1 recites and Kravette discloses “[a] system comprising units of a commodity that can be used by respective users in different locations.” **Ex. PAT-A**, ‘078 Patent, 91:44-46 (emphasis added).

Kravette discloses a plurality of copiers (“units of a commodity”) that can be used by respective users/operators/service persons in different locations.

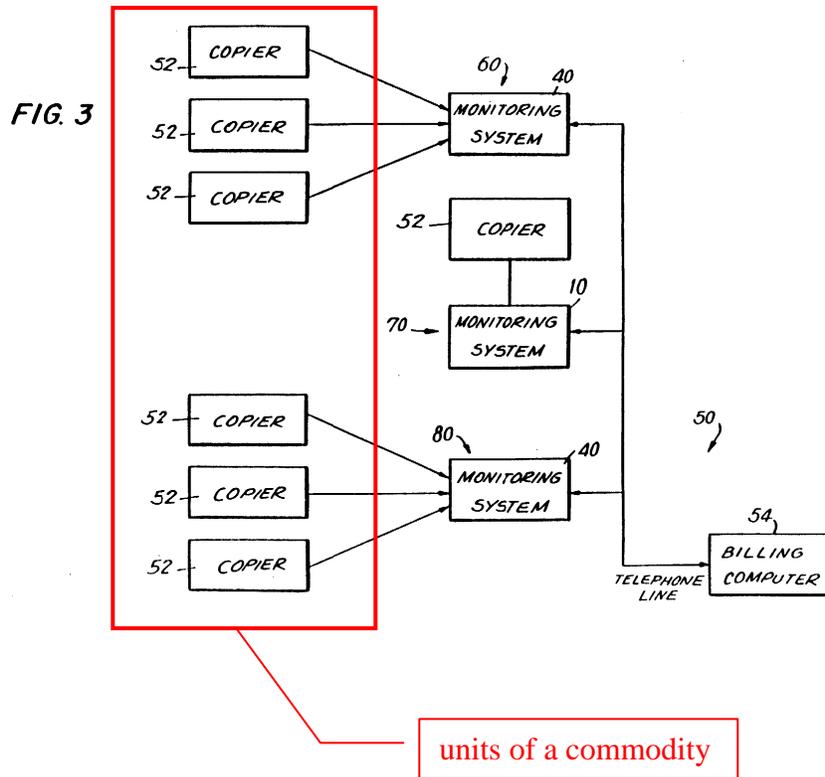
“Monitoring system 60 includes **a plurality of copiers 52** and a photocopier monitoring system 40 for connection with a billing or other computer 54 located at a central station.”

**Ex. PA-B**, Kravette, 11:1-4 (emphasis added).

Kravette discloses that each copier (“unit of the commodity”) can be further equipped with a portable hand-held input/output device that can be used by respective service persons in different locations.

“Each service person may be equipped with **a portable hand held input/output device 34** in the form of a keypad/display which may **become part of the system through an auxiliary input 22a** of monitoring CPU 24.”

*Id.*, 9:41-44 (emphasis added). Figure 3 shows a plurality of copiers (“units of a commodity”).



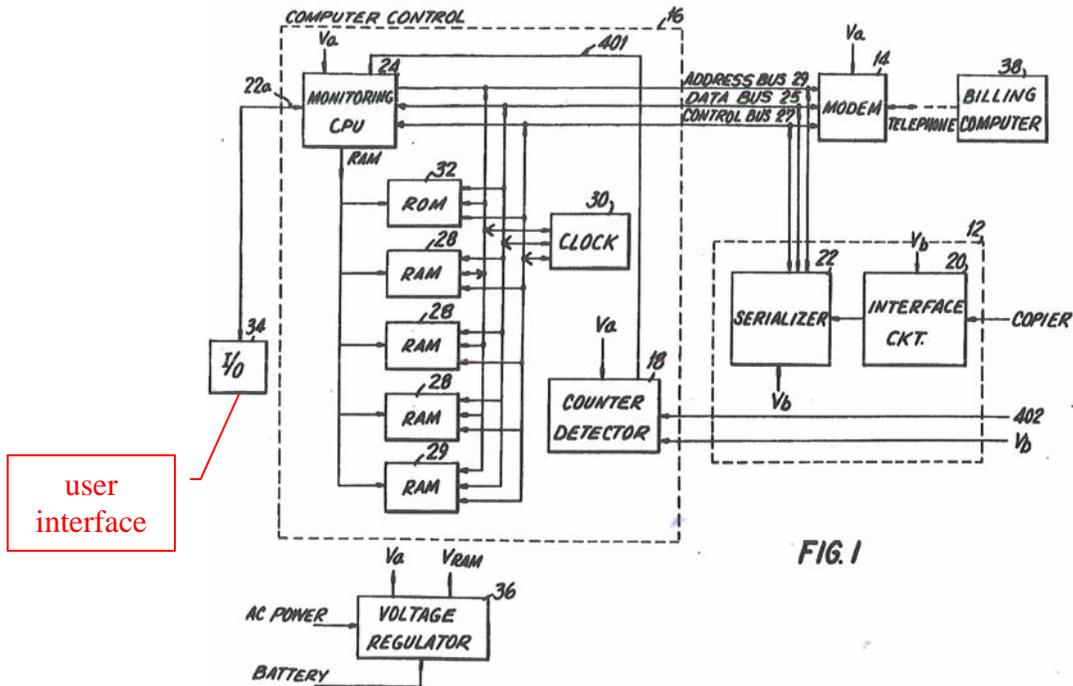
*Id.*, Fig. 3 (emphasis added).

Claim 1 next recites and Kravette discloses “a user interface, which is part of each of the units of the commodity...” **Ex. PAT-A**, ‘078 Patent, 91:47-48 (emphasis added).

Kravette discloses that the portable input/output device (“a user interface”) has a keypad/display and becomes a part of each of the copiers (“units of the commodity”).

“Each service person may be equipped with a **portable hand held input/output device 34 in the form of a keypad/display** which may **become part of the system through an auxiliary input 22a of monitoring CPU 24.**”

**Ex. PA-B**, Kravette, 9:41-44. Figure 1 shows the input/output device (“user interface”).



*Id.*, Fig. 1 (emphasis added).

Claim 1 next recites and Kravette discloses that the user interface is “*configured to provide a medium for two-way local interaction between one of the users and the corresponding unit of the commodity...*” **Ex. PAT-A**, ‘078 Patent, 91:48-50 (emphasis added).

Kravette discloses that the input/output device (“user interface”) has a keypad and display for input/output (“two-way local interaction”) between the user/service person and the photocopier/monitoring system.

“Each service person may be equipped with a portable hand held **input/output device 34 in the form of a keypad/display** which may become part of the system through an auxiliary input 22a of monitoring CPU 24.”

**Ex. PA-B**, Kravette, 9:41-44 (emphasis added).

Kravette discloses that the input/output device is configured to input and retrieve various information (“two-way local interaction”) between the service person (“one of the users”) and the photocopier (“corresponding unit of the commodity”).

“The diagnostic data of the photocopier may be stored, if required, in RAM 29, which can also store **maintenance information**, such as data related to recent service and data as to when certain copier parts were replaced. Such **information can be input and retrieved by the service person using a portable input/output device 34** more particularly described below. This information is particularly useful where communication with the central station is disrupted.”

*Id.*, 9:14-22 (emphasis added).

Claim 1 next recites and Kravette discloses that the user interface is “*further configured to elicit, from a user, information about the user’s perception of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 91:50-52 (emphasis added).

Kravette discloses that the input/output device is configured to elicit information (“information about the user’s perception”) from the service person of the photocopier (“unit of the commodity”).

“The diagnostic data of the photocopier may be stored, if required, in RAM 29, which can also store **maintenance information**, such as data related to recent service and data as to when certain copier parts were replaced. Such **information can be input and retrieved by the service person using a portable input/output device 34** more particularly described below. This information is particularly useful where communication with the central station is disrupted.”

**Ex. PA-B**, Kravette, 9:14-22 (emphasis added).

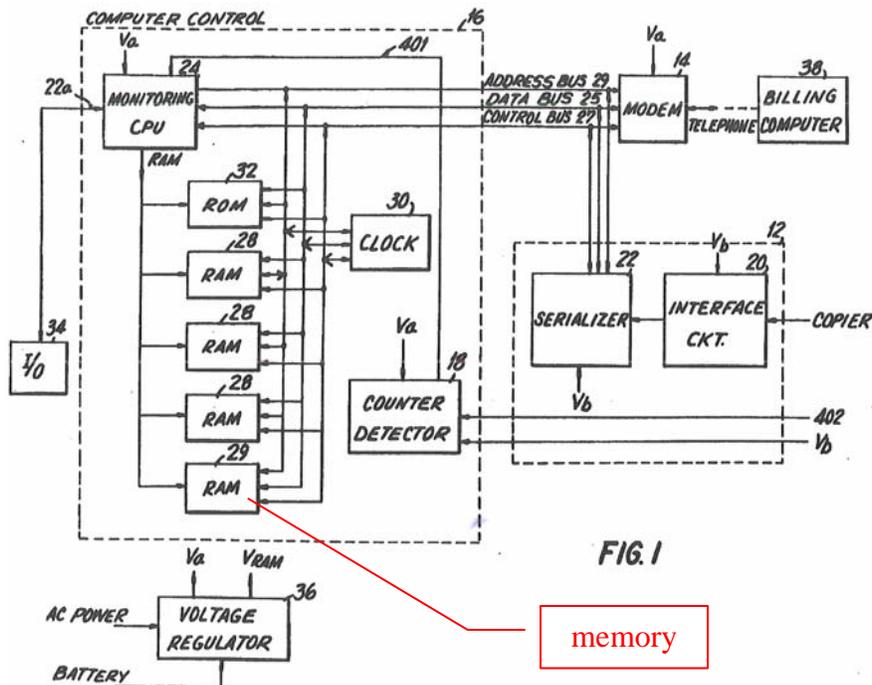
Kravette further discloses that an end user determines the condition of the photocopiers from diagnostic signals (“information about the user’s perception”) received from the photocopier (“unit of the commodity”).

“A photocopier monitoring system constructed in accordance with the invention monitors the **diagnostic signals** and upon detection of a diagnostic signal, translates the diagnostic signal into **a signal usable by an off site end user to determine the condition of the photocopiers.**”

*Id.*, 4:50-55 (emphasis added). It is understood from these teachings of Kravette that the input/output device (“user interface”) is configured to elicit information about the service person/end user’s perception of the photocopier.

Claim 1 next recites and Kravette discloses “a memory within each of the units of the commodity capable of storing results of the two-way local interaction, the results including elicited information about user perception of the commodity.” **Ex. PAT-A**, ‘078 Patent, 91:53-56 (emphasis added).

Kravette discloses that the computer control of the photocopier (“unit of the commodity”) has a memory. Figure 1 shows the memory.



Id., Fig. 1.

Kravette discloses a memory within each of the photocopiers that is capable of storing diagnostic and service data (“results of the two-way local interaction”) including the information input by the service person (“information about user perception”) of the photocopier (“unit of the commodity”).

“The **diagnostic data of the photocopier may be stored**, if required, in **RAM 29**, which can also store maintenance information, such as **data related to recent service and data as to when certain copier parts were replaced**. Such information can be input and retrieved by the service person using a portable

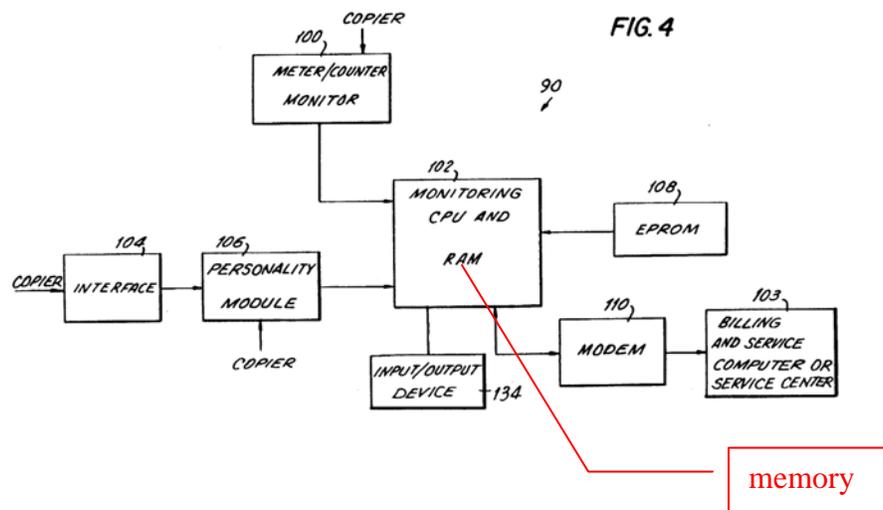
input/output device 34 more particularly described below. This information is particularly useful where communication with the central station is disrupted.”

**Ex. PA-B**, Kravette, 9:14-22 (emphasis added).

Kravette discloses that the input/output device is coupled to a memory.

“A portable input/output device 134 carried by a serviceman may be coupled to monitoring CPU and **RAM 102 to receive and input information to the system.**”

*Id.*, 12:18-20 (emphasis added). Figure 4 shows the memory coupled to the input/output device.



*Id.*, Fig. 4 (emphasis added).

Kravette also discloses storing in the memory maintenance information (“information about the user’s perception”) of the photocopier (“unit of the commodity”) that is input by a service person.

“The diagnostic data of the photocopier may be stored, if required, in RAM 29, which can also **store maintenance information**, such as data related to recent service and data as to when certain copier parts were replaced. **Such information can be input and retrieved by the service person using a portable input/output device 34** more particularly described below. This information is particularly useful where communication with the central station is disrupted.”

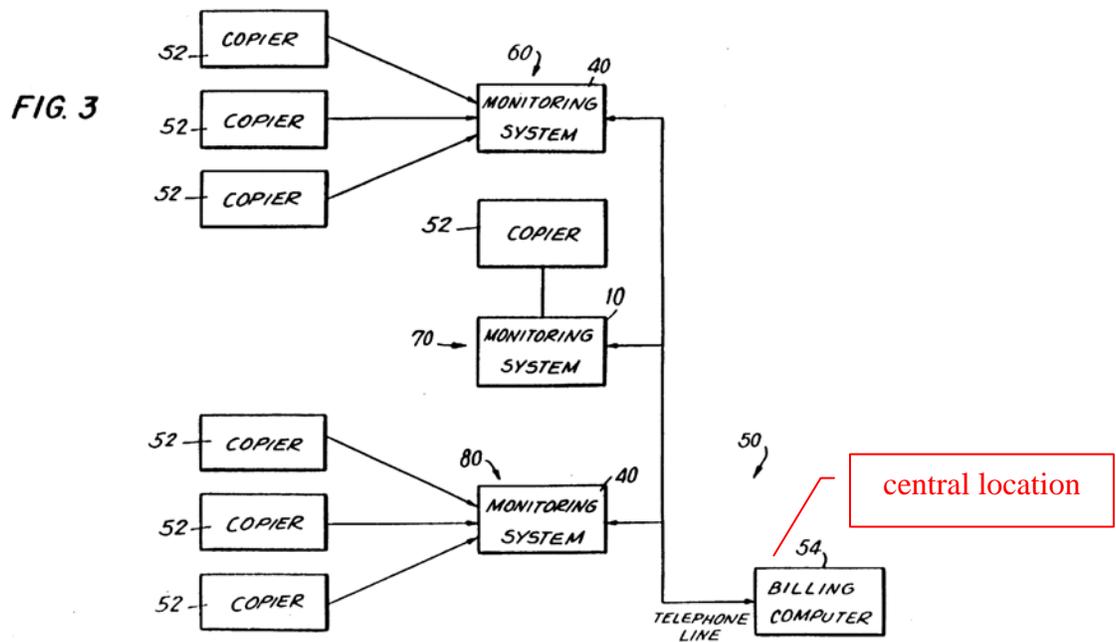
*Id.*, 9:14-22 (emphasis added).

Claim 1 next recites and Kravette discloses “a communication element associated with each of the units of the commodity capable of carrying results of the two-way local interaction from each of the units of the commodity to a central location.” **Ex. PAT-A**, ‘078 Patent, 91:57-60 (emphasis added).

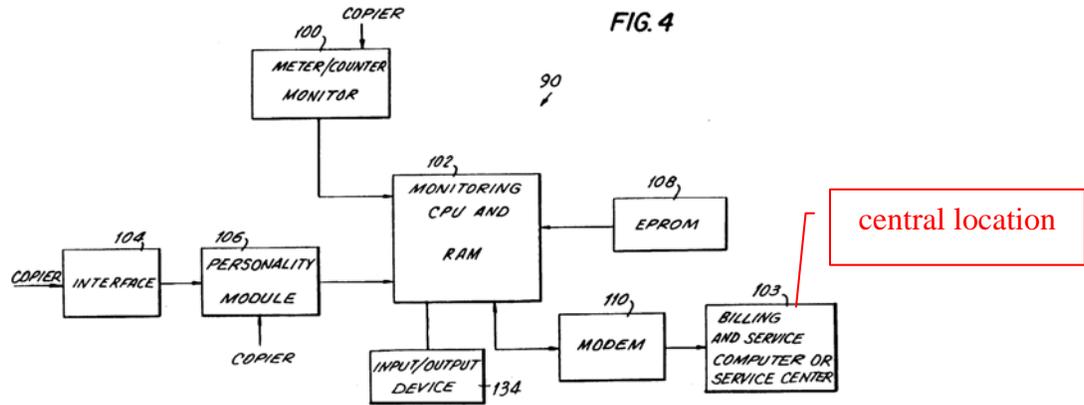
Kravette discloses a billing computer located at a central station (“central location”).

“Monitoring system 60 includes a plurality of copiers 52 and a photocopier monitoring system 40 for connection with a **billing or other computer 54 located at a central station.**”

**Ex. PA-B**, Kravette, 11:1-4 (emphasis added). Kravette discloses a billing computer (“central location”).



*Id.*, Fig. 3. Kravette also discloses a billing and service computer or service center (“central location”). Figure 4 shows the billing and service computer or service center (“central location”).

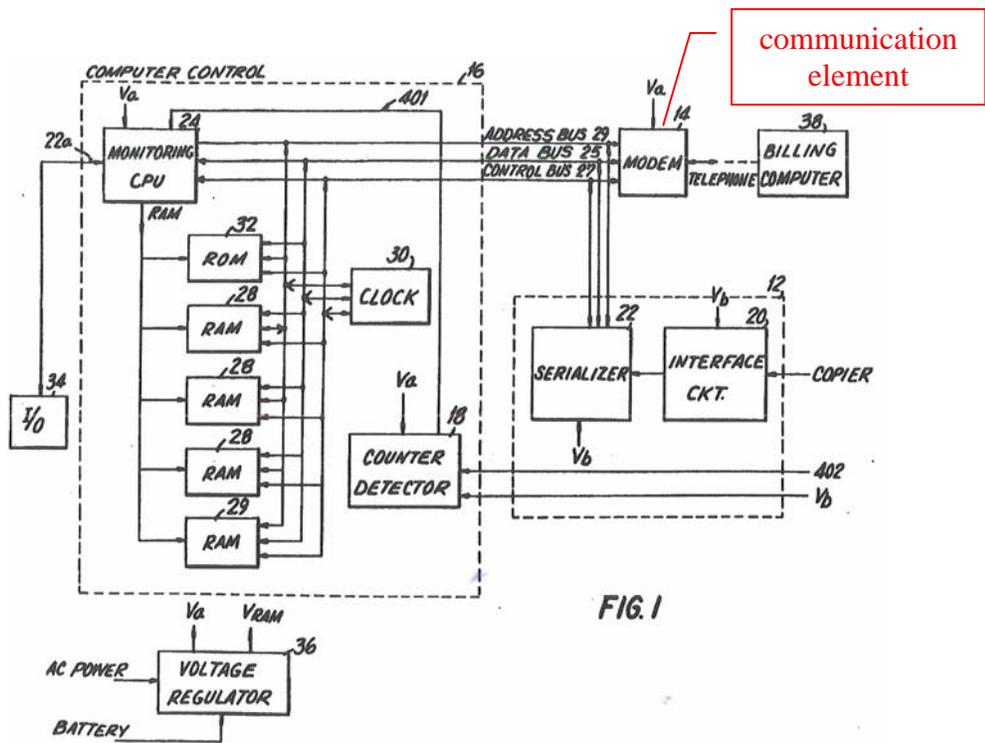


*Id.*, Fig. 4 (emphasis added).

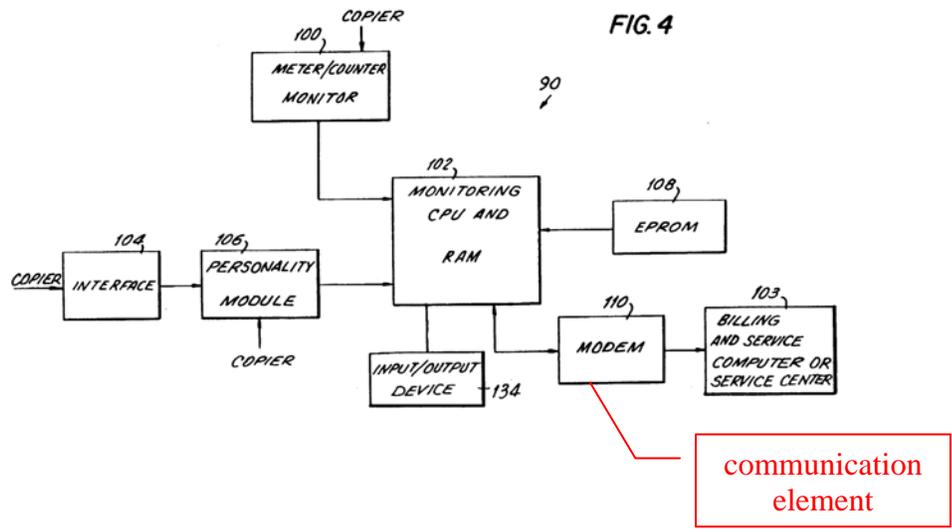
Kravette discloses a modem (“a communication element”) associated with each of the photocopiers (“unit of the commodity”) that communicates with a central station/billing computer (“central location”).

“The service person at the job site may also **communicate with the central station through modem 14** by becoming part of system 10, through input/output device 34.”

*Id.*, 9:49-52 (emphasis added). Kravette discloses a modem (“communication element”) associated with the photocopier (“unit of the commodity”). Figure 1 shows the modem (“communication element”).



*Id.*, Fig. 1 (emphasis added). Kravette also discloses a modem associated with the monitoring CPU that is coupled to the photocopier (“unit of the commodity”). Figure 4 shows the modem (“communication element”).



*Id.*, Fig. 4 (emphasis added).

Kravette discloses carrying diagnostic data and billing data (“results of the two-way local interaction”) to a billing computer and/or a service computer located at a central station (“a central location”).

“Each photocopier monitoring system sends **billing data to the billing computer** which is off site at the central station at a predetermined time for processing.”

*Id.*, 3:30-33 (emphasis added).

Kravette discloses reporting data to the billing or service computer (“central location”).

“Once monitoring CPU and RAM **102** determines that a predetermined number of monitor counts has been accumulated in the RAM, monitoring CPU and RAM **102 reports to the billing or service computer through a modem 110** in accordance with a program stored in EPROM **108**.”

*Id.*, 13:35-40 (emphasis added).

Claim 1 next recites and Kravette discloses “*a component capable of managing the interactions of the users in different locations and collecting the results of the interactions at the central location.*” **Ex. PAT-A**, ‘078 Patent, 91:61-63 (emphasis added).

Kravette discloses that the billing computer (“a component”) validates messages received from the photocopier monitoring system (“managing the interactions”) and recording the messages (“collecting the results of the interactions”) messages.

“When this information is transmitted to the billing computer, the **billing computer again validates the incoming message and records the incoming message** in a transaction log file.”

**Ex. PA-B**, Kravette, 7:31-34 (emphasis added). Kravette also discloses that the billing computer and the service computer (“a component”) receive reports (“collecting the results of the interactions”) from the photocopier monitoring system.

“Once monitoring CPU and RAM **102** determines that a predetermined number of monitor counts has been accumulated in the RAM, monitoring CPU and RAM **102 reports to the billing or service computer through a modem 110** in accordance with a program stored in EPROM **108**.”

*Id.*, 13:35-40 (emphasis added).

**b. Claim 2**

Claim 2 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 2 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-B for a claim chart comparing Kravette with Claim 2 of the '078 Patent under 35 U.S.C. § 102(e)**

Claim 2 recites “[*t*]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 91:64 (emphasis added). As shown in Section VII.A.2.a, Kravette discloses the system of claim 1.

Claim 2 next recites and Kravette discloses that “*the user interface is triggered based on user behaviors to generate two-way interactions with each of the users.*” **Ex. PAT-A**, ‘078 Patent, 91:64-66 (emphasis added).

Kravette discloses a counter that counts the number of papers. It starts with the user’s action (*e.g.*, pressing a start button).

“A counter **counts the number of papers** processed by the copier producing a count signal.”

**Ex. PA-B**, Kravette, 2:56-58 (emphasis added). Kravette also discloses that the status of the copier (*e.g.*, paper count) is displayed to the display device of the copier (“user interface”).

“Generally, paper printing and processing devices, and in particular photocopiers, contain **a display device**, usually a liquid crystal, LED or other alpha-numeric display, **for visually displaying to the user the status of the devices.**”

*Id.*, 4:38-42 (emphasis added).

Kravette discloses that the input/output device (“user interface”) has a keypad and display for input/output (“two-way local interaction”) between the user/service person and the photocopier/monitoring system.

“Each service person may be equipped with a portable hand held **input/output device 34 in the form of a keypad/display** which may become part of the system through an auxiliary input **22a** of monitoring CPU **24**.

*Id.*, 9:41-44 (emphasis added). Kravette also discloses that the input/output device is configured to input and retrieve various information (“two-way local interaction”) between the service person (“one of the users”) and the photocopier (“corresponding unit of the commodity”).

“The diagnostic data of the photocopier may be stored, if required, in RAM 29, which can also store **maintenance information**, such as data related to recent service and data as to when certain copier parts were replaced. Such **information can be input and retrieved by the service person using a portable input/output device 34** more particularly described below. This information is particularly useful where communication with the central station is disrupted.”

*Id.*, 9:14-22 (emphasis added).

Claim 2 next recites and Kravette discloses “*each of the interactions relating to a corresponding specific one of the behaviors.*” **Ex. PAT-A**, ‘078 Patent, 91:66-67 (emphasis added).

Kravette discloses a counter that counts the number of papers. It starts with the user’s action (*e.g.*, pressing a start button). The counting of the number of papers corresponds to the user’s action.

“A counter **counts the number of papers** processed by the copier producing a count signal.”

**Ex. PA-B**, Kravette, 2:56-58 (emphasis added).

Kravette discloses that the service person’s use of the input/output device (“each of the interactions”) relates to the service person’s specific behaviors (*e.g.*, input and retrieval of information).

“The diagnostic data of the photocopier may be stored, if required, in RAM 29, which can also store **maintenance information**, such as data related to recent service and data as to when certain copier parts were replaced. Such **information can be input and retrieved by the service person using a portable input/output device 34** more particularly described below. This information is

particularly useful where communication with the central station is disrupted.”

*Id.*, 9:14-22 (emphasis added).

**c. Claim 3**

Claim 3 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 3 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-B for a claim chart  
comparing Kravette with Claim 3 of the ‘078 Patent  
under 35 U.S.C. § 102(e)**

Claim 3 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:1 (emphasis added). As shown in Section VII.A.2.a, Kravette discloses the system of claim 1.

Claim 3 next recites and Kravette discloses that “*the interactions are triggered to occur repetitively for each of the users based on repeated uses of a feature of a unit of the commodity by the user.*” **Ex. PAT-A**, ‘078 Patent, 92:1-4 (emphasis added).

Kravette discloses a counter that counts the number of papers. Copier users can repeatedly use the photocopier for making copies (“repeated uses of a feature of a unit of the commodity”).

“A counter **counts the number of papers** processed by the copier producing a count signal.”

**Ex. PA-B**, Kravette, 2:56-58 (emphasis added).

Kravette discloses that the service person uses the input/output device (“interactions”). Other service persons can also repeatedly use the input/output device for inputting and retrieving information (“repeated uses of a feature of a unit of the commodity”).

“The diagnostic data of the photocopier may be stored, if required, in RAM 29, which can also store **maintenance information**, such as data related to recent service and data as to when certain copier parts were replaced. Such **information**

**can be input and retrieved by the service person using a portable input/output device 34** more particularly described below. This information is particularly useful where communication with the central station is disrupted.”

*Id.*, 9:14-22 (emphasis added).

**d. Claim 4**

Claim 4 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 4 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-B for a claim chart comparing Kravette with Claim 4 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 4 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:5 (emphasis added). As shown in Section VII.A.2.a, Kravette discloses the system of claim 1.

Claim 4 next recites and Kravette discloses that “*the user interface comprises part of a functional user interface of the unit of the commodity that can be used to control features of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 92:5-8 (emphasis added).

Kravette discloses providing software for controlling the function (“features of the commodity”) of the monitoring system associated with the photocopier.

“An interchangeable EPROM 108 provides software for **controlling the function** of monitoring CPU and RAM 102.”

**Ex. PA-B**, Kravette, 13:22-24 (emphasis added). Kravette also discloses performing a variety of functions.

“The basic EPROM 108 may be replaced with different EPROMs to provide different software control making photocopier monitoring system 90 more complex by allowing monitoring CPU and RAM 102 to **perform a greater variety of functions.**”

*Id.*, 13:40-45 (emphasis added).

Kravette discloses that the monitoring system has an interface (“functional user interface”) that performs functions (“functional user interface”) such as formatting and translating diagnostic signals.

“Generally the monitoring system has two components--**an interface 104 and a control portion 107**. In one of the examples of the invention described previously, a photocopier monitoring system includes **a interface 104 which formatted the internal diagnostic signal and contained a personality module for translating the diagnostic signal**. However, **these functions as well as others performed by monitoring CPU and RAM 102 and personality module 106 in photocopier monitoring system 90** may be performed by structure found entirely in the interface or may be split between the monitoring system CPU and the interface, or may even in part be performed at the central station.”

*Id.*, 14:20-32 (emphasis added).

e. **Claim 5**

Claim 5 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 5 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-B for a claim chart comparing Kravette with Claim 5 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 5 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:9 (emphasis added). As shown in Section VII.A.2.a, Kravette discloses the system of claim 1.

Claim 5 next recites and Kravette discloses that “*the communication element also carries information from a passive probe that monitors the user’s use of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 92:9-11 (emphasis added).

Kravette discloses that the service person’s input information and retrieval request for information are monitored and carried to the central location.

“The service person at the job site may also **communicate with the central station through modem 14** by becoming part of system **10**, through input/output

device **34.**”

**Ex. PA-B**, Kravette, 9:49-52 (emphasis added).

**f. Claim 6**

Claim 6 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 6 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-B for a claim chart comparing Kravette with Claim 6 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 6 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:12 (emphasis added). As shown in Section VII.A.2.a, Kravette discloses the system of claim 1.

Claim 6 next recites and Kravette discloses that “*the units of the commodity comprise telephone extension equipment.*” **Ex. PAT-A**, ‘078 Patent, 92:12-13 (emphasis added).

Kravette discloses a master controller (“telephone extension equipment”).

**“A master controller containing a single modem is attached to a single telephone line.”** (3:18-19)

Claim 6 next recites and Kravette discloses that “*the central location comprises a private branch exchange or other central telephone network facility.*” **Ex. PAT-A**, ‘078 Patent, 92:13-15 (emphasis added).

Kravette discloses that the central station billing computer (“central location”) has a modem (“central telephone network facility”).

**“A modem located at the central station billing computer** answers the phone and receives the count data from modem 14 of photocopier monitoring system 10.”

**Ex. PA-B**, Kravette, 6:65-68 (emphasis added).

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Kravette discloses a local area network and local area network transceivers (“other central telephone network facility”).

“Computer control 46 transmits its signals through modem 14 to a billing or other computer at a central station along the **telephone lines. Local area network transceivers 42, 44 may be a carrier current modem** utilizing the power lines contained within an office space, a high frequency transmitter and receiver or a telephone and modem located at both the copier station and the computer control circuit 16 station.”

*Id.*, 10:49-56 (emphasis added).

**g. Claim 7**

Claim 7 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 7 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-B for a claim chart comparing Kravette with Claim 7 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 7 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:16 (emphasis added). As shown in Section VII.A.2.a, Kravette discloses the system of claim 1.

Claim 7 next recites and Kravette discloses that “*the results of the interactions are forwarded from the central location to a remote server for analysis.*” **Ex. PAT-A**, ‘078 Patent, 92:16-18 (emphasis added).

Kravette discloses a billing computer and a service computer. It is understood that the information entered by the service person (“results of the interactions”) can be sent to either a billing computer or service computer and forwarded from one to the other.

“Monitoring CPU and RAM 102 also contains internal software for maintaining an internal real time clock which in connection with an EPROM as will be discussed below allows photocopier monitoring system 90 to send time cycle related reports to **the billing or service computers**. Additionally, monitoring CPU and RAM 102 includes preprogrammed software for controlling the modem

allowing photocopier monitoring system 90 to make the necessary report to **the billing or service computers.**”

**Ex. PA-B**, Kravette, 12:8-17 (emphasis added).

**h. Claim 10**

Claim 10 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 10 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC- B for a claim chart comparing Kravette with Claim 10 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 10 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:28 (emphasis added). As shown in Section VII.A.2.a, Kravette discloses the system of claim 1.

Claim 10 next recites and Kravette discloses that “*the two-way interaction provides instructions on how to use the commodity.*” **Ex. PAT-A**, ‘078 Patent, 92:28-29 (emphasis added).

Kravette discloses that the service person retrieve instructions as to how to service the photocopier.

“The service person may then connect his input/output device 34 and **retrieve the information stored in RAM 29** so that the central station may communicate with each service person directly through photocopier monitoring system 10 saving the time necessary for the service person to call into the central station **for further instructions.**”

**Ex. PA-B**, Kravette, 9:62-68 (emphasis added).

**i. Claim 15**

Claim 15 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 15 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC- B for a claim chart  
comparing Kravette with Claim 15 of the '078 Patent  
under 35 U.S.C. § 102(e)**

Claim 15 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:41 (emphasis added). As shown in Section VII.A.2.a, Kravette discloses the system of claim 1.

Claim 15 next recites and Kravette discloses that “*the two-way interaction is mediated by a publicly or privately accessible on-line computerized information service.*” **Ex. PAT-A**, ‘078 Patent, 92:41-43 (emphasis added).

Kravette discloses that the billing computer provides an information service (“publicly or privately accessible on-line computerized information service”) including receiving information and validating and recording messages.

“...the photocopier monitoring system also provides photocopier **diagnostic information, preventive maintenance information and end of service contract information**. When this information is transmitted to the billing computer, the billing computer again **validates the incoming message and records the incoming message in a transaction log file.**”

**Ex. PA-B**, Kravette, 7:28-34 (emphasis added).

**j. Claim 16**

Claim 16 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette. Requestor provides a concise statement of the substantial new question of patentability for Claim 16 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC- B for a claim chart  
comparing Kravette with Claim 16 of the '078 Patent  
under 35 U.S.C. § 102(e)**

Claim 16 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:44 (emphasis added). As shown in Section VII.A.2.a, Kravette discloses the system of claim 1.

Claim 16 next recites and Kravette discloses that “*the user interface presents information in one or more of the following styles: text, lists, charts, views, arrangements, hierarchies, graphical maps, sample extracts, abstracts, summary descriptions, or hypertext.*” **Ex. PAT-A**, ‘078 Patent, 92:44-48 (emphasis added).

Kravette discloses that the service person’s input/output device prints out messages (“information”) on the display (*e.g.*, LED or LCD). It is understood that the message displayed on the LED or LCD is in the form of text, lists, charts, views, etc.

“The service person may then connect his input/output device 34 and retrieve the information stored in RAM 29 so that the central station may communicate with each service person directly through photocopier monitoring system 10 saving the time necessary for the service person to call into the central station for further instructions. **The message would be printed out on a display (not shown) of input/output device 34. The display of input/output device 34 may comprise an LED or LCD display.**”

**Ex. PA-B**, Kravette, 9:62-10:3 (emphasis added).

**k. Claim 18**

Claim 18 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette. Requestor provides a concise statement of the substantial new question of patentability for Claim 18 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC- B for a claim chart comparing Kravette with Claim 18 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 18 recites “[*t*]he system of claim 16.” **Ex. PAT-A**, ‘078 Patent, 92:55 (emphasis added). As shown in Section VII.A.2.n, Kravette discloses the system of claim 16.

Claim 18 next recites and Kravette discloses that “*the style is hypertext.*” **Ex. PAT-A**, ‘078 Patent, 92:55 (emphasis added).

Kravette discloses that the service person's input/output device prints out messages ("information") on the display (e.g., LED or LCD). It is understood that a message displayed on the LED or LCD can be hypertext.

"The service person may then connect his input/output device 34 and retrieve the information stored in RAM 29 so that the central station may communicate with each service person directly through photocopier monitoring system 10 saving the time necessary for the service person to call into the central station for further instructions. **The message would be printed out on a display (not shown) of input/output device 34. The display of input/output device 34 may comprise an LED or LCD display.**"

**Ex. PA-B**, Kravette, 9:62-10:3 (emphasis added).

**I. Claim 22**

Claim 22 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 22 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC- B for a claim chart comparing Kravette with Claim 22 of the '078 Patent under 35 U.S.C. § 102(e)**

Claim 22 recites "[t]he system of claim 1." **Ex. PAT-A**, '078 Patent, 92:65 (emphasis added). As shown in Section VII.A.2.a, Kravette discloses the system of claim 1.

Claim 22 next recites and Kravette discloses that "*the elicited information is information about the user's needs with respect to use of the commodity.*" **Ex. PAT-A**, '078 Patent, 92:65-67 (emphasis added).

Kravette discloses that the service person ("user") can manually enter meter count information ("user's needs with respect to use of the commodity").

"The monthly meter count that is stored in the transaction log data base is then utilized to update the **meter count information** as stored in the customer identification data base. This data base may now be used to prepare a billing report for each customer. This may be done **manually by reentering the**

**updated identification data base** into an already existing billing system or by **directly inputting this information** into a billing software program for automatically generating a billing report upon the input of the updated count.”

**Ex. PA-B**, Kravette, 7:6-16 (emphasis added).

m. **Claim 24**

Claim 24 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 24 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-B for a claim chart comparing Kravette with Claim 24 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 24 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:4(emphasis added). As shown in Section VII.A.2.a, Kravette discloses the system of claim 1.

Claim 24 next recites and Kravette discloses “*wherein the two-way local interactions comprise a transaction for sale of a product or a service contract for the commodity.*” **Ex. PAT-A**, ‘078 Patent, 93:4-6 (emphasis added).

Kravette discloses billing data (“a transaction for sale”).

“Each photocopier monitoring system sends **billing data** to the billing computer which is off site at the central station at a predetermined time for processing.”

**Ex. PA-B**, Kravette, 3:30-33 (emphasis added).

Kravette also discloses end of service contract information (“a service contract”) of the photocopier (“unit of the commodity”).

“...the photocopier monitoring system also provides photocopier diagnostic information, preventive maintenance information and end of **service contract information.**”

*Id.*, 7:28-31 (emphasis added).

n. **Claim 25**

Claim 25 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 25 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC- B for a claim chart  
comparing Kravette with Claim 25 of the '078 Patent  
under 35 U.S.C. § 102(e)**

Claim 25 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:7 (emphasis added). As shown in Section VII.A.2.a, Kravette discloses the system of claim 1.

Claim 25 next recites and Kravette discloses that “*the two-way local interactions comprise a request for servicing of the commodity by the user.*” **Ex. PAT-A**, ‘078 Patent, 93:7-9 (emphasis added).

Kravette discloses that the maintenance requirements such as toner or paper refill are forwarded to a service center. It is understood that the service person can report and make a request for servicing using his input/output device.

“The internally generated signals which drive the display device include diagnostic signals which cause the photocopier display to display malfunctions within the photocopier or **report maintenance requirements such as toner and paper refill.**”

**Ex. PA-B**, Kravette, 4:42-46 (emphasis added).

o. **Claim 30**

Claim 30 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 30 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC- B for a claim chart  
comparing Kravette with Claim 30 of the '078 Patent  
under 35 U.S.C. § 102(e)**

Claim 30 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:18 (emphasis added). As shown in Section VII.A.2.a, Kravette discloses the system of claim 1.

Claim 30 next recites and Kravette discloses that “*the user interface includes a console displaying text or graphics.*” **Ex. PAT-A**, ‘078 Patent, 93:18-19 (emphasis added).

Kravette discloses that the service person’s input/output device prints out messages (“information”) on the display (*e.g.*, LED or LCD, “console”).

“The service person may then connect his input/output device 34 and retrieve the information stored in RAM 29 so that the central station may communicate with each service person directly through photocopier monitoring system 10 saving the time necessary for the service person to call into the central station for further instructions. **The message would be printed out on a display (not shown) of input/output device 34. The display of input/output device 34 may comprise an LED or LCD display.**”

**Ex. PA-B**, Kravette, 9:62-10:3 (emphasis added).

**p. Claim 31**

Claim 31 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette. Requestor provides a concise statement of the substantial new question of patentability for Claim 31 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC- B for a claim chart  
comparing Kravette with Claim 31 of the '078 Patent  
under 35 U.S.C. § 102(e)**

Claim 31 recites “[t]he system of claim 30.” **Ex. PAT-A**, ‘078 Patent, 93:20 (emphasis added). As shown in Section VII.A.2.s, Kravette discloses the system of claim 30.

Claim 31 next recites and Kravette discloses that “*the console comprises a display of a computer, phone, or handheld device.*” **Ex. PAT-A**, ‘078 Patent, 93:20-21 (emphasis added).

Kravette discloses that the service person's input/output device ("hand-held device") has the LED or LCD display ("console").

"The service person may then connect his **input/output device 34** and retrieve the information stored in RAM 29 so that the central station may communicate with each service person directly through photocopier monitoring system 10 saving the time necessary for the service person to call into the central station for further instructions. **The message would be printed out on a display (not shown) of input/output device 34. The display of input/output device 34 may comprise an LED or LCD display.**"

**Ex. PA-B**, Kravette, 9:62-10:3 (emphasis added).

q. **Claim 32**

Claim 32 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 32 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC- B for a claim chart comparing Kravette with Claim 32 of the '078 Patent under 35 U.S.C. § 102(e)**

Claim 32 recites "[t]he system of claim 1." **Ex. PAT-A**, '078 Patent, 93:22 (emphasis added). As shown in Section VII.A.2.a, Kravette discloses the system of claim 1.

Claim 32 next recites and Kravette discloses that "*the component is configured to provide access to the collection of results to vendors of the commodity.*" **Ex. PAT-A**, '078 Patent, 93:22-24 (emphasis added).

Kravette discloses that the billing computer ("a component") records the messages in a transaction log file ("collection of results"). It is understood that the transaction log file can be shared with the service center including vendors of the photocopiers ("vendors of the commodity").

"When this information is transmitted to the billing computer, the billing computer again **validates the incoming message and records the incoming**

**message in a transaction log file.”**

**Ex. PA-B**, Kravette, 7:31-34 (emphasis added).

**r. Claim 38**

Claim 38 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 38 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC- B for a claim chart  
comparing Kravette with Claim 38 of the ‘078 Patent  
under 35 U.S.C. § 102(e)**

Claim 38 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:41 (emphasis added). As shown in Section VII.A.2.a, Kravette discloses the system of claim 1.

Claim 38 next recites and Kravette discloses that “*the units of commodity store one or more probes that elicit specific information from the respective users through the user interfaces.*” **Ex. PAT-A**, ‘078 Patent, 93:41-43 (emphasis added).

Kravette discloses an EPROM that provides software for controlling the function including probing and storing the service person’s input (“one or more probes”).

“An interchangeable EPROM 108 provides software for **controlling the function** of monitoring CPU and RAM 102.”

**Ex. PA-B**, Kravette, 13:22-24 (emphasis added).

Kravette discloses that the service person uses his input/output device (“through the user interface”) for inputting and retrieving information (“elicit specific information from the respective users”).

“The diagnostic data of the photocopier may be stored, if required, in RAM 29, which can also store maintenance information, such as data related to recent service and data as to when certain copier parts were replaced. Such **information can be input and retrieved by the service person using a portable input/output device 34** more particularly described below. This information is

particularly useful where communication with the central station is disrupted.”

*Id.*, 9:14-22 (emphasis added).

s. **Claim 46**

Claim 46 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 46 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC- B for a claim chart  
comparing Kravette with Claim 46 of the ‘078 Patent  
under 35 U.S.C. § 102(e)**

Claim 46 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:61 (emphasis added). As shown in Section VII.A.2.a, Kravette discloses the system of claim 1.

Claim 46 next recites and Kravette discloses that “*the two way local interaction enables the user to request help or support.*” **Ex. PAT-A**, ‘078 Patent, 93:61-62 (emphasis added).

Kravette discloses that the service person uses his input/output device (“through the user interface”) for retrieving information (“requesting help or support”).

“The diagnostic data of the photocopier may be stored, if required, in RAM 29, which can also store maintenance information, such as data related to recent service and data as to when certain copier parts were replaced. Such **information can be input and retrieved by the service person using a portable input/output device 34** more particularly described below. This information is particularly useful where communication with the central station is disrupted.”

**Ex. PA-B**, Kravette, 9:14-22 (emphasis added).

Kravette also discloses that the service person communicates with the central station for instructions (“help or support”)

“The service person at the job site may also **communicate with the central station** through modem **14** by becoming part of system **10** through input/output device **34.**”

*Id.*, 9:49-52 (emphasis added). Kravette also discloses that the dispatcher at the central station

can transmit data (“help or support”) at the service person’s request for instructions.

“...**the dispatcher at the central station can transmit data for the service person by storing retrievable information in RAM 29.** The service person may then connect his input/output device 34 and **retrieve the information stored in RAM 29 so that the central station may communicate with each service person directly** through photocopier monitoring system 10 saving the time necessary for the service person to call into the central station for **further instructions.**”

*Id.*, 9:60-68 (emphasis added).

**t. Claim 47**

Claim 47 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 47 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC- B for a claim chart comparing Kravette with Claim 47 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 47 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:63(emphasis added). As shown in Section VII.A.2.a, Kravette discloses the system of claim 1.

Claim 47 next recites and Kravette discloses that “*the information relates to perception of a problem relating to use of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 93:63-64 (emphasis added).

Kravette discloses detecting a malfunction of the photocopier (“problem relating to use of the product”).

“An interface circuit monitors the operation of the copier by monitoring the internal diagnostic signals of the copier as displayed on a photocopier display device associated with each copier and signals a central station **when a malfunction of the copier has occurred, indicating the nature of the problem** by translating the diagnostic signal and transmitting a translated diagnostic signal.”

**Ex. PA-B**, Kravette, 2:60-67 (emphasis added). It is understood that the service person (“user”)

can manually enter the status of malfunction (“problem relating to use of the product”) of the photocopier.

“The monthly meter count that is stored in the transaction log data base is then utilized to update the meter count information as stored in the customer identification data base. This data base may now be used to prepare a billing report for each customer. This may be done **manually by reentering the updated identification data base** into an already existing billing system or by **directly inputting this information** into a billing software program for automatically generating a billing report upon the input of the updated count.”

*Id.*, 7:6-16 (emphasis added).

**u. Claim 48**

Claim 48 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 48 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC- B for a claim chart comparing Kravette with Claim 48 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 48 recites “[t]he system of claim 47.” **Ex. PAT-A**, ‘078 Patent, 93:65 (emphasis added). As shown in Section VII.A.2.t, Kravette discloses the system of claim 47.

Claim 48 next recites and Kravette discloses that “*the two-way local interaction includes suggestions of the user to solve the problem.*” **Ex. PAT-A**, ‘078 Patent, 93:65-67 (emphasis added).

Kravette also discloses that the service person communicates with the central station for instructions. It is understood that the communication includes suggestions of the service person to solve the malfunction of the photocopier (“problem”).

“The service person at the job site may also **communicate with the central station** through modem **14** by becoming part of system **10** through input/output device **34**.”

**Ex. PA-B**, Kravette, 9:49-52 (emphasis added).

v. **Claim 50**

Claim 50 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 50 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC- B for a claim chart comparing Kravette with Claim 50 of the '078 Patent under 35 U.S.C. § 102(e)**

Claim 50 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 94:4 (emphasis added). As shown in Section VII.A.2.a, Kravette discloses the system of claim 1.

Claim 50 next recites and Kravette discloses that “*the commodity is a demonstration unit.*” **Ex. PAT-A**, ‘078 Patent, 94:4-5 (emphasis added).

Kravette discloses a plurality of copiers (“units of a commodity”). It is understood that the copiers can be demonstration units.

“Monitoring system 60 includes **a plurality of copiers 52** and a photocopier monitoring system 40 for connection with a billing or other computer 54 located at a central station.”

**Ex. PA-B**, Kravette, 11:1-4 (emphasis added).

w. **Claim 51**

Claim 51 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 51 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC- B for a claim chart comparing Kravette with Claim 51 of the '078 Patent under 35 U.S.C. § 102(e)**

Claim 51 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 94:6 (emphasis added). As shown in Section VII.A.2.a, Kravette discloses the system of claim 1.

Claim 51 next recites and Kravette discloses that “*the communication element also carries objective information about the user’s use of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 94:6-8 (emphasis added).

Kravette discloses carrying billing data (“objective information”).

“Each photocopier monitoring system sends **billing data to the billing computer** which is off site at the central station at a predetermined time for processing.”

**Ex. PA-B**, Kravette, 3:30-33 (emphasis added). Billing data includes the number of paper counts (“user’s use of the commodity”).

“A counter **counts the number of papers** processed by the copier producing a count signal.”

*Id.*, 2:56-58 (emphasis added).

x. **Claim 52**

Claim 52 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette. Requestor provides a concise statement of the substantial new question of patentability for Claim 52 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC- B for a claim chart comparing Kravette with Claim 52 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 52 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 94:9 (emphasis added). As shown in Section VII.A.2.a, Kravette discloses the system of claim 1.

Claim 52 next recites and Kravette discloses that “*the two-way local interactions occur while the user is using the commodity.*” **Ex. PAT-A**, ‘078 Patent, 94:9-10 (emphasis added).

Kravette discloses that the service person uses his input/output device. It is understood that the use of the input/output device occurs while the service person (“user”) is using the photocopier (“commodity”).

“Each service person may be equipped with a portable hand held **input/output device 34** in the form of a keypad/display which may become part of the system through an auxiliary input **22a** of monitoring CPU **24**.”

**Ex. PA-B**, Kravette, 9:41-44 (emphasis added).

y. **Claim 53**

Claim 53 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 53 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC- B for a claim chart comparing Kravette with Claim 53 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 53 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 94:11 (emphasis added). As shown in Section VII.A.2.a, Kravette discloses the system of claim 1.

Claim 53 next recites and Kravette discloses that “*the component further manages collection of the results of the interactions along with information about a trigger event that initiated each respective interaction.*” **Ex. PAT-A**, ‘078 Patent, 94:11-14 (emphasis added).

Kravette discloses counting the number of papers (“information about a trigger event”) initiated by the user’s action (*e.g.*, pressing a start button).

“A counter counts the **number of papers processed by the copier producing a count signal**. A monitoring system computer receives the count signal and increments a **count value** over a predetermined period.”

**Ex. PA-B**, Kravette, 2:56-60 (emphasis added). Kravette also discloses a real time clock that measures elapsed time (“information about a trigger event”) initiated by the user’s action (*e.g.*,

pressing a start button).

“...monitoring system CPU 102 generates an **internal real time clock** in a step 309.”

*Id.*, 15:62-63emphasis added).

**z. Claim 69**

Claim 69 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 69 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-B for a claim chart  
comparing Kravette with Claim 69 of the ‘078 Patent  
under 35 U.S.C. § 102(e)**

Claim 69 recites and Kravette discloses “[a] *method for gathering information from units of a commodity in different locations, each unit of the commodity being coupled to a remote database on a network.*” **Ex. PAT-A**, ‘078 Patent, 95:26-28 (emphasis added).

Kravette discloses a plurality of copiers (“units of a commodity”) that can be used by respective users/operators/service persons in different locations.

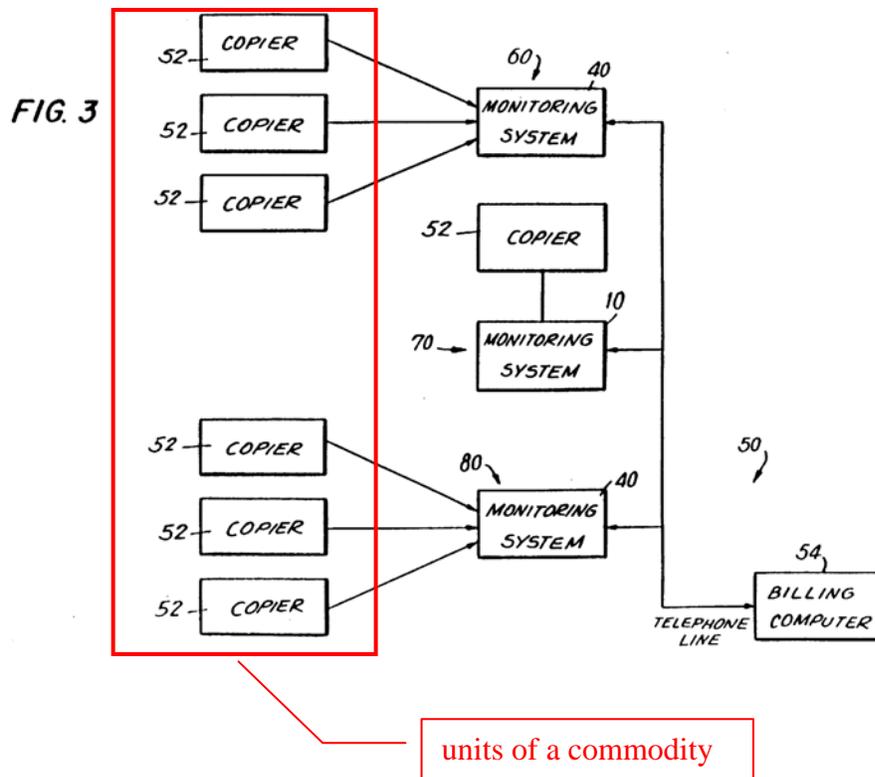
“Monitoring system 60 includes a **plurality of copiers 52** and a photocopier monitoring system 40 for connection with a billing or other computer 54 located at a central station.”

**Ex. PA-B**, Kravette, 11:1-4 (emphasis added).

Kravette discloses that each copier (“unit of the commodity”) can be further equipped with a portable hand-held input/output device that can be used by respective service persons in different locations.

“Each service person may be equipped with a **portable hand held input/output device 34 in the form of a keypad/display which may become part of the system** through an auxiliary input **22a** of monitoring CPU **24.**”

*Id.*, 9:41-44 (emphasis added). Figure 3 shows a plurality of copiers (“units of a commodity”).



*Id.*, Fig. 3.

Kravette discloses gathering diagnostic signals (“information”) from printing devices/photocopiers (“units of a commodity in different locations.”)

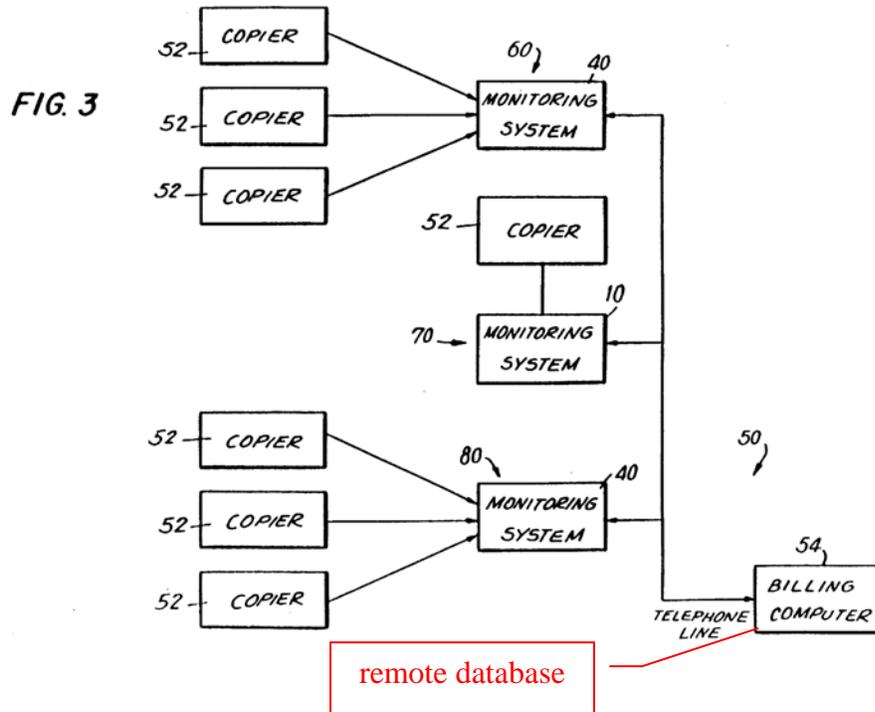
“**Internal diagnostic signals in the printing device** are intercepted as they are transmitted to an internal display device of the printing device and transmitted to the central computer through the modem.”

**Ex. PA-B**, Kravette, Abstract, 8:12 (emphasis added).

Kravette discloses that the printing devices are coupled to a billing computer and/or a service computer located at a central station (“remote database on a network”).

“Each photocopier monitoring system sends **billing data to the billing computer** which is off site at the central station at a predetermined time for processing.”

*Id.*, 3:30-33 (emphasis added). Kravette discloses a billing computer. It is understood that the billing computer has a database. Figure 3 shows the billing computer (“remote database”).



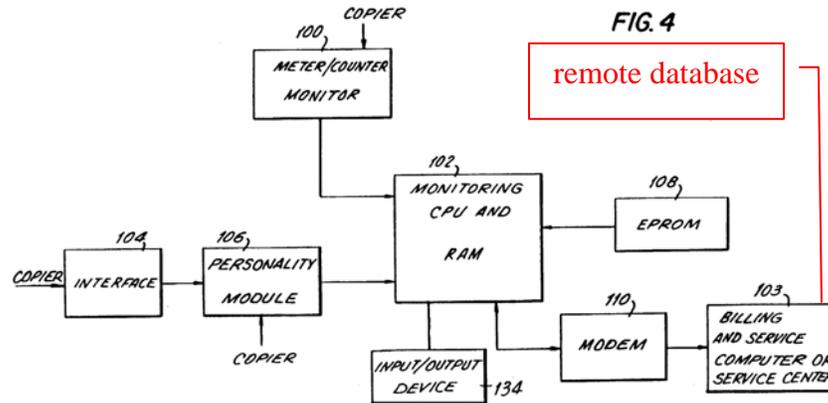
*Id.*, Fig. 3.

Kravette also discloses a service computer at a central station (“remote database on a network”).

“Monitoring CPU and RAM 102 translates the signal into a form useable by a **service computer 103 at the central station.**”

*Id.*, 12:65-67 (emphasis added). Kravette discloses a billing and service computer or service center. It is understood that the billing and service computer or service center has a database.

Figure 4 shows the billing and service computer or service center (“remote database”).



Id., Fig. 4.

Claim 69 next recites and Kravette discloses “the method comprising: eliciting user perceptions of respective units of the commodity through interactions at a user-interface of the respective unit.” **Ex. PAT-A**, ‘078 Patent, 95:28-96:3 (emphasis added).

Kravette discloses that the input/output device is configured to elicit information (“information about the user’s perception”) from the service person of the photocopier (“unit of the commodity”).

“The diagnostic data of the photocopier may be stored, if required, in RAM 29, which can also store **maintenance information**, such as data related to recent service and data as to when certain copier parts were replaced. Such **information can be input and retrieved by the service person using a portable input/output device 34** more particularly described below. This information is particularly useful where communication with the central station is disrupted.”

**Ex. PA-B**, Kravette, 9:14-22 (emphasis added).

Kravette further discloses that an end user determines the condition of the photocopiers from diagnostic signals (“information about the user’s perception”) received from the photocopier (“unit of the commodity”).

“A photocopier monitoring system constructed in accordance with the invention monitors the diagnostic signals and upon detection of a diagnostic signal, translates the diagnostic signal into **a signal usable by an off site end user to determine the condition of the photocopiers.**”

*Id.*, 4:50-55 (emphasis added). It is understood from these teachings of Kravette that the input/output device (“user interface”) is configured to elicit information about the service person/end user’s perception of the photocopier.

Claim 69 next recites and Kravette discloses “*generating perception information based on inputs of the users at the respective user-interfaces.*” **Ex. PAT-A**, ‘078 Patent, 96:4-5 (emphasis added).

Kravette discloses an input/output device (“user interface”).

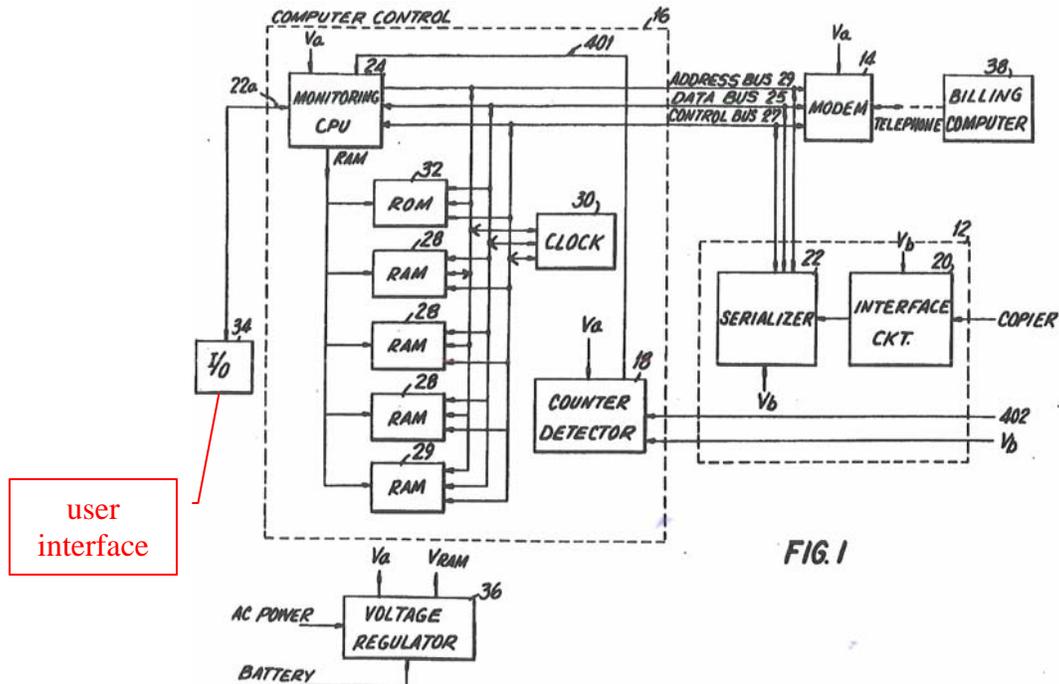
“A portable **input/output circuit** is provided so that servicemen may interface with the system at the repair site.”

**Ex. PA-B**, Kravette, 3:8-10 (emphasis added).

Kravette discloses that a service person enters input data (“perception information”) using a portable input/output device (“user interface”).

“**A portable input/output device 134** carried by a serviceman may be coupled to monitoring CPU and RAM 102 to **receive and input information to the system.**”

*Id.*, 12:18-20 (emphasis added). Figure 1 shows the service person’s input/output device (“user interface”).



Id., Fig. 1.

Kravette discloses that the service person enters data (“input”) using the input/output device (“user interface”).

“This may be done **manually by reentering the updated identification data** base into an already existing billing system or by **directly inputting this information** into a billing software program for automatically generating a billing report upon the input of the updated count.”

Id., 7:11-16 (emphasis added).

Kravette also discloses storing diagnostic information, preventive maintenance information and end of service contract information that can be input by the service person.

“...the photocopier monitoring system also provides photocopier **diagnostic information, preventive maintenance information and end of service contract information**. When this information is transmitted to the billing computer, the billing computer again validates the incoming message and **records the incoming message in a transaction log file.**”

Id., 7:28-34 (emphasis added). It is understood that the perception information is generated from the service person’s input.

Claim 69 next recites and Kravette discloses “*transmitting the perception information to the remote database.*” **Ex. PAT-A**, ‘078 Patent, 96:6-7 (emphasis added).

Kravette discloses transmitting a signal to a billing computer (“remote database”).

“Computer control 16 contains a ROM 32 which contains a program for allowing monitoring CPU 24 to determine when the time generated by real time clock 30 equals the predetermined time period stored in a designated RAM 28. When the two time periods match, **monitoring system CPU 24 sends a signal through modem 14 to billing computer 38** indicating that the predetermined time period has ended and forwards the total count value to the billing computer.”

**Ex. PA-B**, Kravette, 7:67-8:8 (emphasis added). It is understood that the signal transmitted to the billing computer can include perception information generated based on an input by the service person.

Kravette discloses transmitting a flag stored in the memory to a service center (“remote database”).

“By providing **a flag contained within the memory of computer control 16**, the copier monitoring system provides an automatic preventive maintenance signal to **a service center.**”

*Id.*, 8:22-25 (emphasis added). It is understood that the flag transmitted to the service center includes perception information generated based on an input by the service person.

Kravette also discloses that the input received from the input/output device is transmitted to the central station (“remote database”).

“The service person at the job site may also **communicate with the central station through modem 14** by becoming part of system 10, through input/output device 34.”

*Id.*, 9:49-52 (emphasis added).

Claim 69 next recites and Kravette discloses “*receiving the transmitted perception information from different units of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 96:8-9 (emphasis added).

Kravette discloses receiving a signal (“perception information”) at a billing computer.

“Computer control 16 contains a ROM 32 which contains a program for allowing monitoring CPU 24 to determine when the time generated by real time clock 30 equals the predetermined time period stored in a designated RAM 28. When the two time periods match, **monitoring system CPU 24 sends a signal through modem 14 to billing computer 38** indicating that the predetermined time period has ended and forwards the total count value to the billing computer.”

**Ex. PA-B**, Kravette, 7:67-8:8 (emphasis added). It is understood that the signal received at the billing computer can include perception information generated based on an input by the service person at each photocopier.

Kravette discloses transmitting a flag stored in the memory to a service center.

“By providing **a flag contained within the memory of computer control 16**, the copier monitoring system provides an automatic preventive maintenance signal to **a service center.**”

*Id.*, 8:22-25 (emphasis added). It is understood that the flag transmitted to the service center includes perception information generated based on an input by the service person at each photocopier.

Kravette also discloses that the input received from the input/output device is transmitted to the central station.

“The service person at the job site may also **communicate with the central station through modem 14** by becoming part of system 10, through input/output device 34.”

*Id.*, 9:49-52 (emphasis added).

Claim 69 next recites and Kravette discloses “*collecting and storing the received information at the remote database.*” **Ex. PAT-A**, ‘078 Patent, 96:10-11 (emphasis added).

Kravette discloses that the billing computer receives diagnostic and preventive maintenance information (“received information”) and receives and records messages (“received information”).

“...the photocopier monitoring system also provides photocopier **diagnostic information, preventive maintenance information and end of service contract information**. When this information is transmitted to the **billing computer, the billing computer again validates the incoming message and records the incoming message in a transaction log file.**”

**Ex. PA-B**, Kravette, 7:28-34 (emphasis added).

**aa. Claim 70**

Claim 70 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 70 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC- B for a claim chart comparing Kravette with Claim 70 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 70 recites “[t]he method of claim 69.” **Ex. PAT-A**, ‘078 Patent, 96:12 (emphasis added). As shown in Section VII.A.2.z, Kravette discloses the method of claim 69.

Claim 70 next recites and Kravette discloses “enabling users of the commodities to access the received information.” **Ex. PAT-A**, ‘078 Patent, 96:12-13 (emphasis added).

Kravette discloses that the service person retrieves diagnostic data and maintenance information (“received information”) using his input/output device.

“The **diagnostic data** of the photocopier may be stored, if required, in RAM 29, which can also store **maintenance information**, such as data related to recent service and data as to when certain copier parts were replaced. Such **information can be input and retrieved by the service person using a portable input/output device 34** more particularly described below. This information is particularly useful where communication with the central station is disrupted.”

**Ex. PA-B**, Kravette, 9:14-22 (emphasis added).

**bb. Claim 71**

Claim 71 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 71 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC- B for a claim chart comparing Kravette with Claim 71 of the '078 Patent under 35 U.S.C. § 102(e)**

Claim 71 recites “[t]he method of claim 69.” **Ex. PAT-A**, ‘078 Patent, 96:14 (emphasis added). As shown in Section VII.A.2.z, Kravette discloses the method of claim 69.

Claim 71 next recites and Kravette discloses “enabling third parties to access the received information.” **Ex. PAT-A**, ‘078 Patent, 96:14-15 (emphasis added).

Kravette discloses reporting maintenance requirements to a service center (“third party”) from the received information (e.g., billing data including paper counts).

“The internally generated signals which drive the display device include diagnostic signals which cause the photocopier display to display malfunctions within the photocopier or **report maintenance requirements such as toner and paper refill.**”

**Ex. PA-B**, Kravette, 4:42-46 (emphasis added).

**cc. Claim 72**

Claim 72 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 72 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC- B for a claim chart comparing Kravette with Claim 72 of the '078 Patent under 35 U.S.C. § 102(e)**

Claim 72 recites “[t]he method of claim 71.” **Ex. PAT-A**, ‘078 Patent, 96:16 (emphasis added). As shown in Section VII.A.2.bb, Kravette discloses the method of claim 71.

Claim 72 next recites and Kravette discloses that “*the third parties include vendors or designers of the commodities.*” **Ex. PAT-A**, ‘078 Patent, 96:16-17 (emphasis added).

Kravette discloses that the maintenance requirements such as toner or paper refill are forwarded to a service center (“vendor”).

“By providing a flag contained within the memory of computer control 16, the copier monitoring system provides an automatic **preventive maintenance signal to a service center.**”

**Ex. PA-B**, Kravette, 8:22-25 (emphasis added). Kravette also discloses a vendor that provides toners and papers (“vendors”).

“The internally generated signals which drive the display device include diagnostic signals which cause the photocopier display to display malfunctions within the photocopier or **report maintenance requirements such as toner and paper refill.**”

*Id.*, 4:42-46 (emphasis added).

**dd. Claim 73**

Claim 73 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette.

Requestor provides a concise statement of the substantial new question of patentability for Claim 73 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC- B for a claim chart comparing Kravette with Claim 73 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 73 recites “[t]he method of claim 69.” **Ex. PAT-A**, ‘078 Patent, 96:18 (emphasis added). As shown in Section VII.A.2.z, Kravette discloses the method of claim 69.

Claim 73 next recites and Kravette discloses “*making a design change using the received information, or marketing the commodity using the received information.*” **Ex. PAT-A**, ‘078 Patent, 96:18-20 (emphasis added).

Kravette discloses that the maintenance requirements such as toner or paper refill are forwarded to a service center. It is understood that the received maintenance requirement information can be used for design change or marketing (*e.g.*, marketing the photocopier for lower maintenance cycles).

“By providing a flag contained within the memory of computer control 16, the copier monitoring system provides an automatic **preventive maintenance signal to a service center.**”

**Ex. PA-B**, Kravette, 8:22-25 (emphasis added).

**ee. Claim 74**

Claim 74 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Kravette. Requestor provides a concise statement of the substantial new question of patentability for Claim 74 based on Kravette under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC- B for a claim chart comparing Kravette with Claim 74 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 74 recites “[*t*]he method of claim 69.” **Ex. PAT-A**, ‘078 Patent, 96:21 (emphasis added). As shown in Section VII.A.2.z, Kravette discloses the method of claim 69.

Claim 74 next recites and Kravette discloses that “*said eliciting step includes interacting with the users through the respective user-interfaces of units of commodity.*” **Ex. PAT-A**, ‘078 Patent, 96:21-23 (emphasis added).

Kravette discloses that each of the service persons (“users”) interacts with his/her portable input/output device (“a user interface”).

“Each service person may be equipped with a portable hand held **input/output device 34 in the form of a keypad/display which may become part of the system** through an auxiliary input **22a** of monitoring CPU **24**.”

**Ex. PA-B**, Kravette, 9:41-44 (emphasis added).

Claim 74 next recites and Kravette discloses “*to elicit perception information about (i) steps that a vendor of the commodity could take to improve user satisfaction or (ii) training or support provided for users of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 96:23-26 (emphasis added).

Kravette discloses that the service person communicates with a dispatcher at the central location and retrieves instructions. It is understood that this communication can be used for training or support provided for the service persons (“users”) of the photocopier (“commodity”).

“...**the dispatcher at the central station can transmit data for the service person by storing retrievable information in RAM 29**. The service person may then connect his input/output device 34 and **retrieve the information stored in RAM 29 so that the central station may communicate with each service person directly** through photocopier monitoring system 10 saving the time necessary for the service person to call into the central station for **further instructions.**”

**Ex. PA-B**, Kravette, 9:60-68 (emphasis added). It is understood that the instructions that the service person receives can be used for training or support.

“The service person may then connect his input/output device 34 and **retrieve the information stored in RAM 29** so that the central station may **communicate with each service person directly** through photocopier monitoring system 10 saving the time necessary for the service person to call into the central station for **further instructions.**”

*Id.*, 9:62-68 (emphasis added).

3. **Anticipated By Dworkin Under 35 U.S.C. § 102(b)**

a. **Claim 1**

Claim 1 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 1 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart comparing Dworkin with Claim 1 of the '078 Patent under 35 U.S.C. § 102(b)**

Claim 1 recites and Dworkin discloses “[a] *system comprising units of a commodity that can be used by respective users in different locations.*” **Ex. PAT-A**, ‘078 Patent, 91:44-46 (emphasis added).

Dworkin discloses an automated system (“system”) for assisting a user in locating and purchasing goods or services.

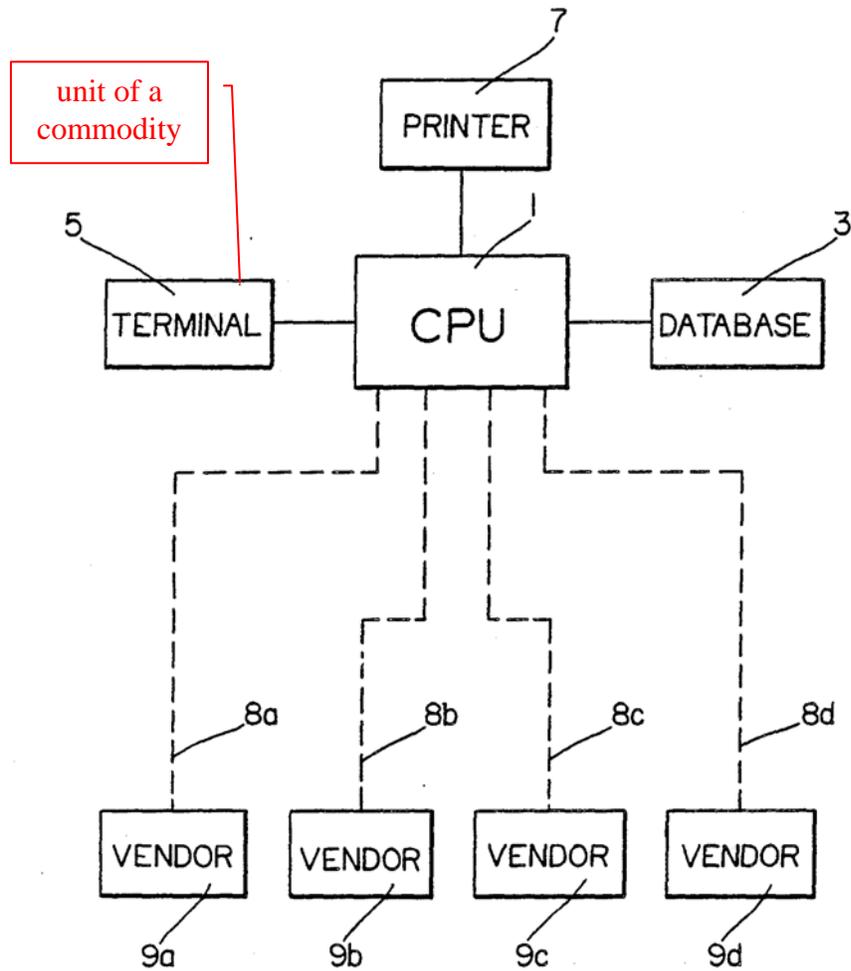
“**An automated system** assists a user in locating and purchasing goods or services sold by a plurality of vendors. The system includes a programmed computer which is linked to a database.”

**Ex. PA-C**, Dworkin, Abstract:1-4 (emphasis added).

Dworkin discloses terminals (“units of a commodity”) operated by a large number of users (“respective users”).

“In the preferred embodiment, there are many **terminals, operated by many users**, all connected to central computer 1. The central computer is programmed, using known techniques, to accommodate **a large number of users.**”

*Id.*, 4:8-12 (emphasis added). Figure 1 shows Dworkin’s terminal (“unit of a commodity”).



*Id.*, Fig. 1.

Dworkin discloses that users can be located anywhere (“different locations”).

“The user does not need to consult the individual catalogs of suppliers, and can do all the shopping from a computer or **terminal located virtually anywhere.**”

*Id.*, 2:51-54 (emphasis added).

Claim 1 next recites and Dworkin discloses “*a user interface, which is part of each of the units of the commodity...*” **Ex. PAT-A**, ‘078 Patent, 91:47-48 (emphasis added).

Dworkin discloses a main menu (“user interface”) on the user’s terminal (“each of the units of the commodity”).

“...the system displays, to the user, a “Main Menu”, which lists the major

selections available.”

**Ex. PA-C**, Dworkin, 4:39-41 (emphasis added). Figure 3 shows Dworkin’s menu items, including “communication with management.”

### MAIN MENU

1. HARDWARE PRODUCTS
2. SOFTWARE PRODUCTS
3. SOFTWARE CONSULTANTS
4. INFORMATION ON NEW PRODUCTS
5. CANCEL AN ORDER
6. RETURN MERCHANDISE AUTHORIZATION
7. VENDOR INFORMATION
8. COMMUNICATE WITH MANAGEMENT
9. EXIT FROM SYSTEM

*Id.*, Fig. 3.

Claim 1 next recites and Dworkin discloses that the user interface is “*configured to provide a medium for two-way local interaction between one of the users and the corresponding unit of the commodity...*” **Ex. PAT-A**, ‘078 Patent, 91:48-50 (emphasis added).

Dworkin discloses that the user selects a menu item from the main menu, and the system displays a template in response to the user's selection of the menu item ("two-way local interaction between one of the users and the corresponding unit of the commodity")

"Suppose, for example, that **the user has selected** "printers" (No. 8) from the Hardware Product Menu. Then **the system might respond by displaying the template** shown in FIG. 5."

**Ex. PA-C**, Dworkin, 5:51-54 (emphasis added).

Dworkin discloses that the user enters inputs and the results are displayed ("two-way local interaction")

"The system accepts **inputs of the user's desired specifications** in block 37. When the user has entered these specifications, the system searches its database, in block 39, for products fulfilling the indicated criteria. Then, in block 40, the system **displays the results.**"

*Id.*, 6:11-15 (emphasis added).

Claim 1 next recites and Dworkin discloses that the user interface is "*further configured to elicit, from a user, information about the user's perception of the commodity.*" **Ex. PAT-A**, '078 Patent, 91:50-52 (emphasis added).

Dworkin discloses that the user makes various selections including communicating with management to offer suggestions for improvements ("elicit, from a user, information about the user's perception of the commodity").

"As shown in FIG. 3, the **user has the choice** of searching for 1) hardware products, 2) software products, or 3) software consultants. These first three choices invoke the main function of the system, that is, to search the database for information on particular products or services. The remaining choices enable the user to perform auxiliary functions. The latter functions can include 4) obtaining information on new products, 5) cancelling an order, 6) returning merchandise, 7) **obtaining information** about a particular vendor, 8) **communicating with management**, or 9) leaving the system entirely. Choice No. 8 can be used to allow users to make complaints about a particular vendor, or to **offer suggestions for improvements**. Choice No. 7 yields more detailed information about a vendor than is obtained during a search for a product or service, as will be explained more fully below."

**Ex. PA-C**, Dworkin, 4:45-61 (emphasis added).

Dworkin also discloses that the user can note complaints about the system, or offer suggestions for improvement (“elicit, from a user, information about the user’s perception”).

“Item No. 8 enables the user to communicate with the management of the system. This option can be, in effect, an electronic mailbox, wherein **the user can note complaints about the system** or about a supplier. The user can also **offer suggestions for improvement** of the data formats, etc.”

*Id.*, 10:9-14 (emphasis added).

Claim 1 next recites and Dworkin discloses “*a memory within each of the units of the commodity capable of storing results of the two-way local interaction, the results including elicited information about user perception of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 91:53-56 (emphasis added).

Dworkin discloses a database that stores information including user’s suggestions for improvements and complaints (“results of the two-way local communication”)

“The computer is connected to database 3. The database can be **stored in the memory** of computer 1, or it can be stored at some remote location. The database contains information about products and/or services, and the vendors who sell them.”

**Ex. PA-C**, Dworkin, 3:62-66 (emphasis added). Dworkin also discloses storing user’s information (“results of the two-way local interaction”) that is entered by the user.

“It is also possible for the system to store certain **information about each user**, so that the user can bypass the step of entering a name and address each time an order is placed.”

*Id.*, 8:20-24 (emphasis added). It is understood from these teachings of Dworkin that the user’s terminal has a memory (*e.g.*, database, RAM, disk) for storing the user’s suggestions and complaints (“two-way local interaction”).

Claim 1 next recites and Dworkin discloses “*a communication element associated with each of the units of the commodity capable of carrying results of the two-way local*

*interaction from each of the units of the commodity to a central location.” Ex. PAT-A, ‘078 Patent, 91:57-60 (emphasis added).*

Dworkin discloses modems (“communication element”) associated with a terminal (“each of the units of the commodity”).

“...the terminal is connected to the computer by telephone lines and **modems**, or their equivalents,”

**Ex. PA-C**, Dworkin, 4:5-7 (emphasis added).

Dworkin discloses a computer (“central location”) located remotely.

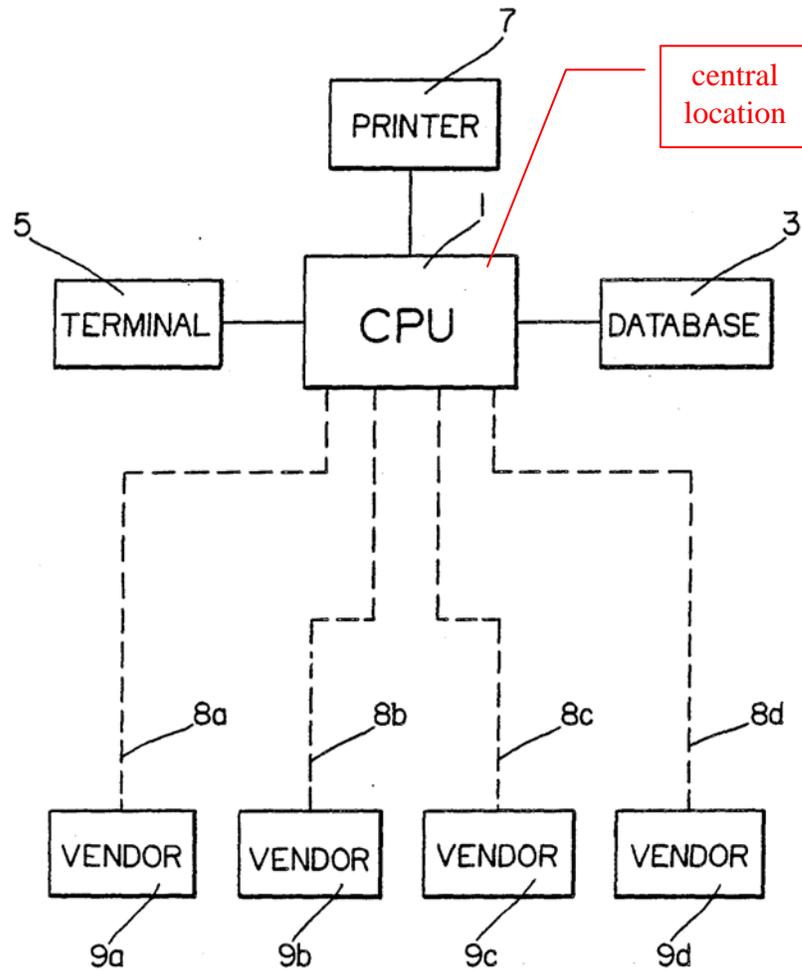
“**Computer 1** also communicates with terminal 5. The terminal can be at the same location as the computer, or it can be **located remotely**.”

*Id.*, 4:3-5 (emphasis added).

Dworkin discloses a central computer that is located far from users (“central location”).

“In the preferred embodiment, there is a **central computer** which serves many users. The central computer may be **located far away from all such users**.”

*Id.*, 2:2-5 (emphasis added). Figure 1 shows Dworkin’s CPU/central computer (“central location”).



*Id.*, Fig. 1. Dworkin also discloses transmitting a user’s order (“two-way local interaction”) to a supplier (“central location”).

“The order can also be **transmitted to the supplier** electronically.”

*Id.*, 2:40-41 (emphasis added).

Claim 1 next recites and Dworkin discloses “*a component capable of managing the interactions of the users in different locations and collecting the results of the interactions at the central location.*” **Ex. PAT-A**, ‘078 Patent, 91:61-63 (emphasis added).

Dworkin discloses that the computer (“central location”) connects to a database.

“The computer is connected to **database 3**. The database can be stored in the memory of computer 1, or it can be stored at some remote location. The database

contains information about products and/or services, and the vendors who sell them.”

**Ex. PA-C**, Dworkin, 3:62-66 (emphasis added).

Dworkin discloses that the system (“central location”) accepts the user’s input (“results of the interactions”).

“...the system may **accept a number entered on a keyboard**, when the cursor is at the end of a given line.”

*Id.*, 5:59-61 (emphasis added). Dworkin also discloses that the system has a functional component (“component”) capable of managing the user’s choice (“interactions of the users”) and obtaining information (“collecting the results”).

“As shown in FIG. 3, the user has the choice of searching for 1) hardware products, 2) software products, or 3) software consultants. These first three choices invoke the **main function of the system**, that is, to **search the database for information on particular products or services**. The remaining choices **enable the user to perform auxiliary functions**. The latter functions can include 4) **obtaining information** on new products, 5) cancelling an order, 6) returning merchandise, 7) **obtaining information** about a particular vendor, 8) communicating with management, or 9) leaving the system entirely.”

*Id.*, 4:45-55 (emphasis added).

**b. Claim 2**

Claim 2 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 2 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart comparing Dworkin with Claim 2 of the ‘078 Patent under 35 U.S.C. § 102(b)**

Claim 2 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 91:64 (emphasis added). As shown in Section VII.A.3.a, Dworkin discloses the system of claim 1.

Claim 2 next recites and Dworkin discloses that “*the user interface is triggered based on user behaviors to generate two-way interactions with each of the users.*” **Ex. PAT-A**, ‘078 Patent, 91:64-66 (emphasis added).

Dworkin discloses that the system displays a template in response to the user’s selection of the menu item (“user behaviors”).

“Suppose, for example, that **the user has selected** "printers" (No. 8) from the Hardware Product Menu. Then **the system might respond by displaying the template** shown in FIG. 5.”

**Ex. PA-C**, Dworkin, 5:51-54 (emphasis added).

Dworkin discloses that the results are displayed in response to the user’s input of specifications (“user behaviors”).

“The system accepts **inputs of the user’s desired specifications** in block 37. When the **user has entered these specifications**, the system searches its database, in block 39, for products fulfilling the indicated criteria. Then, in block 40, the system **displays the results.**”

*Id.*, 6:11-15 (emphasis added).

Claim 2 next recites and Dworkin discloses “*each of the interactions relating to a corresponding specific one of the behaviors.*” **Ex. PAT-A**, ‘078 Patent, 91:66-67 (emphasis added).

Dworkin discloses that the system’s displays of a template correspond to the user’s specific selection of the menu item (“specific one of the behaviors”).

“Suppose, for example, that **the user has selected** "printers" (No. 8) from the Hardware Product Menu. Then **the system might respond by displaying the template** shown in FIG. 5.”

**Ex. PA-C**, Dworkin, 5:51-54 (emphasis added).

Dworkin discloses that the display of the results relates to user’s specific input of specifications specific one of the behaviors”).

“The system accepts **inputs of the user’s desired specifications** in block 37. When the **user has entered these specifications**, the system searches its database, in block 39, for products fulfilling the indicated criteria. Then, in block 40, the system **displays the results.**”

*Id.*, 6:11-15 (emphasis added).

**c. Claim 3**

Claim 3 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 3 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart comparing Dworkin with Claim 3 of the ‘078 Patent under 35 U.S.C. § 102(b)**

Claim 3 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:1 (emphasis added). As shown in Section VII.A.3.a, Dworkin discloses the system of claim 1.

Claim 3 next recites and Dworkin discloses that “*the interactions are triggered to occur repetitively for each of the users based on repeated uses of a feature of a unit of the commodity by the user.*” **Ex. PAT-A**, ‘078 Patent, 92:1-4 (emphasis added).

Dworkin discloses that the user selects a menu item. It is understood that the user can select other menu items for “repeated uses” of the menu feature (“feature of a unit of the commodity”).

“Suppose, for example, that **the user has selected** "printers" (No. 8) from the Hardware Product Menu. Then **the system might respond by displaying the template** shown in FIG. 5.”

**Ex. PA-C**, Dworkin, 5:51-54 (emphasis added).

Dworkin discloses that the user enters specifications. It is understood that the user can enter different specifications for “repeated uses” of the specification entry feature (“feature of a unit of the commodity”).

“The system accepts **inputs of the user’s desired specifications** in block 37. When the **user has entered these specifications**, the system searches its database, in block 39, for products fulfilling the indicated criteria. Then, in block 40, the system **displays the results.**”

*Id.*, 6:11-15 (emphasis added).

**d. Claim 4**

Claim 4 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 4 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart comparing Dworkin with Claim 4 of the ‘078 Patent under 35 U.S.C. § 102(b)**

Claim 4 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:5 (emphasis added). As shown in Section VII.A.3.a, Dworkin discloses the system of claim 1.

Claim 4 next recites and Dworkin discloses that “*the user interface comprises part of a functional user interface of the unit of the commodity that can be used to control features of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 92:5-8 (emphasis added).

Dworkin discloses that the menu (“user interface”) provides functions (“functional user interface”) to search the database for information on particular products or services (“control features of the commodity”).

“As shown in FIG. 3, the user has the choice of searching for 1) hardware products, 2) software products, or 3) software consultants. These first three choices invoke the **main function of the system, that is, to search the database for information on particular products or services.** The remaining choices enable the user to perform auxiliary functions.”

**Ex. PA-C**, Dworkin, 4:45-51 (emphasis added).

e. **Claim 5**

Claim 5 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 5 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart  
comparing Dworkin with Claim 5 of the '078 Patent  
under 35 U.S.C. § 102(b)**

Claim 5 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:9 (emphasis added). As shown in Section VII.A.3.a, Dworkin discloses the system of claim 1.

Claim 5 next recites and Dworkin discloses that “*the communication element also carries information from a passive probe that monitors the user’s use of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 92:9-11 (emphasis added).

Dworkin discloses that the system accepts, thus monitors the user’s entry of specifications. It is understood that the system includes a “passive probe” that monitors the user’s entry of specifications (“use of the commodity”).

“The system accepts **inputs of the user’s desired specifications** in block 37. When the **user has entered these specifications**, the system searches its database, in block 39, for products fulfilling the indicated criteria. Then, in block 40, the system **displays the results.**”

**Ex. PA-C**, Dworkin, 6:11-15 (emphasis added).

Dworkin discloses that the user can note complaints about the system, or offer suggestions for improvement. The system accepts the user’s complaints or suggestions, thus has a “passive probe” that monitors the user’s submission of the complaints and suggestions (“use of the commodity”).

“Item No. 8 enables the user to communicate with the management of the system. This option can be, in effect, an electronic mailbox, wherein **the user can note complaints about the system or about a supplier.** The user can also **offer**

**suggestions for improvement** of the data formats, etc.”

*Id.*, 10:9-14 (emphasis added).

**f. Claim 6**

Claim 6 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 6 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart  
comparing Dworkin with Claim 6 of the ‘078 Patent  
under 35 U.S.C. § 102(b)**

Claim 6 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:12 (emphasis added). As shown in Section VII.A.3.a, Dworkin discloses the system of claim 1.

Claim 6 next recites and Dworkin discloses that “*the units of the commodity comprise telephone extension equipment.*” **Ex. PAT-A**, ‘078 Patent, 92:12-13 (emphasis added).

Dworkin discloses that the terminal is connected to the computer by telephone lines, modems, or the equivalents (“telephone extension equipment”).

“...the TERMINAL is connected to the computer by **telephone lines and modems, or their equivalents...**”

**Ex. PA-C**, Dworkin, 4:5-7 (emphasis added).

Claim 6 next recites and Dworkin discloses that “*the central location comprises a private branch exchange or other central telephone network facility.*” **Ex. PAT-A**, ‘078 Patent, 92:13-15 (emphasis added).

Dworkin discloses that the terminal is connected to the computer (“central location”) by telephone lines, modems, or the equivalents. It is understood that the computer (“central location”) can have a “private branch exchange or other central telephone network facility.”

“...the terminal is connected to the computer by **telephone lines and modems, or**

**their equivalents...”**

*Id.*, 4:5-7 (emphasis added).

**g. Claim 7**

Claim 7 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 7 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart  
comparing Dworkin with Claim 7 of the ‘078 Patent  
under 35 U.S.C. § 102(b)**

Claim 7 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:16 (emphasis added). As shown in Section VII.A.3.a, Dworkin discloses the system of claim 1.

Claim 7 next recites and Dworkin discloses that “*the results of the interactions are forwarded from the central location to a remote server for analysis.*” **Ex. PAT-A**, ‘078 Patent, 92:16-18 (emphasis added).

Dworkin discloses that the computer (“central location”) is connected to vendors and suppliers (“remote servers”). It is understood that the vendors and suppliers (“remote servers”) processes the orders (“results of the interactions”).

“The computer can also be connected electronically to the **vendors**, as indicated by dotted lines 8a, 8b, 8c, and 8d. Thus, **orders to suppliers** can be placed by ordinary mail, by electronic mail, or both. Orders can also be placed by facsimile. Note that **it is the system, not the customer, which contacts the supplier to place an order.**”

**Ex. PA-C**, Dworkin, 4:19-24 (emphasis added).

**h. Claim 10**

Claim 10 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 10 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart comparing Dworkin with Claim 10 of the '078 Patent under 35 U.S.C. § 102(b)**

Claim 10 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:28 (emphasis added). As shown in Section VII.A.3.a, Dworkin discloses the system of claim 1.

Claim 10 next recites and Dworkin discloses that “*the two-way interaction provides instructions on how to use the commodity.*” **Ex. PAT-A**, ‘078 Patent, 92:28-29 (emphasis added).

Dworkin discloses displaying a main menu on the user’s terminal that provides “instructions on how to” select and order products and services (“use the commodity”).

“...the system displays, to the user, a “**Main Menu**”, which lists the major selections available.”

**Ex. PA-C**, Dworkin, 4:39-41 (emphasis added).

**i. Claim 11**

Claim 11 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 11 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart comparing Dworkin with Claim 11 of the '078 Patent under 35 U.S.C. § 102(b)**

Claim 11 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:30 (emphasis added). As shown in Section VII.A.3.a, Dworkin discloses the system of claim 1.

Claim 11 next recites and Dworkin discloses that “*the units of the commodity comprise consumer television equipment.*” **Ex. PAT-A**, ‘078 Patent, 92:30-31 (emphasis added).

Dworkin discloses terminals (“units of a commodity”) operated by a large number of users.

“In the preferred embodiment, there are many **terminals, operated by many users**, all connected to central computer 1. The central computer is programmed, using known techniques, to accommodate **a large number of users.**”

**Ex. PA-C**, Dworkin, 4:8-12 (emphasis added). It is understood that the terminals can be television terminals for placing orders of products and services (*e.g.*, home shopping).

**j. Claim 12**

Claim 12 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin. Requestor provides a concise statement of the substantial new question of patentability for Claim 12 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart comparing Dworkin with Claim 12 of the ‘078 Patent under 35 U.S.C. § 102(b)**

Claim 12 recites “[t]he system of claim 11.” **Ex. PAT-A**, ‘078 Patent, 92:32 (emphasis added). As shown in Section VII.A.3.i, Dworkin discloses the system of claim 11.

Claim 12 next recites and Dworkin discloses that “*the two-way interaction comprises posing questions to a user on a television screen concerning use of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 92:32-34 (emphasis added).

Dworkin discloses displaying questionnaires (“questions”) on the terminal display.

“In block 35, the system **displays a template of technical criteria pertaining to the product** selected in block 31. These criteria are used by the system to limit

the search for products. As used herein, the **term "template" means a screen display which is analogous to a questionnaire**. That is, the template lists certain general features of the product selected, and provides areas in which the user can fill in desired specifications.”

**Ex. PA-C**, Dworkin, 5:43-50 (emphasis added).

Claim 12 next recites and Dworkin discloses “*receiving answers from the user expressed through a keypad or a handheld remote.*” **Ex. PAT-A**, ‘078 Patent, 92:34-36 (emphasis added).

Dworkin discloses accepting a number from the user’s keyboard (“keypad”).

“...the system may **accept a number entered on a keyboard**, when the cursor is at the end of a given line.”

**Ex. PA-C**, Dworkin, 5:59-61 (emphasis added).

Dworkin discloses that the user enters specifications (“answers”).

“The system accepts **inputs of the user’s desired specifications** in block 37. When the **user has entered these specifications**, the system searches its database, in block 39, for products fulfilling the indicated criteria. Then, in block 40, the system **displays the results.**”

*Id.*, 6:11-15 (emphasis added). Dworkin also discloses that the user submits complaints about the system, or offer suggestions for improvement (“answers”).

“Item No. 8 enables the user to communicate with the management of the system. This option can be, in effect, an electronic mailbox, wherein **the user can note complaints about the system or about a supplier**. The user can also **offer suggestions for improvement** of the data formats, etc.”

*Id.*, 10:9-14 (emphasis added).

**k. Claim 13**

Claim 13 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 13 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart  
comparing Dworkin with Claim 13 of the '078 Patent  
under 35 U.S.C. § 102(b)**

Claim 13 recites “[t]he system of claim 12.” **Ex. PAT-A**, ‘078 Patent, 92:37 (emphasis added). As shown in Section VII.A.3.j, Dworkin discloses the system of claim 12.

Claim 13 next recites and Dworkin discloses that “*the answers are forwarded to a vendor of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 92:37-38 (emphasis added).

Dworkin discloses that the user’s complaints and/or suggestions are forwarded to the management of the system or a supplier (“vendor”).

“Item No. 8 enables the user to communicate with the **management of the system**. This option can be, in effect, an electronic mailbox, wherein **the user can note complaints about the system or about a supplier**. The user can also **offer suggestions for improvement** of the data formats, etc.”

**Ex. PA-C**, Dworkin, 10:9-14 (emphasis added).

**I. Claim 14**

Claim 14 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin. Requestor provides a concise statement of the substantial new question of patentability for Claim 14 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart  
comparing Dworkin with Claim 14 of the '078 Patent  
under 35 U.S.C. § 102(b)**

Claim 14 recites “[t]he system of claim 12.” **Ex. PAT-A**, ‘078 Patent, 92:39 (emphasis added). As shown in Section VII.A.3.j, Dworkin discloses the system of claim 12.

Claim 14 next recites and Dworkin discloses that “*the keypad or hand-held remote comprises numeric keys.*” **Ex. PAT-A**, ‘078 Patent, 92:39-40 (emphasis added).

Dworkin discloses that the user enters a numerical value from his/her keyboard, thus the keyboard has “numeric keys.”

“The system will work with exactly **what the user specifies**. In the case of a **numerical value**, such as printer speed, the system assumes that the user has specified a minimum requirement.”

**Ex. PA-C**, Dworkin, 6:4-7 (emphasis added).

**m. Claim 15**

Claim 15 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 15 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart comparing Dworkin with Claim 15 of the ‘078 Patent under 35 U.S.C. § 102(b)**

Claim 15 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:41 (emphasis added). As shown in Section VII.A.3.a, Dworkin discloses the system of claim 1.

Claim 15 next recites and Dworkin discloses that “*the two-way interaction is mediated by a publicly or privately accessible on-line computerized information service.*” **Ex. PAT-A**, ‘078 Patent, 92:41-43 (emphasis added).

Dworkin discloses an automated system for assisting a user in locating and purchasing goods or services (“on-line computerized information service”).

“An automated system assists a user in locating and **purchasing goods or services sold by a plurality of vendors**. The system includes a programmed computer which is linked to a database.”

**Ex. PA-C**, Dworkin, Abstract:1-4 (emphasis added). Dworkin also discloses CompuServe Consumer “Information Service” that provides a computerized shopping service (“on-line computerized information service”).

“For example, the **CompuServe Consumer Information Service provides a computerized shopping service** known as the "Electronic Mall". The latter service allows a user to select a category of merchandise, and to place an order for certain items, listed on the system, within that category.”

*Id.*, 1:34-39 (emphasis added).

n. **Claim 16**

Claim 16 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 16 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart comparing Dworkin with Claim 16 of the ‘078 Patent under 35 U.S.C. § 102(b)**

Claim 16 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:44 (emphasis added). As shown in Section VII.A.3.a, Dworkin discloses the system of claim 1.

Claim 16 next recites and Dworkin discloses that “*the user interface presents information in one or more of the following styles: text, lists, charts, views, arrangements, hierarchies, graphical maps, sample extracts, abstracts, summary descriptions, or hypertext.*” **Ex. PAT-A**, ‘078 Patent, 92:44-48 (emphasis added).

Dworkin discloses that the main menu (“user interface”) lists the selections available (“lists”).

“...the system displays, to the user, a "Main Menu", which lists the major selections available.”

**Ex. PA-C**, Dworkin, 4:39-41 (emphasis added). Dworkin also discloses displaying more detailed specifications for the chosen product or service (“summary descriptions”).

“At the user’s request, the system can also **display a set of more detailed specifications for the chosen product or service.**”

*Id.*, 2:30-32 (emphasis added).

**o. Claim 18**

Claim 18 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 18 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart  
comparing Dworkin with Claim 18 of the '078 Patent  
under 35 U.S.C. § 102(b)**

Claim 18 recites “[t]he system of claim 16.” **Ex. PAT-A**, ‘078 Patent, 92:55 (emphasis added). As shown in Section VII.A.3.n, Dworkin discloses the system of claim 16.

Claim 18 next recites and Dworkin discloses that “*the style is hypertext.*” **Ex. PAT-A**, ‘078 Patent, 92:55 (emphasis added).

Dworkin discloses that the system displays a template in corresponds to the user’s specific selection of the menu item. It is understood that the template could be in the form of a “hypertext.”

“Suppose, for example, that **the user has selected** "printers" (No. 8) from the Hardware Product Menu. Then **the system might respond by displaying the template** shown in FIG. 5.”

**Ex. PA-C**, Dworkin, 5:51-54 (emphasis added). Dworkin also discloses displaying more detailed specifications for the chosen product or service. It is understood that the detailed specifications can be displayed in the form of a “hypertext.”

“At the user’s request, the system can also **display a set of more detailed specifications for the chosen product or service.**”

*Id.*, 2:30-32 (emphasis added).

p. **Claim 22**

Claim 22 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 22 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart  
comparing Dworkin with Claim 22 of the '078 Patent  
under 35 U.S.C. § 102(b)**

Claim 22 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:65 (emphasis added). As shown in Section VII.A.3.a, Dworkin discloses the system of claim 1.

Claim 22 next recites and Dworkin discloses that “*the elicited information is information about the user’s needs with respect to use of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 92:65-67 (emphasis added).

Dworkin discloses that the user enters specifications (“information about the user’s needs with respect to use of the commodity”) for goods or services.

“The system accepts **inputs of the user’s desired specifications** in block 37. When the **user has entered these specifications**, the system searches its database, in block 39, for products fulfilling the indicated criteria. Then, in block 40, the system **displays the results.**”

**Ex. PA-C**, Dworkin, 6:11-15 (emphasis added). Dworkin also discloses that the user can note complaints about the system, or offer suggestions for improvement (“information about the user’s needs with respect to use of the commodity”).

“Item No. 8 enables the user to communicate with the management of the system. This option can be, in effect, an electronic mailbox, wherein **the user can note complaints about the system** or about a supplier. The user can also **offer suggestions for improvement** of the data formats, etc.”

*Id.*, 10:9-14 (emphasis added).

q. **Claim 24**

Claim 24 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 24 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart  
comparing Dworkin with Claim 24 of the '078 Patent  
under 35 U.S.C. § 102(b)**

Claim 24 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:4(emphasis added). As shown in Section VII.A.3.a, Dworkin discloses the system of claim 1.

Claim 24 next recites and Dworkin discloses “*wherein the two-way local interactions comprise a transaction for sale of a product or a service contract for the commodity.*” **Ex. PAT-A**, ‘078 Patent, 93:4-6 (emphasis added).

Dworkin discloses purchasing products (“transaction for sale of a product”) or services (“service contract”).

“It is another object to provide a system and method for selecting and/or **purchasing products and/or services.**”

**Ex. PA-C**, Dworkin, 2:60-62 (emphasis added).

Dworkin discloses facilitating orders (“two-way local interactions”) for goods (“transaction for sale of a product”) or services (“service contract”) transmitted by a user.

“It is another object to provide a system and method which facilitates the **processing of orders for goods or services transmitted by a user.**”

*Id.*,3:9-11 (emphasis added).

r. **Claim 25**

Claim 25 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 25 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart  
comparing Dworkin with Claim 25 of the '078 Patent  
under 35 U.S.C. § 102(b)**

Claim 25 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:7 (emphasis added). As shown in Section VII.A.3.a, Dworkin discloses the system of claim 1.

Claim 25 next recites and Dworkin discloses that “*the two-way local interactions comprise a request for servicing of the commodity by the user.*” **Ex. PAT-A**, ‘078 Patent, 93:7-9 (emphasis added).

Dworkin discloses that the user uses the system for purchasing goods or services.

Dworkin also discloses that the products and services can be in any field, including “servicing of the commodity.”

“The present invention is a system and method which enables a user to locate **products or services, sold by a variety of vendors or suppliers**, and having a desired set of specifications. The system thereby enables the user to “shop” for products meeting the user’s own minimum requirements, and having the best price, without the need to consult individual catalogs or visit stores. The examples given below deal with computer equipment, but it is understood that the invention can be used to buy **products or services in virtually any other field.**”

**Ex. PA-C**, Dworkin, 3:48-57 (emphasis added).

s. **Claim 30**

Claim 30 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 30 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart  
comparing Dworkin with Claim 30 of the '078 Patent  
under 35 U.S.C. § 102(b)**

Claim 30 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:18 (emphasis added). As shown in Section VII.A.3.a, Dworkin discloses the system of claim 1.

Claim 30 next recites and Dworkin discloses that “*the user interface includes a console displaying text or graphics.*” **Ex. PAT-A**, ‘078 Patent, 93:18-19 (emphasis added).

Dworkin discloses that the main menu (“user interface”) lists the selections available (“text”).

“...the system **displays, to the user, a "Main Menu", which lists the major selections available.**”

**Ex. PA-C**, Dworkin, 4:39-41; Fig. 3 (emphasis added).

Dworkin also discloses displaying more detailed specifications for the chosen product or service (“text or graphics”).

“At the user’s request, the system can also **display a set of more detailed specifications for the chosen product or service.**”

*Id.*, 2:30-32 (emphasis added).

**t. Claim 31**

Claim 31 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin. Requestor provides a concise statement of the substantial new question of patentability for Claim 31 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart  
comparing Dworkin with Claim 31 of the '078 Patent  
under 35 U.S.C. § 102(b)**

Claim 31 recites “[t]he system of claim 30.” **Ex. PAT-A**, ‘078 Patent, 93:20 (emphasis added). As shown in Section VII.A.3.s, Dworkin discloses the system of claim 30.

Claim 31 next recites and Dworkin discloses that “*the console comprises a display of a computer, phone, or handheld device.*” **Ex. PAT-A**, ‘078 Patent, 93:20-21 (emphasis added).

Dworkin discloses that the terminal has a display (“console”) displays a main menu.

“...**the system displays, to the user, a "Main Menu"**, which lists the major selections available.”

**Ex. PA-C**, Dworkin, 4:39-41 (emphasis added).

Dworkin discloses that the terminal is connected to the computer by telephone lines, or their equivalents. It is understood that the terminal that has a display and telephone connectivity can be “a computer, phone or handheld device.”

“Computer 1 also communicates with **terminal 5**. The terminal can be at the same location as the computer, or it can be located remotely. In the latter case, the terminal is **connected to the computer by telephone lines and modems, or their equivalents, in a conventional manner.**”

*Id.*, 4:3-7 (emphasis added).

**u. Claim 32**

Claim 32 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin. Requestor provides a concise statement of the substantial new question of patentability for Claim 32 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart comparing Dworkin with Claim 32 of the ‘078 Patent under 35 U.S.C. § 102(b)**

Claim 32 recites “[*t*]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:22 (emphasis added). As shown in Section VII.A.3.a, Dworkin discloses the system of claim 1.

Claim 32 next recites and Dworkin discloses that “*the component is configured to provide access to the collection of results to vendors of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 93:22-24 (emphasis added).

Dworkin discloses that the user's order is forwarded to the selected vendor, thus allowing the vendor to access the user's order ("collection of results").

"The computer can also be connected electronically to the **vendors**, as indicated by dotted lines 8a, 8b, 8c, and 8d. Thus, **orders to suppliers can be placed by ordinary mail, by electronic mail, or both**. Orders can also be placed by facsimile."

**Ex. PA-C**, Dworkin, 4:19-23 (emphasis added).

v. **Claim 38**

Claim 38 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 38 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart  
comparing Dworkin with Claim 38 of the '078 Patent  
under 35 U.S.C. § 102(b)**

Claim 38 recites "[t]he system of claim 1." **Ex. PAT-A**, '078 Patent, 93:41 (emphasis added). As shown in Section VII.A.3.a, Dworkin discloses the system of claim 1.

Claim 38 next recites and Dworkin discloses that "*the units of commodity store one or more probes that elicit specific information from the respective users through the user interfaces.*" **Ex. PAT-A**, '078 Patent, 93:41-43 (emphasis added).

Dworkin discloses that the system provides a display ("user interface") that allows users to select a menu item or enter specifications. The selection of a menu item and entry of the specification are stored, thus the system has "one or more probes" that elicit the user's selection or specifications ("specific information") from the users.

"The system accepts **inputs of the user's desired specifications** in block 37. When the **user has entered these specifications**, the system searches its database, in block 39, for products fulfilling the indicated criteria. Then, in block 40, the system **displays the results.**"

**Ex. PA-C**, Dworkin, 6:11-15 (emphasis added).

Dworkin discloses that the user can note complaints about the system, or offer suggestions for improvement. The system accepts the user’s complaints or suggestions, thus stores “one or more probes” that allow the users to submit complaints and suggestions (“specific information”).

“Item No. 8 enables the user to communicate with the management of the system. This option can be, in effect, an electronic mailbox, wherein **the user can note complaints about the system or about a supplier**. The user can also **offer suggestions for improvement** of the data formats, etc.”

*Id.*, 10:9-14 (emphasis added).

w. **Claim 46**

Claim 46 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin. Requestor provides a concise statement of the substantial new question of patentability for Claim 46 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart comparing Dworkin with Claim 46 of the ‘078 Patent under 35 U.S.C. § 102(b)**

Claim 46 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:61 (emphasis added). As shown in Section VII.A.3.a, Dworkin discloses the system of claim 1.

Claim 46 next recites and Dworkin discloses that “*the two way local interaction enables the user to request help or support.*” **Ex. PAT-A**, ‘078 Patent, 93:61-62 (emphasis added).

Dworkin discloses that the user receives “help” in using the system.

“Other features of the system allow the user to receive announcements about new products or services, to communicate complaints or suggestions to management or to a particular supplier, or to **receive help in using the system.**”

**Ex. PA-C**, Dworkin, 2:41-45 (emphasis added).

)

x. **Claim 47**

Claim 47 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 47 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart  
comparing Dworkin with Claim 47 of the '078 Patent  
under 35 U.S.C. § 102(b)**

Claim 47 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:63(emphasis added). As shown in Section VII.A.3.a, Dworkin discloses the system of claim 1.

Claim 47 next recites and Dworkin discloses that “*the information relates to perception of a problem relating to use of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 93:63-64 (emphasis added).

Dworkin discloses that the user can note complaints about the system, or offer suggestions for improvement. These complaints and suggestions are for a “problem” in using the system, thus it relates to the user’s “perception of a problem relating to use of the commodity.”

“Item No. 8 enables the user to communicate with the management of the system. This option can be, in effect, an electronic mailbox, wherein **the user can note complaints about the system or about a supplier**. The user can also **offer suggestions for improvement** of the data formats, etc.”

**Ex. PA-C**, Dworkin, 10:9-14 (emphasis added).

y. **Claim 48**

Claim 48 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 48 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart  
comparing Dworkin with Claim 48 of the '078 Patent  
under 35 U.S.C. § 102(b)**

Claim 48 recites “[t]he system of claim 47.” **Ex. PAT-A**, ‘078 Patent, 93:65 (emphasis added). As shown in Section VII.A.3.x, Dworkin discloses the system of claim 47.

Claim 48 next recites and Dworkin discloses that “*the two-way local interaction includes suggestions of the user to solve the problem.*” **Ex. PAT-A**, ‘078 Patent, 93:65-67 (emphasis added).

Dworkin discloses that the user can offer suggestions for improvement (“suggestions of the user to solve the problem”).

“Item No. 8 enables the user to communicate with the management of the system. This option can be, in effect, an electronic mailbox, wherein **the user can note complaints about the system or about a supplier**. The user can also **offer suggestions for improvement** of the data formats, etc.”

**Ex. PA-C**, Dworkin, 10:9-14 (emphasis added).

**z. Claim 50**

Claim 50 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin. Requestor provides a concise statement of the substantial new question of patentability for Claim 50 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart  
comparing Dworkin with Claim 50 of the '078 Patent  
under 35 U.S.C. § 102(b)**

Claim 50 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 94:4 (emphasis added). As shown in Section VII.A.3.a, Dworkin discloses the system of claim 1.

Claim 50 next recites and Dworkin discloses that “*the commodity is a demonstration unit.*” **Ex. PAT-A**, ‘078 Patent, 94:4-5 (emphasis added).

Dworkin discloses a user's terminal. It is understood that the user's terminal can be a demonstration unit.

“Computer 1 also communicates with **terminal 5**. The terminal can be at the same location as the computer, or it can be located remotely.

**Ex. PA-C**, Dworkin, 4:3-5 (emphasis added).

**aa. Claim 51**

Claim 51 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 51 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart comparing Dworkin with Claim 51 of the '078 Patent under 35 U.S.C. § 102(b)**

Claim 51 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 94:6 (emphasis added). As shown in Section VII.A.3.a, Dworkin discloses the system of claim 1.

Claim 51 next recites and Dworkin discloses that “*the communication element also carries objective information about the user's use of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 94:6-8 (emphasis added).

Dworkin disclose that the user makes various selections on the menu, including a request for searching the database for information on particular products or services (“objective information about the user's use of the commodity”).

“As shown in FIG. 3, the user has the choice of searching for 1) hardware products, 2) software products, or 3) software consultants. These first three choices invoke the main function of the system, that is, to **search the database for information on particular products or services.**”

**Ex. PA-C**, Dworkin, 4:45-50 (emphasis added).

**bb. Claim 52**

Claim 52 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 52 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart  
comparing Dworkin with Claim 52 of the '078 Patent  
under 35 U.S.C. § 102(b)**

Claim 52 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 94:9 (emphasis added). As shown in Section VII.A.3.a, Dworkin discloses the system of claim 1.

Claim 52 next recites and Dworkin discloses that “*the two-way local interactions occur while the user is using the commodity.*” **Ex. PAT-A**, ‘078 Patent, 94:9-10 (emphasis added).

Dworkin discloses that the user selects a menu item while using the terminal (“commodity”).

“Suppose, for example, that **the user has selected** "printers" (No. 8) from the Hardware Product Menu. Then the system might respond by displaying the template shown in FIG. 5.”

**Ex. PA-C**, Dworkin, 5:51-54 (emphasis added).

Dworkin discloses that the user enters inputs and the results are displayed (“two-way local interaction”) while using the terminal (“commodity”).

“The system accepts **inputs of the user’s desired specifications** in block 37. When the user has entered these specifications, the system searches its database, in block 39, for products fulfilling the indicated criteria. Then, in block 40, the system **displays the results.**”

*Id.*, 6:11-15 (emphasis added).

cc. **Claim 53**

Claim 53 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 53 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart  
comparing Dworkin with Claim 53 of the '078 Patent  
under 35 U.S.C. § 102(b)**

Claim 53 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 94:11 (emphasis added). As shown in Section VII.A.3.a, Dworkin discloses the system of claim 1.

Claim 53 next recites and Dworkin discloses that “*the component further manages collection of the results of the interactions along with information about a trigger event that initiated each respective interaction.*” **Ex. PAT-A**, ‘078 Patent, 94:11-14 (emphasis added).

Dworkin discloses that the user selects a menu item, and the system displays a template in response to the user’s selection of the menu item. The user’s selection of a menu item is a “trigger event” that initiated the display of the template.

“Suppose, for example, that **the user has selected** "printers" (No. 8) from the Hardware Product Menu. Then **the system might respond by displaying the template** shown in FIG. 5.”

**Ex. PA-C**, Dworkin, 5:51-54 (emphasis added).

Dworkin discloses that the user enters desired specifications and the results are displayed. The user’s input of the desired specifications is a “trigger event” that initiated the display of the results.

“The system accepts **inputs of the user’s desired specifications** in block 37. When the user has entered these specifications, the system searches its database, in block 39, for products fulfilling the indicated criteria. Then, in block 40, the system **displays the results.**”

*Id.*, 6:11-15 (emphasis added). It is understood that the user’s selection of a menu item or entry

of specifications (“results of the interactions”) are stored, thus “collected” in the system.

**dd. Claim 69**

Claim 69 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 69 based on Dworkin under 35 U.S.C. § 102(b).

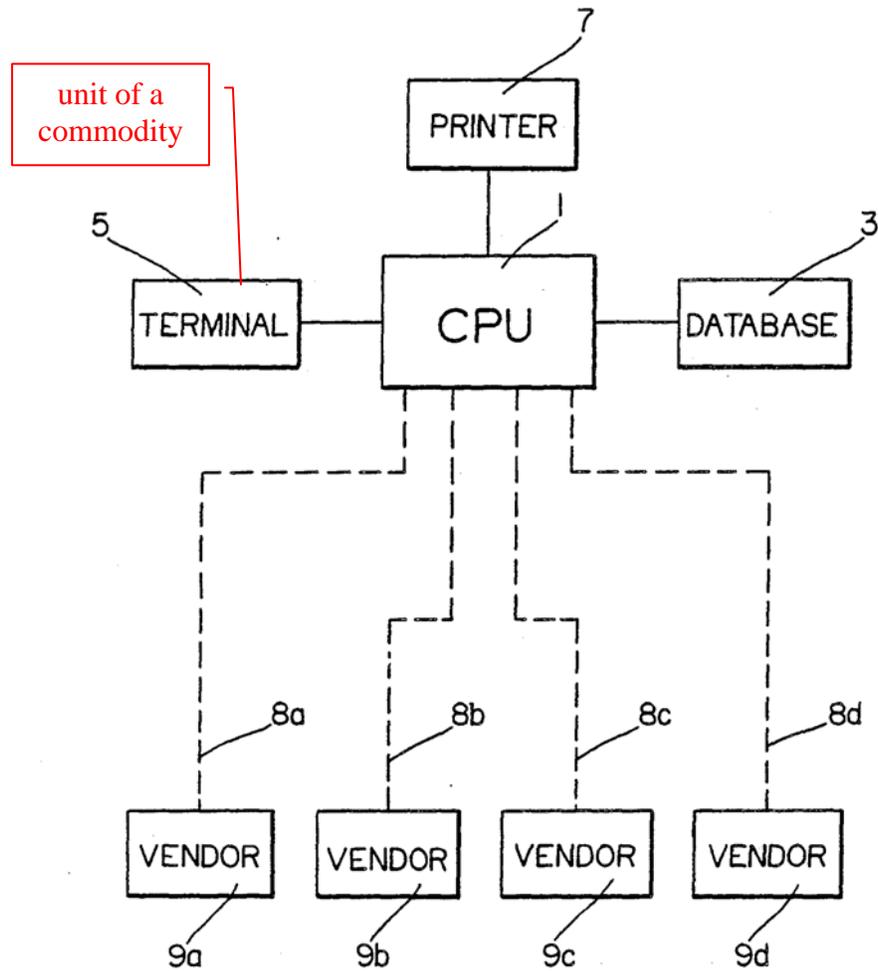
**Please see attached Exhibit CC-C for a claim chart  
comparing Dworkin with Claim 69 of the ‘078 Patent  
under 35 U.S.C. § 102(b)**

Claim 69 recites and Dworkin discloses “[a] method for gathering information from units of a commodity in different locations, each unit of the commodity being coupled to a remote database on a network.” **Ex. PAT-A**, ‘078 Patent, 95:26-28 (emphasis added).

Dworkin discloses terminals (“units of a commodity”).

“In the preferred embodiment, there are many **terminals**, operated by many users, all connected to central computer 1. The central computer is programmed, using known techniques, to accommodate a large number of users.”

**Ex. PA-C**, Dworkin, 4:8-12 (emphasis added). Figure 1 shows Dworkin’s terminal (“unit of a commodity”).



*Id.*, Fig. 1.

Dworkin discloses that users can be located anywhere (“different locations”).

“The user does not need to consult the individual catalogs of suppliers, and can do all the shopping from a computer or **terminal located virtually anywhere.**”

*Id.*, 2:51-54 (emphasis added).

Dworkin discloses a method for gathering user’s choice and information (“information”) from (“units of a commodity”)

“As shown in FIG. 3, the **user has the choice** of searching for 1) hardware products, 2) software products, or 3) software consultants. These first three choices invoke the main function of the system, that is, to search the database for information on particular products or services. The remaining choices enable the user to perform auxiliary functions. The latter functions can include 4) obtaining

information on new products, 5) cancelling an order, 6) returning merchandise, 7) **obtaining information** about a particular vendor, 8) communicating with management, or 9) leaving the system entirely. Choice No. 8 can be used to allow users to make complaints about a particular vendor, or to offer suggestions for improvements. Choice No. 7 yields more detailed information about a vendor than is obtained during a search for a product or service, as will be explained more fully below.”

*Id.*, 4:45-61 (emphasis added).

Dworkin discloses a computer (“remote database on a network”).

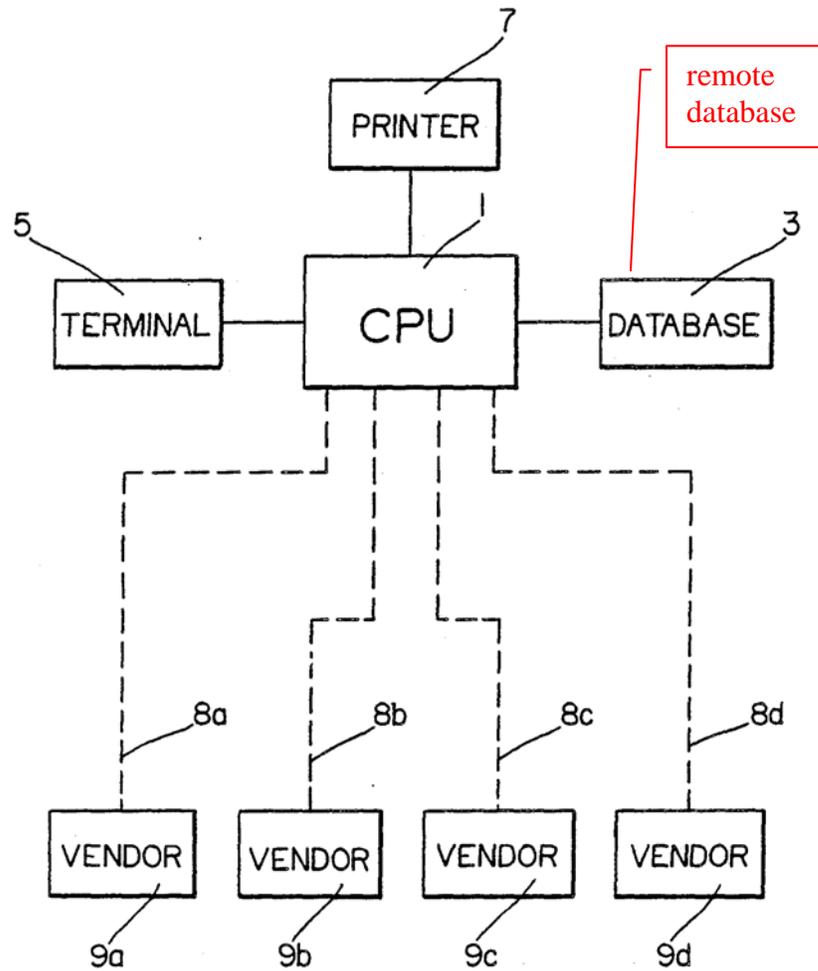
“**Computer 1** also communicates with terminal 5. The terminal can be at the same location as the computer, or it can be **located remotely**.”

*Id.*, 4:3-5 (emphasis added).

Dworkin discloses a central computer that is located far from users (“remote database on a network”).

“In the preferred embodiment, there is **a central computer** which serves many users. The central computer may be **located far away from all such users.**”

*Id.*, 2:2-5 (emphasis added). Figure 1 shows the CPU/central computer (“remote database on a network”).



*Id.*, Fig. 1.

Claim 69 next recites and Dworkin discloses “*the method comprising: eliciting user perceptions of respective units of the commodity through interactions at a user-interface of the respective unit.*” **Ex. PAT-A**, ‘078 Patent, 95:28-96:3 (emphasis added).

Dworkin disclose that the user makes various selections including communicating with management to offer suggestions for improvements (“eliciting user perceptions of the respective units of the commodity”).

“As shown in FIG. 3, the **user has the choice** of searching for 1) hardware products, 2) software products, or 3) software consultants. These first three choices invoke the main function of the system, that is, to search the database for information on particular products or services. The remaining choices enable the

user to perform auxiliary functions. The latter functions can include 4) obtaining information on new products, 5) cancelling an order, 6) returning merchandise, 7) **obtaining information** about a particular vendor, 8) **communicating with management**, or 9) leaving the system entirely. Choice No. 8 can be used to allow users to make complaints about a particular vendor, or to **offer suggestions for improvements**. Choice No. 7 yields more detailed information about a vendor than is obtained during a search for a product or service, as will be explained more fully below.”

**Ex. PA-C**, Dworkin, 4:45-61 (emphasis added). Dworkin also discloses that the user can note complaints about the system, or offer suggestions for improvement (“eliciting user perceptions of the respective units of the commodity”).

“Item No. 8 enables the user to communicate with the management of the system. This option can be, in effect, an electronic mailbox, wherein **the user can note complaints about the system** or about a supplier. The user can also **offer suggestions for improvement** of the data formats, etc.”

*Id.*, 10:9-14 (emphasis added).

Claim 69 next recites and Dworkin discloses “*generating perception information based on inputs of the users at the respective user-interfaces.*” **Ex. PAT-A**, ‘078 Patent, 96:4-5 (emphasis added).

Dworkin discloses that the user can note complaints about the system, or offer suggestions for improvement (“perception information based on inputs of the users”).

“Item No. 8 enables the user to communicate with the management of the system. This option can be, in effect, an electronic mailbox, wherein **the user can note complaints about the system** or about a supplier. The user can also **offer suggestions for improvement** of the data formats, etc.”

**Ex. PA-C**, Dworkin, 10:9-14 (emphasis added).

Claim 69 next recites and Dworkin discloses “*transmitting the perception information to the remote database.*” **Ex. PAT-A**, ‘078 Patent, 96:6-7 (emphasis added).

Dworkin discloses transmitting orders for goods or services to the central computer (“remote database”).

“It is another object to provide a system and method which facilitates the **processing of orders for goods or services transmitted by a user.**”

**Ex. PA-C**, Dworkin, 3:9-11 (emphasis added). Dworkin also discloses transmitting a user’s order (“perception information”) to a supplier (“remote database”).

“The order can also be **transmitted to the supplier** electronically.”

*Id.*, 2:40-41 (emphasis added).

Claim 69 next recites and Dworkin discloses “*receiving the transmitted perception information from different units of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 96:8-9 (emphasis added).

Dworkin discloses that the central computer (“remote database”) receives the user’s orders for goods or services (“transmitted perception information”).

“It is another object to provide a system and method which facilitates the **processing of orders for goods or services transmitted by a user.**” (

**Ex. PA-C**, Dworkin, 3:9-11 (emphasis added). Dworkin also discloses that the supplier (“remote database”) receives a user’s order (“transmitted perception information”).

“The order can also be **transmitted to the supplier** electronically.”

*Id.*, 2:40-41 (emphasis added).

Claim 69 next recites and Dworkin discloses “*collecting and storing the received information at the remote database.*” **Ex. PAT-A**, ‘078 Patent, 96:10-11 (emphasis added).

Dworkin discloses that the computer (“remote database”) connects to a database.

“The computer is connected to **database 3**. The database can be stored in the memory of computer 1, or it can be stored at some remote location. The database contains information about products and/or services, and the vendors who sell them.”

**Ex. PA-C**, Dworkin, 3:62-66 (emphasis added). Dworkin also discloses that the system collects and stores the user’s choice (“received information”).

“As shown in FIG. 3, the user has the choice of searching for 1) hardware products, 2) software products, or 3) software consultants. These first three choices invoke the **main function of the system**, that is, to **search the database for information on particular products or services**. The remaining choices **enable the user to perform auxiliary functions**. The latter functions can include 4) **obtaining information** on new products, 5) cancelling an order, 6) returning merchandise, 7) **obtaining information** about a particular vendor, 8) communicating with management, or 9) leaving the system entirely.”

*Id.*, 4:45-55 (emphasis added).

ee. **Claim 70**

Claim 70 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 70 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart  
comparing Dworkin with Claim 70 of the ‘078 Patent  
under 35 U.S.C. § 102(b)**

Claim 70 recites “[t]he method of claim 69.” **Ex. PAT-A**, ‘078 Patent, 96:12 (emphasis added). As shown in Section VII.A.3.dd, Dworkin discloses the method of claim 69.

Claim 70 next recites and Dworkin discloses “enabling users of the commodities to access the received information.” **Ex. PAT-A**, ‘078 Patent, 96:12-13 (emphasis added).

Dworkin discloses that a template is displayed in response to the user’s selection of the menu item (“received information”). Therefore, the user can access his/her selection of the menu item (“received information”).

“Suppose, for example, that **the user has selected** "printers" (No. 8) from the Hardware Product Menu. Then **the system might respond by displaying the template** shown in FIG. 5.”

**Ex. PA-C**, Dworkin, 5:51-54 (emphasis added).

Dworkin discloses that results are displayed in response to the user's input of the desired specifications. Therefore, the user can access his/her desired specifications ("received information").

"The system accepts **inputs of the user's desired specifications** in block 37. When the user has entered these specifications, the system searches its database, in block 39, for products fulfilling the indicated criteria. Then, in block 40, the system **displays the results.**"

*Id.*, 6:11-15 (emphasis added).

**ff. Claim 71**

Claim 71 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin. Requestor provides a concise statement of the substantial new question of patentability for Claim 71 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart comparing Dworkin with Claim 71 of the '078 Patent under 35 U.S.C. § 102(b)**

Claim 71 recites "[t]he method of claim 69." **Ex. PAT-A**, '078 Patent, 96:14 (emphasis added). As shown in Section VII.A.3.dd, Dworkin discloses the method of claim 69.

Claim 71 next recites and Dworkin discloses "*enabling third parties to access the received information.*" **Ex. PAT-A**, '078 Patent, 96:14-15 (emphasis added).

Dworkin discloses that the user's orders ("received information") are sent to vendors or suppliers ("third parties").

"The computer can also be connected electronically to the **vendors**, as indicated by dotted lines 8a, 8b, 8c, and 8d. Thus, **orders to suppliers** can be placed by ordinary mail, by electronic mail, or both. Orders can also be placed by facsimile. Note that it is the system, not the customer, which **contacts the supplier to place an order.**"

**Ex. PA-C**, Dworkin, 4:19-24 (emphasis added).

**gg. Claim 72**

Claim 72 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 72 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart  
comparing Dworkin with Claim 72 of the '078 Patent  
under 35 U.S.C. § 102(b)**

Claim 72 recites “[t]he method of claim 71.” **Ex. PAT-A**, ‘078 Patent, 96:16 (emphasis added). As shown in Section VII.A.3.ff, Dworkin discloses the method of claim 71.

Claim 72 next recites and Dworkin discloses that “*the third parties include vendors or designers of the commodities.*” **Ex. PAT-A**, ‘078 Patent, 96:16-17 (emphasis added).

Dworkin discloses “vendors” of the system including user terminals (“commodities”).

“The computer can also be connected electronically to the **vendors**, as indicated by dotted lines 8a, 8b, 8c, and 8d. Thus, orders to suppliers can be placed by ordinary mail, by electronic mail, or both. Orders can also be placed by facsimile. Note that it is the system, not the customer, which contacts the supplier to place an order.”

**Ex. PA-C**, Dworkin, 4:19-24 (emphasis added).

**hh. Claim 73**

Claim 73 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin.

Requestor provides a concise statement of the substantial new question of patentability for Claim 73 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart  
comparing Dworkin with Claim 73 of the '078 Patent  
under 35 U.S.C. § 102(b)**

Claim 73 recites “[t]he method of claim 69.” **Ex. PAT-A**, ‘078 Patent, 96:18 (emphasis added). As shown in Section VII.A.3.dd, Dworkin discloses the method of claim 69.

Claim 73 next recites and Dworkin discloses “*making a design change using the received information, or marketing the commodity using the received information.*” **Ex. PAT-A**, ‘078 Patent, 96:18-20 (emphasis added).

Dworkin discloses that the user can note complaints about the system, or offer suggestions for improvement (“received information”). It is understood that the management of the system will improve the operation of the system including “a design change” using the users’ suggestions or complaints (“received information”).

“Item No. 8 enables the user to communicate with the **management of the system**. This option can be, in effect, an electronic mailbox, wherein **the user can note complaints about the system** or about a supplier. The user can also **offer suggestions for improvement** of the data formats, etc.”

**Ex. PA-C**, Dworkin, 10:9-14 (emphasis added).

ii. **Claim 74**

Claim 74 should be rejected under 35 U.S.C. § 102(b) as unpatentable over Dworkin. Requestor provides a concise statement of the substantial new question of patentability for Claim 74 based on Dworkin under 35 U.S.C. § 102(b).

**Please see attached Exhibit CC-C for a claim chart comparing Dworkin with Claim 74 of the ‘078 Patent under 35 U.S.C. § 102(b)**

Claim 74 recites “[*t*]he method of claim 69.” **Ex. PAT-A**, ‘078 Patent, 96:21 (emphasis added). As shown in Section VII.A.3.dd, Dworkin discloses the method of claim 69.

Claim 74 next recites and Dworkin discloses that “*said eliciting step includes interacting with the users through the respective user-interfaces of units of commodity.*” **Ex. PAT-A**, ‘078 Patent, 96:21-23 (emphasis added).

Dworkin discloses that the system provides a menu item that allows user’s request for searching database or communication (“interacting with users”) with management of the system.

“As shown in FIG. 3, the user has the choice of searching for 1) hardware products, 2) software products, or 3) software consultants. These first three choices invoke the main function of the system, that is, to **search the database for information on particular products or services**. The remaining choices **enable the user to perform auxiliary functions**. The latter functions can include 4) **obtaining information** on new products, 5) cancelling an order, 6) returning merchandise, 7) **obtaining information** about a particular vendor, 8) communicating with management, or 9) leaving the system entirely.”

**Ex. PA-C**, Dworkin, 4:45-55 (emphasis added).

Claim 74 next recites and Dworkin discloses “*to elicit perception information about (i) steps that a vendor of the commodity could take to improve user satisfaction or (ii) training or support provided for users of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 96:23-26 (emphasis added).

Dworkin discloses that the user can note complaints about the system, or offer suggestions for improvement (“improve user satisfaction or support”).

“Item No. 8 **enables the user to communicate with the management of the system**. This option can be, in effect, an electronic mailbox, wherein **the user can note complaints about the system** or about a supplier. The user can also **offer suggestions for improvement** of the data formats, etc.”

**Ex. PA-C**, Dworkin, 10:9-14 (emphasis added).

4. **Anticipated By Banker Under 35 U.S.C. § 102(e)**

a. **Claim 1**

Claim 1 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 1 based on Banker under 35 U.S.C. § 102(e).

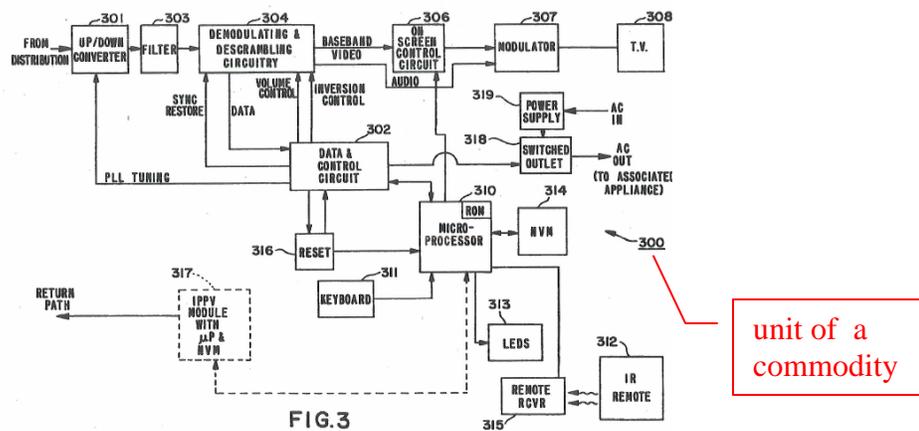
**Please see attached Exhibit CC-C for a claim chart comparing Banker with Claim 1 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 1 recites and Banker discloses “[a] system comprising units of a commodity that can be used by respective users in different locations.” **Ex. PAT-A**, ‘078 Patent, 91:44-46 (emphasis added).

Banker discloses cable television terminals or subscriber terminals (“units of a commodity”) that can be used by respective subscribers (“users”) in different locations.

“**Subscriber terminal 300** may include a plug-in module **317** for controlling so-called impulse pay-per-view transactions.”

**Ex. PA-D**, Banker, 12:6-8 (emphasis added). Figure 3 shows Banker’s subscriber terminal (“unit of a commodity”).



*Id.*, Fig. 3 (emphasis added).

Claim 1 next recites and Banker discloses “a user interface, which is part of each of the units of the commodity...” **Ex. PAT-A**, ‘078 Patent, 91:47-48 (emphasis added).

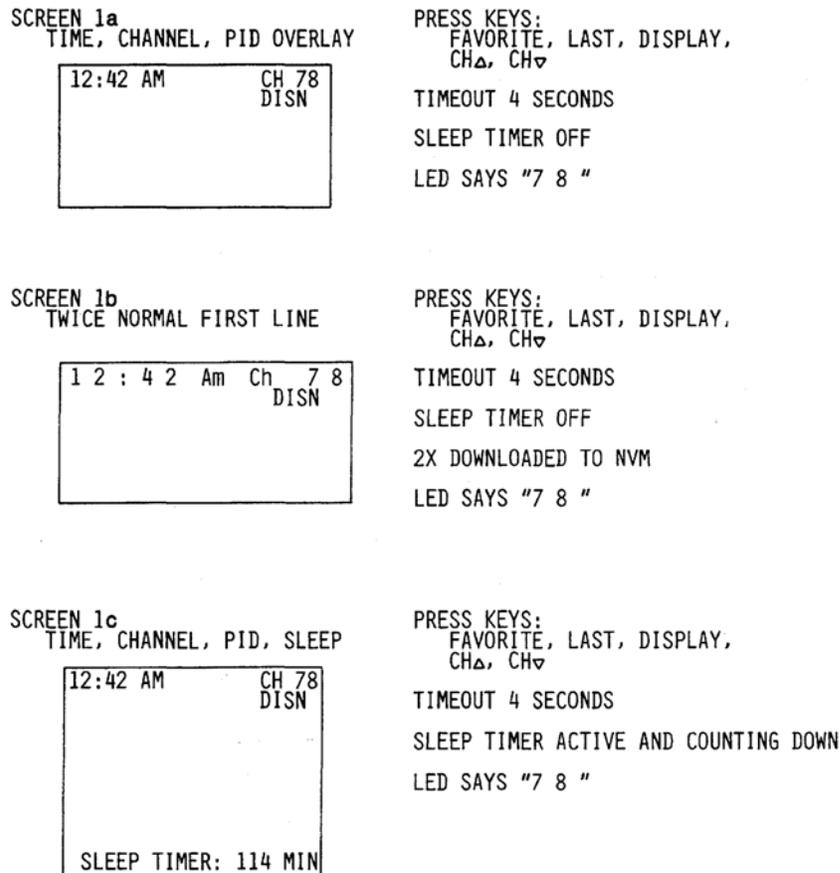
Banker discloses a user friendly interface (“user interface”) that is part of each of the subscriber terminals (“unit of the commodity”).

“Apparatus for providing a **user friendly interface to a subscription television terminal...**”

**Ex. PA-D**, Banker, Abstract:1-2 (emphasis added). Banker discloses that the subscriber’s terminal has an LED display and the key pad (“user interface”).

“LED display 313 is utilized, for example, to display selected channel numbers and diagnostics. Referring briefly to FIG. 3D, there is shown the front panel of terminal 300 including an LED display and keys of a key pad 311. The two digit display 322 shown may be used not only for selected channel numbers and diagnostics, but also as a two digit indication of volume as will be further discussed herein.”

*Id.*, 11:60-67 (emphasis added). Fig. 6A shows the user friendly interface (“user interface”).



**FIG.6A**

*Id.*, Fig. 6A.

Claim 1 next recites and Banker discloses that the user interface is “*configured to provide a medium for two-way local interaction between one of the users and the corresponding unit of the commodity...*” **Ex. PAT-A**, ‘078 Patent, 91:48-50 (emphasis added).

Banker discloses that the terminals' user friendly interface ("user interface") provides screens for display and key pads ("a medium for two-way local interaction") between a subscriber ("user") and the corresponding subscriber terminal ("unit of the commodity").

"...an on-screen display controller for **generating a plurality of screens for display on an associated television receiver**. Five such key **groupings** are segregated from one another and comprise **function keys, initialization keys, channel keys, audio keys and digit keys.**"

**Ex. PA-D**, Banker, Abstract:3-7 (emphasis added).

Claim 1 next recites and Banker discloses that the user interface is "*further configured to elicit, from a user, information about the user's perception of the commodity.*" **Ex. PAT-A**, '078 Patent, 91:50-52 (emphasis added).

Banker discloses that the subscriber uses the keypad to select a pay-per-view program ("information about the user's perception").

"...actuating the movement of a cursor in one direction through choices presented by a menu by use of a cursor key, and **actuating a selection** of a menu choice via **actuation of a select key.**"

**Ex. PA-D**, Banker, Abstract:14-17 (emphasis added).

Claim 1 next recites and Banker discloses "*a memory within each of the units of the commodity capable of storing results of the two-way local interaction, the results including elicited information about user perception of the commodity.*" **Ex. PAT-A**, '078 Patent, 91:53-56 (emphasis added).

Banker discloses a memory in each of the subscriber terminals ("units of the commodity").

"Some information is pertinent only to certain of the data streams while certain information causes a write to nonvolatile **memory in the subscriber terminals** and must be sent quickly at minimum intervals."

**Ex. PA-D**, Banker, 8:41-44 (emphasis added). Banker discloses that the memory stores data

associated with the purchase of a pay-per-view event (“results of the two-way local interaction”).

“Subscriber terminal 300 may include a plug-in module 317 for controlling so-called impulse pay-per-view transactions. Module 317 allows a subscriber to authorize their subscriber terminal to receive authorization and event data for a pay-per-view event (data stream (3) defined above), **store the data associated with the purchase of that event in non-volatile memory**, and transmit the data to the system operator via a telephone return path or radio frequency data return path through the cable distribution system. The subscriber is then billed for the purchased events.”

*Id.*, 12:6-15 (emphasis added).

Claim 1 next recites and Banker discloses “*a communication element associated with each of the units of the commodity capable of carrying results of the two-way local interaction from each of the units of the commodity to a central location.*” **Ex. PAT-A**, ‘078 Patent, 91:57-60 (emphasis added).

Banker discloses a telephone and radio frequency path (“communication element”) to transmit the data associated with the purchase of a pay-per-view event (“results of the two-way interaction”) for a pay-per-view event from the subscriber terminal (“unit of the commodity”) to a system operator (“a central location”).

“Module 317 allows a subscriber to authorize their subscriber terminal to receive **authorization and event data for a pay-per-view event** (data stream (3) defined above), **store the data associated with the purchase of that event in non-volatile memory**, and **transmit the data to the system operator via a telephone return path or radio frequency data return path** through the cable distribution system.”

**Ex. PA-D**, Banker, 12:8-14 (emphasis added).

Banker also discloses a billing computer and a system control computer (*e.g.*, also “a central location”).

“**Billing computer 101** includes a subscriber database and generates a monthly bill for the subscribers in the system based on level of service and any pay-per-view and impulse pay-per-view purchases. **System control computer 102** such as an HP-1000 interfaced to **billing computer 101**. **System control computer 102** receives transactions such as authorization transactions from billing computer

**101** and formats and forwards transactions to headend controller **103** and addressable transmitter (ATX) **108**.”

*Id.*, 7:60-8:1 (emphasis added).

Claim 1 next recites and Banker discloses “*a component capable of managing the interactions of the users in different locations and collecting the results of the interactions at the central location.*” **Ex. PAT-A**, ‘078 Patent, 91:61-63 (emphasis added).

Banker discloses that the billing computer generates a monthly bill for the subscribers (“managing the interactions of the users”).

“Billing computer **101** includes a subscriber database and **generates a monthly bill for the subscribers** in the system based on level of service and any **pay-per-view and impulse pay-per-view purchases.**”

**Ex. PA-D**, Banker 7:60-63 (emphasis added). Banker also discloses that the system control computer (“a component”) receives pay-per-view event transactions (“results of the interactions”), generates system set-up parameters, configure tuning frequencies (“managing the interactions”), and gather the data (“collecting the results of the interactions”).

“**System control computer 102 receives transactions such as authorization transactions from billing computer 101** and formats and forwards transactions to headend controller **103** and addressable transmitter (ATX) **108**. System control computer 102 also **generates system set-up parameters** such as scrambled channels. System control computer 102 **configures tuning frequencies of the channels** provided to the subscribers and controls on-screen display as described in greater detail below. A system control computer interface is responsible for **gathering and appropriately routing the data** leaving the system control computer 102.”

**Ex. PA-D**, Banker, 7:64-8:8 (emphasis added).

**b. Claim 2**

Claim 2 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 2 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart  
comparing Banker with Claim 2 of the '078 Patent under  
35 U.S.C. § 102(e)**

Claim 2 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 91:64 (emphasis added). As shown in Section VII.A.4.a, Banker discloses the system of claim 1.

Claim 2 next recites and Banker discloses that “*the user interface is triggered based on user behaviors to generate two-way interactions with each of the users.*” **Ex. PAT-A**, ‘078 Patent, 91:64-66 (emphasis added).

Banker discloses that the subscriber moves the cursor and actuates a select key (“user behaviors”). The movement of the cursor is update on the screen (“user interface is triggered base on user behaviors”). Also the actuation of a selection key (“user behaviors”) selects the item.

“...**actuating the movement of a cursor** in one direction through choices presented by a menu by use of a cursor key, and **actuating a selection** of a menu choice via **actuation of a select key.**”

**Ex. PA-D**, Banker, Abstract:14-17 (emphasis added).

Claim 2 next recites and Banker discloses “*each of the interactions relating to a corresponding specific one of the behaviors.*” **Ex. PAT-A**, ‘078 Patent, 91:66-67 (emphasis added).

Banker discloses that the subscriber moves the cursor and actuates a select key (“user behaviors”). Each of the actuation corresponds to specific user behavior (*e.g.*, moving the cursor, actuate the selection key).

“...**actuating the movement of a cursor** in one direction through choices presented by a menu by use of a cursor key, and **actuating a selection** of a menu choice via **actuation of a select key.**”

**Ex. PA-D**, Banker, Abstract:14-17 (emphasis added).

c. **Claim 3**

Claim 3 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 3 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart  
comparing Banker with Claim 3 of the '078 Patent under  
35 U.S.C. § 102(e)**

Claim 3 recites “[*t*]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:1 (emphasis added). As shown in Section VII.A.4.a, Banker discloses the system of claim 1.

Claim 3 next recites and Banker discloses that “*the interactions are triggered to occur repetitively for each of the users based on repeated uses of a feature of a unit of the commodity by the user.*” **Ex. PAT-A**, ‘078 Patent, 92:1-4 (emphasis added).

Banker discloses various “features,” including a messaging feature, a favorite channel feature, a program timing feature, a parental control feature, a subscription television terminal control feature. It is understood that these features can be repeatedly used.

“It is a still further object of the invention to provide **a messaging feature** in a subscription television terminal. In this manner, a subscriber may be informed by the subscription television system operator of messages of individual or global relevance.”

**Ex. PA-D**, Banker, 4:11-15 (emphasis added).

“It is a still further object of the invention to provide **a favorite channel feature** in a subscription television terminal. In this manner, a subscriber may establish a list in terminal memory of favorite channels, and, consequently, gain access to them quickly by actuation of a favorite channel key of a subscriber input device.”

*Id.*, 4:21-26 (emphasis added).

“It is a still further object of the invention to provide **a program timing feature** in a subscription television terminal. In this manner, a subscriber may record programs on an associated video cassette recorder (VCR) without having to be present.”

*Id.*, 4:27-31 (emphasis added).

“It is a still further object of the invention to provide a **parental control feature** in a subscription television terminal. In this manner, an adult subscriber having access to a parental control code may change their code, view a parentally controlled program and define a list of parentally controlled channels for storage in terminal memory.”

*Id.*, 4:32-37 (emphasis added).

“It is a still further object of the invention to provide a **subscription television terminal control feature**. In this manner, a subscriber may change the status of a switched power outlet of the terminal, enable or disable on-screen display or perform diagnostics on the terminal.”

*Id.*, 4:38-42 (emphasis added).

**d. Claim 4**

Claim 4 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 4 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart comparing Banker with Claim 4 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 4 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:5 (emphasis added). As shown in Section VII.A.4.a, Banker discloses the system of claim 1.

Claim 4 next recites and Banker discloses that “*the user interface comprises part of a functional user interface of the unit of the commodity that can be used to control features of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 92:5-8 (emphasis added).

Banker discloses a user interface (“functional user interface”) for controlling the volume of the terminal (“features of the commodity”). For example, the user interface includes “VOL+ and VOL- buttons, and two digit display of the volume level.

“In any mode, On or Off, the **terminal volume may be set using the VOL+ and**

**VOL-** by incrementing or decrementing a visually displayed range, for example, 00-63. **An on-screen display is provided to indicate an optimum level**, for example, 45 for left and right channel stereo separation as first taught in Kinney C. Bacon U.S. Pat. No. 5,054,071, which issued Oct. 1, 1991, and is incorporated herein by reference. **The volume display may remain lit for three seconds, less than the four seconds for the on-screen display actuated by the DISPLAY key.** There is less time required for a user to assimilate the displayed information actuated by the volume keys.”

**Ex. PA-D**, Banker, 19:19-30 (emphasis added).

Banker discloses that the display also displays the selected channel numbers and volume level. The display is a “functional user interface” that controls the channel selection and volume level (“features of the commodity”).

“LED display 313 is utilized, for example, to **display selected channel numbers and diagnostics.**”

*Id.*, 11:60-61 (emphasis added).

“Referring to FIG. 3D, the front panel of terminal 300 is shown to comprise **a two digit display 322 for channel numbers, volume level**, and diagnostics.”

*Id.*, 13:14-16 (emphasis added).

**e. Claim 5**

Claim 5 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 5 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart comparing Banker with Claim 5 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 5 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:9 (emphasis added). As shown in Section VII.A.4.a, Banker discloses the system of claim 1.

Claim 5 next recites and Banker discloses that “*the communication element also carries information from a passive probe that monitors the user’s use of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 92:9-11 (emphasis added).

Banker discloses that the subscriber’s terminal receives user’s actuation of the movement of the cursor and selection key (“monitors the user’s use of the commodity”), thus includes a “passive probe” that monitors the user’s section and actuation (“use of the commodity”).

“...**actuating the movement of a cursor** in one direction through choices presented by a menu by use of a cursor key, and **actuating a selection** of a menu choice via **actuation of a select key.**”

**Ex. PA-D**, Banker, Abstract:14-17 (emphasis added).

Banker discloses that the information including the user’s selection of a channel/authorization transactions (“information from a passive probe”) is carried to the system control computer.

“**System control computer 102 receives transactions such as authorization transactions** from billing computer **101** and formats and forwards transactions to headend controller **103** and addressable transmitter (ATX) **108.**”

*Id.*, 7:64-8:1 (emphasis added).

**f. Claim 6**

Claim 6 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 6 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart comparing Banker with Claim 6 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 6 recites “[*t*]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:12 (emphasis added). As shown in Section VII.A.4.a, Banker discloses the system of claim 1.

Claim 6 next recites and Banker discloses that “*the units of the commodity comprise telephone extension equipment.*” **Ex. PAT-A**, ‘078 Patent, 92:12-13 (emphasis added).

Banker discloses that the subscriber’s terminal transmits the data via a telephone path. It is understood that the subscriber’s terminal has “telephone extension equipment.”

“Module **317** allows a subscriber to authorize their subscriber terminal to receive authorization and event data for a pay-per-view event (data stream (3) defined above), store the data associated with the purchase of that event in non-volatile memory, and transmit the data to the system operator **via a telephone return path** or radio frequency data return path through the cable distribution system.”

**Ex. PA-D**, Banker, 12:8-14 (emphasis added).

Claim 6 next recites and Banker discloses that “*the central location comprises a private branch exchange or other central telephone network facility.*” **Ex. PAT-A**, ‘078 Patent, 92:13-15 (emphasis added).

Banker discloses that the subscriber’s terminal transmits the data to the system operator (“central location”) via a telephone path. It is understood that the system operator (*e.g.*, system control computer, billing computer) has “a private branch exchange or other central telephone network facility.”

“Module **317** allows a subscriber to authorize their subscriber terminal to receive authorization and event data for a pay-per-view event (data stream (3) defined above), store the data associated with the purchase of that event in non-volatile memory, and transmit the data to the system operator **via a telephone return path** or radio frequency data return path through the cable distribution system.”

**Ex. PA-D**, Banker, 12:8-14 (emphasis added).

**g. Claim 7**

Claim 7 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 7 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart  
comparing Banker with Claim 7 of the '078 Patent under  
35 U.S.C. § 102(e)**

Claim 7 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:16 (emphasis added). As shown in Section VII.A.4.a, Banker discloses the system of claim 1.

Claim 7 next recites and Banker discloses that “*the results of the interactions are forwarded from the central location to a remote server for analysis.*” **Ex. PAT-A**, ‘078 Patent, 92:16-18 (emphasis added).

Banker discloses that the received transactions (“results of the interactions”) are forwarded from the billing computer (“central location”) to the system control computer (“remote server”) for formatting (“analysis”) and further forwarding to the headend controller and addressable transmitter (“remote server”).

**“System control computer 102 receives transactions such as authorization transactions from billing computer 101 and formats and forwards transactions to headend controller 103 and addressable transmitter (ATX) 108.”**

**Ex. PA-D**, Banker, 7:64-8:1 (emphasis added).

**h. Claim 10**

Claim 10 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker. Requestor provides a concise statement of the substantial new question of patentability for Claim 10 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart  
comparing Banker with Claim 10 of the '078 Patent  
under 35 U.S.C. § 102(e)**

Claim 10 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:28 (emphasis added). As shown in Section VII.A.4.a, Banker discloses the system of claim 1.

Claim 10 next recites and Banker discloses that “*the two-way interaction provides instructions on how to use the commodity.*” **Ex. PAT-A**, ‘078 Patent, 92:28-29 (emphasis added).

Banker discloses providing on-screen “instructions” to the user to assist the user to enjoy the features (“use the commodity”).

“It is a still further object of the invention to **provide on-screen instructions to a user to assist them in enjoying the features** of the invention and to provide visual correspondence to keys of a user input device in such instructions, for example, by the use of brackets.”

**Ex. PA-D**, Banker, 4:1-5 (emphasis added). Banker also discloses providing instructions for using a sleep timer feature.

“One feature according to the present invention is that of **actuating a sleep timer** by a method comprising the steps of generating an on-screen display for sleep timer settings including an Off condition and **instructions for actuating the feature.**”

*Id.*, 5:4-8 (emphasis added).

**i. Claim 11**

Claim 11 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 11 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart comparing Banker with Claim 11 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 11 recites “[*t*]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:30 (emphasis added). As shown in Section VII.A.4.a, Banker discloses the system of claim 1.

Claim 11 next recites and Banker discloses that “*the units of the commodity comprise consumer television equipment.*” **Ex. PAT-A**, ‘078 Patent, 92:30-31 (emphasis added).

Banker discloses that the subscriber's terminal is a cable television terminal ("consumer television equipment").

"FIG. 1 is a block schematic diagram of a cable television system in accordance with the principles of the present invention in which data, for example, for enabling and disabling services may be addressably transmitted to **cable television terminals** from a headend."

**Ex. PA-D**, Banker, 5:44-48 (emphasis added).

**j. Claim 12**

Claim 12 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 12 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart comparing Banker with Claim 12 of the '078 Patent under 35 U.S.C. § 102(e)**

Claim 12 recites "[t]he system of claim 11." **Ex. PAT-A**, '078 Patent, 92:32 (emphasis added). As shown in Section VII.A.4.i, Banker discloses the system of claim 11.

Claim 12 next recites and Banker discloses that "*the two-way interaction comprises posing questions to a user on a television screen concerning use of the commodity.*" **Ex. PAT-A**, '078 Patent, 92:32-34 (emphasis added).

Banker discloses providing a menu that provides an opportunity to select from available options/features on the subscriber's terminal. It is understood that the menu is "posing questions" for the subscriber to select/answer concerning the channel selection ("use of the commodity").

"...actuating the movement of a cursor in one direction through choices presented by a menu by use of a cursor key, and **actuating a selection** of a menu choice via **actuation of a select key.**"

**Ex. PA-D**, Banker, Abstract:14-17 (emphasis added).

Claim 12 next recites and Banker discloses “*receiving answers from the user expressed through a keypad or a handheld remote.*” **Ex. PAT-A**, ‘078 Patent, 92:34-36 (emphasis added).

Banker discloses that the user selects channel numbers or authorizes a pay-per-view channel purchase (“answers”) using the “keypad” of the terminal.

“LED display 313 is utilized, for example, to display **selected channel numbers** and diagnostics. Referring briefly to FIG. 3D, there is shown the front panel of terminal 300 including an LED display and **keys of a key pad 311**. The two digit display 322 shown may be used not only for selected channel numbers and diagnostics, but also as a two digit indication of volume as will be further discussed herein.”

**Ex. PA-D**, Banker, 11:60-67 (emphasis added). Banker also discloses that the subscriber uses a remote control (“handheld remote”).

“When a subscriber uses **terminal keypad 311 or a keypad of remote control 312** to tune channels, control and data circuit 302 controls the tuning of up/down converter 301 under control of microprocessor 310.”

*Id.*, 11:36-39 (emphasis added).

**k. Claim 13**

Claim 13 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 13 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart comparing Banker with Claim 13 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 13 recites “[t]he system of claim 12.” **Ex. PAT-A**, ‘078 Patent, 92:37 (emphasis added). As shown in Section VII.A.4.j, Banker discloses the system of claim 12.

Claim 13 next recites and Banker discloses that “*the answers are forwarded to a vendor of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 92:37-38 (emphasis added).

Banker discloses that the subscriber's authorization transactions ("answers") are forwarded to the billing computer, the system control computer, and the headend controller ("vendor of the commodity").

**"Billing computer 101** includes a subscriber database and generates a monthly bill for the subscribers in the system based on level of service and any pay-per-view and impulse pay-per-view purchases. System control **computer 102** such as an HP-1000 interfaced to **billing computer 101**. System control computer **102** receives **transactions such as authorization transactions** from billing computer **101** and formats and forwards transactions to headend controller **103** and addressable transmitter (ATX) **108.**"

**Ex. PA-D**, Banker, 7:60-8:1 (emphasis added).

**I. Claim 14**

Claim 14 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 14 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart comparing Banker with Claim 14 of the '078 Patent under 35 U.S.C. § 102(e)**

Claim 14 recites "[t]he system of claim 12." **Ex. PAT-A**, '078 Patent, 92:39 (emphasis added). As shown in Section VII.A.4.j, Banker discloses the system of claim 12.

Claim 14 next recites and Banker discloses that "*the keypad or hand-held remote comprises numeric keys.*" **Ex. PAT-A**, '078 Patent, 92:39-40 (emphasis added).

Figure 3D of Banker shows that the terminal has "numeric keys."

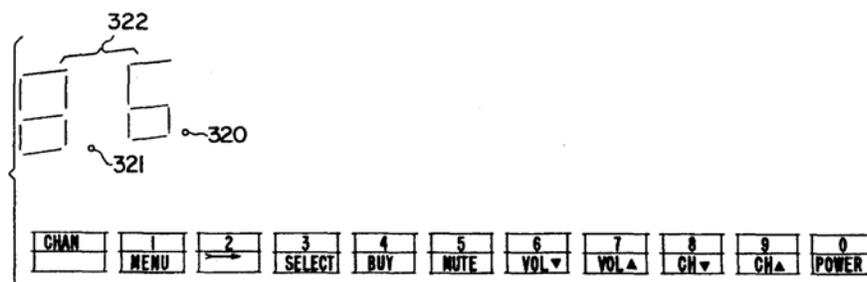


FIG.3D

Ex. PA-D, Banker, Fig. 3D.

m. Claim 15

Claim 15 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 15 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart comparing Banker with Claim 15 of the '078 Patent under 35 U.S.C. § 102(e)**

Claim 15 recites “[t]he system of claim 1.” Ex. PAT-A, ‘078 Patent, 92:41 (emphasis added). As shown in Section VII.A.4.a, Banker discloses the system of claim 1.

Claim 15 next recites and Banker discloses that “the two-way interaction is mediated by a publicly or privately accessible on-line computerized information service.” Ex. PAT-A, ‘078 Patent, 92:41-43 (emphasis added).

Banker discloses a cable television system that provides cable services (“information service”). The transactions are received by the billing computer and the system control computer (“computerized”).

“FIG. 1 is a block schematic diagram of a **cable television system** in accordance with the principles of the present invention in which data, for example, for **enabling and disabling services** may be addressably transmitted to cable television terminals from a headend.”

**Ex. PA-D**, Banker, 5:44-48 (emphasis added).

n. **Claim 16**

Claim 16 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 16 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart comparing Banker with Claim 16 of the '078 Patent under 35 U.S.C. § 102(e)**

Claim 16 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:44 (emphasis added). As shown in Section VII.A.4.a, Banker discloses the system of claim 1.

Claim 16 next recites and Banker discloses that “*the user interface presents information in one or more of the following styles: text, lists, charts, views, arrangements, hierarchies, graphical maps, sample extracts, abstracts, summary descriptions, or hypertext.*” **Ex. PAT-A**, ‘078 Patent, 92:44-48 (emphasis added).

Banker discloses displaying a sleep timer as a textual overlay (“text”) on the terminal.

“The SLEEP key also may be actuated from the On mode. The SLEEP key when actuated directly accesses a sleep timer feature which will appear as **a textual overlay on the transmitted video signal.**”

**Ex. PA-D**, Banker, 17:9-11 (emphasis added). Figure 3D shows lists of menu items (“lists” or “maps” or “views”).

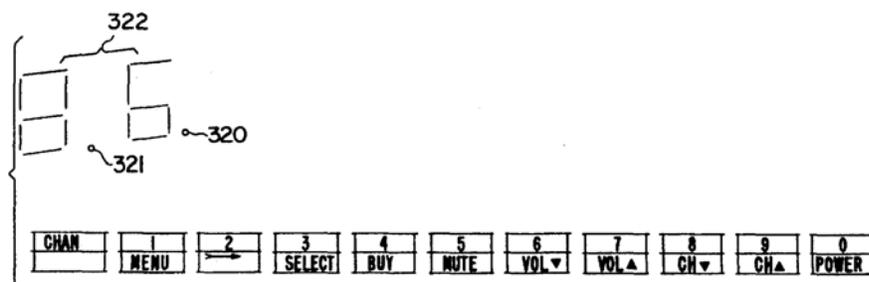


FIG.3D

*Id.*, Fig. 3D.

**o. Claim 18**

Claim 18 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 18 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart comparing Banker with Claim 18 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 18 recites “[t]he system of claim 16.” **Ex. PAT-A**, ‘078 Patent, 92:55 (emphasis added). As shown in Section VII.A.4.n, Banker discloses the system of claim 16.

Claim 18 next recites and Banker discloses that “*the style is hypertext.*” **Ex. PAT-A**, ‘078 Patent, 92:55 (emphasis added).

Banker discloses displaying a sleep timer as a textual overlay (“text”) on the terminal. It is understood that the textual overlay can be in the form of hypertext.

“The SLEEP key also may be actuated from the On mode. The SLEEP key when actuated directly accesses a sleep timer feature which will appear as **a textual overlay on the transmitted video signal.**”

**Ex. PA-D**, Banker, 17:9-11 (emphasis added).

**p. Claim 22**

Claim 22 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 22 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart comparing Banker with Claim 22 of the '078 Patent under 35 U.S.C. § 102(e)**

Claim 22 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:65 (emphasis added). As shown in Section VII.A.4.a, Banker discloses the system of claim 1.

Claim 22 next recites and Banker discloses that “*the elicited information is information about the user’s needs with respect to use of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 92:65-67 (emphasis added).

Banker discloses that the user needs to utilize a select key (“user’s needs with respect to use of the commodity”).

“For terminal set-up or initialization, only a menu-labeled key, a right-pointing arrow key, and **a select key need be utilized by a user.**”

**Ex. PA-D**, Banker, 4:58-60 (emphasis added).

**q. Claim 24**

Claim 24 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 24 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-C for a claim chart comparing Banker with Claim 24 of the '078 Patent under 35 U.S.C. § 102(e)**

Claim 24 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:4(emphasis added). As shown in Section VII.A.3.a, Banker discloses the system of claim 1.

Claim 24 next recites and Banker discloses “*wherein the two-way local interactions comprise a transaction for sale of a product or a service contract for the commodity.*” **Ex. PAT-A**, ‘078 Patent, 93:4-6 (emphasis added).

Banker discloses pay-per-view purchases (“a transaction for sale”) of a pay-per-view event (“a product”).

“Billing computer **101** includes a subscriber database and generates a monthly bill for the subscribers in the system based on level of service and any pay-per-view and impulse **pay-per-view purchases**. System control computer **102** such as an HP-1000 interfaced to billing computer **101**. System control computer **102** receives transactions such as authorization transactions from billing computer **101** and formats and forwards transactions to headend controller **103** and addressable transmitter (ATX) **108**.”

**Ex. PA-D**, Banker, 7:60-8:1 (emphasis added). Banker also discloses that the subscriber terminals (“unit of the commodity”) can be used for initiating other types of transactions (“transaction for sale of a product or a service contract”).

“In other features besides pay-per-view, the BUY key may be used for **home shopping, airline ticket purchase and such and still have the identical function, i.e. to initiate a buy sequence.**”

*Id.*, 17:4-7 (emphasis added).

r. **Claim 25**

Claim 25 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker. Requestor provides a concise statement of the substantial new question of patentability for Claim 25 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart comparing Banker with Claim 25 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 25 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:7 (emphasis added). As shown in Section VII.A.4.a, Banker discloses the system of claim 1.

Claim 25 next recites and Banker discloses that “*the two-way local interactions comprise a request for servicing of the commodity by the user.*” **Ex. PAT-A**, ‘078 Patent, 93:7-9 (emphasis added).

Banker discloses enabling and disabling pay-per-view services (“servicing”) on the subscriber’s terminal (“commodity”) at the request of the subscriber (“user”).

“FIG. 1 is a block schematic diagram of a cable television system in accordance with the principles of the present invention in which data, for example, for **enabling and disabling services** may be addressably transmitted to cable television terminals from a headend.”

**Ex. PA-D**, Banker, 5:44-48 (emphasis added).

s. **Claim 30**

Claim 30 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 30 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart comparing Banker with Claim 30 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 30 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:18 (emphasis added). As shown in Section VII.A.4.a, Banker discloses the system of claim 1.

Claim 30 next recites and Banker discloses that “*the user interface includes a console displaying text or graphics.*” **Ex. PAT-A**, ‘078 Patent, 93:18-19 (emphasis added).

Banker discloses displaying a sleep timer as a textual overlay (“text”) on the terminal (“console”).

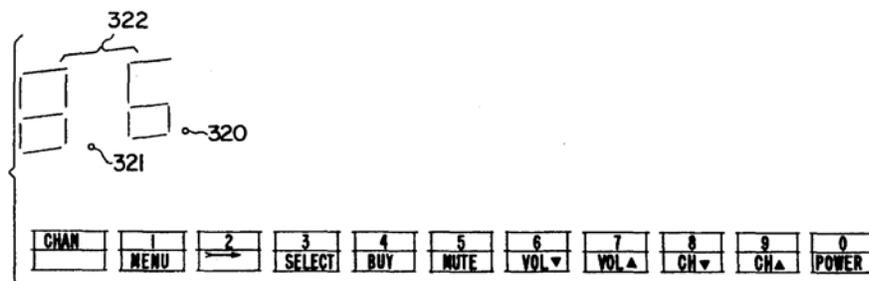
“The SLEEP key also may be actuated from the On mode. The SLEEP key when

actuated directly accesses a sleep timer feature which will appear as a **textual overlay on the transmitted video signal.**”

**Ex. PA-D**, Banker, 17:9-11 (emphasis added). Figure 3D shows lists of menu items (“text”) on the LED display (“console”).

“FIG. 3D provides details of the **LED display 313 and key pad 311 of the terminal** of FIG. 3.”

*Id.*, 6:1-2 (emphasis added).



**FIG.3D**

*Id.*, Fig. 3D.

**t. Claim 31**

Claim 31 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 31 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart comparing Banker with Claim 31 of the ‘078 Patent under 35 U.S.C. § 102(e)**

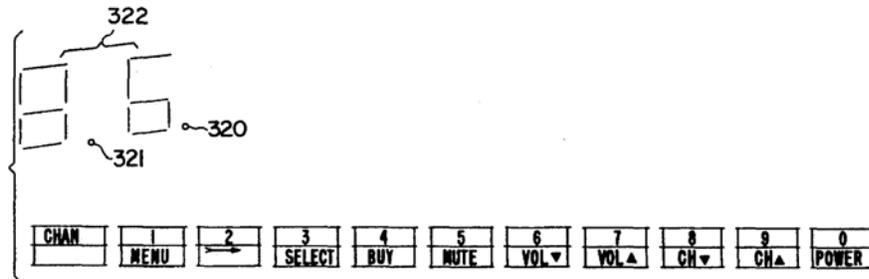
Claim 31 recites “[t]he system of claim 30.” **Ex. PAT-A**, ‘078 Patent, 93:20 (emphasis added). As shown in Section VII.A.4.s, Banker discloses the system of claim 30.

Claim 31 next recites and Banker discloses that “the console comprises a display of a computer, phone, or handheld device.” **Ex. PAT-A**, ‘078 Patent, 93:20-21 (emphasis added).

Banker discloses an LED display (“console”) of the subscriber’s terminal (“computer”).

“FIG. 3D provides details of the **LED display 313 and key pad 311 of the terminal** of FIG. 3.”

**Ex. PA-D**, Banker, 6:1-2 (emphasis added).



**FIG.3D**

*Id.*, Fig. 3D.

Banker also discloses a hand-held remote control of a television system that has channel up and channel down indicators (“console”).

“...terminal in a closed circuit television system of a hotel or hospital is remotely configured using a **hand-held remote control**. Keys of the keyboard such as **channel up and channel down indicators** are used for channel selection and other functions as well as during terminal set-up or initialization.”

*Id.*, 2:33-38 (emphasis added).

Banker also discloses that the subscriber uses a remote control (“handheld remote”).

“When a subscriber uses **terminal keypad 311 or a keypad of remote control 312** to tune channels, control and data circuit 302 controls the tuning of up/down converter 301 under control of microprocessor 310.”

*Id.*, 11:36-39 (emphasis added).

Banker also discloses that a repair person uses a remote control device (“handheld device”).

“A cable television repair person may be equipped with a **remote control device capable** of transmitting these otherwise secret codes. Equipped with such a device, the repair person gains access to a terminal's processor memory for

running diagnostic programs of the cable television terminal 300 of FIG. 3.”

*Id.*, 16:12-18 (emphasis added).

**u. Claim 32**

Claim 32 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 32 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart comparing Banker with Claim 32 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 32 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:22 (emphasis added). As shown in Section VII.A.4.a, Banker discloses the system of claim 1.

Claim 32 next recites and Banker discloses that “*the component is configured to provide access to the collection of results to vendors of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 93:22-24 (emphasis added).

Banker discloses that the subscriber’s authorization transactions (“collection of results”) are made accessible to the billing computer, the system control computer, and the headend controller (“vendors of the commodity”).

“**Billing computer 101** includes a subscriber database and generates a monthly bill for the subscribers in the system based on level of service and any pay-per-view and impulse pay-per-view purchases. System control **computer 102** such as an HP-1000 interfaced to **billing computer 101**. System control computer **102** receives **transactions such as authorization transactions** from billing computer **101** and formats and forwards transactions to headend controller **103** and addressable transmitter (ATX) **108.**”

**Ex. PA-D**, Banker, 7:60-8:1 (emphasis added).

v. **Claim 38**

Claim 38 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 38 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart  
comparing Banker with Claim 38 of the '078 Patent  
under 35 U.S.C. § 102(e)**

Claim 38 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:41 (emphasis added). As shown in Section VII.A.4.a, Banker discloses the system of claim 1.

Claim 38 next recites and Banker discloses that “*the units of commodity store one or more probes that elicit specific information from the respective users through the user interfaces.*” **Ex. PAT-A**, ‘078 Patent, 93:41-43 (emphasis added).

Banker discloses that the subscriber’s terminals (“units of commodity”) receive users’ actuation of the movement of the cursor and selection key (“elicit specific information from the respective users”), thus stores “one or more passive probes” that monitor the user’s section and actuation (“specific information from the respective users”).

“...**actuating the movement of a cursor** in one direction through choices presented by a menu by use of a cursor key, and **actuating a selection** of a menu choice via **actuation of a select key.**”

**Ex. PA-D**, Banker, Abstract:14-17 (emphasis added).

w. **Claim 46**

Claim 46 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 46 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart  
comparing Banker with Claim 46 of the '078 Patent  
under 35 U.S.C. § 102(e)**

Claim 46 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:61 (emphasis added). As shown in Section VII.A.4.a, Banker discloses the system of claim 1.

Claim 46 next recites and Banker discloses that “*the two way local interaction enables the user to request help or support.*” **Ex. PAT-A**, ‘078 Patent, 93:61-62 (emphasis added).

Banker discloses that a repair person uses a remote control device to enter codes and run diagnostic programs of the cable television terminal. It is understood that the repair person’s entry and transmittal of the code (“two way local interaction”) enables the service person to run diagnostics (“request help or support”).

“A cable television repair person may be equipped with a **remote control device capable of transmitting these otherwise secret codes**. Equipped with such a device, the repair person **gains access to a terminal's processor memory for running diagnostic programs of the cable television terminal 300** of FIG. 3.”

**Ex. PA-D**, Banker, 16:12-18 (emphasis added).

**x. Claim 47**

Claim 47 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 47 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart  
comparing Banker with Claim 47 of the '078 Patent  
under 35 U.S.C. § 102(e)**

Claim 47 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:63(emphasis added). As shown in Section VII.A.4.a, Banker discloses the system of claim 1.

Claim 47 next recites and Banker discloses that “*the information relates to perception of a problem relating to use of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 93:63-64 (emphasis added).

Banker discloses that a repair person enters and transmits secret codes (“information”) to run diagnostic programs of the cable television terminal. It is understood that the secret codes are the “information” that relates to the service person’s perception of a “problem” of the subscriber’s terminal that is to be diagnosed by running the diagnostic programs.

“A cable television repair person may be equipped with a **remote control device capable of transmitting these otherwise secret codes**. Equipped with such a device, the repair person **gains access to a terminal's processor memory for running diagnostic programs of the cable television terminal 300** of FIG. 3.”

**Ex. PA-D**, Banker, 16:12-18 (emphasis added).

y. **Claim 48**

Claim 48 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 48 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart comparing Banker with Claim 48 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 48 recites “[*t*]he system of claim 47.” **Ex. PAT-A**, ‘078 Patent, 93:65 (emphasis added). As shown in Section VII.A.4.x, Banker discloses the system of claim 47.

Claim 48 next recites and Banker discloses that “*the two-way local interaction includes suggestions of the user to solve the problem.*” **Ex. PAT-A**, ‘078 Patent, 93:65-67 (emphasis added).

Banker discloses that while running diagnostic programs, the repair person accesses a memory of the subscriber’s terminal (“two-way local interaction”). It is understood that the

access to the memory of the subscriber's terminal provides the repair person "suggestions" to identify a problem of the terminal.

"A cable television repair person may be equipped with a **remote control device capable of transmitting these otherwise secret codes**. Equipped with such a device, the repair person **gains access to a terminal's processor memory for running diagnostic programs of the cable television terminal 300** of FIG. 3."

**Ex. PA-D**, Banker, 16:12-18 (emphasis added).

**z. Claim 50**

Claim 50 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 50 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart comparing Banker with Claim 50 of the '078 Patent under 35 U.S.C. § 102(e)**

Claim 50 recites "[t]he system of claim 1." **Ex. PAT-A**, '078 Patent, 94:4 (emphasis added). As shown in Section VII.A.4.a, Banker discloses the system of claim 1.

Claim 50 next recites and Banker discloses that "*the commodity is a demonstration unit.*"

**Ex. PAT-A**, '078 Patent, 94:4-5 (emphasis added). It is understood that the cable television terminals can be demonstration units.

Banker discloses cable television terminals.

"FIG. 1 is a block schematic diagram of a cable television system in accordance with the principles of the present invention in which data, for example, for enabling and disabling services may be addressably transmitted to **cable television terminals** from a headend."

**Ex. PA-D**, Banker, 5:44-48 (emphasis added).

aa. **Claim 51**

Claim 51 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 51 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart  
comparing Banker with Claim 51 of the '078 Patent  
under 35 U.S.C. § 102(e)**

Claim 51 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 94:6 (emphasis added). As shown in Section VII.A.4.a, Banker discloses the system of claim 1.

Claim 51 next recites and Banker discloses that “*the communication element also carries objective information about the user’s use of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 94:6-8 (emphasis added).

Banker discloses that the user actuates a selection of a menu choice (“objective information about the user’s use of the commodity”).

“...actuating the movement of a cursor in one direction through choices presented by a menu by use of a cursor key, and **actuating a selection** of a menu choice via **actuation of a select key.**”

**Ex. PA-D**, Banker, Abstract:14-17 (emphasis added). Banker also discloses that the subscriber’s authorization transactions that are generated by the actuation of the selection (“objective information”) are transmitted (“carried”) to the billing computer and system control computer.

“**Billing computer 101** includes a subscriber database and generates a monthly bill for the subscribers in the system based on level of service and any pay-per-view and impulse pay-per-view purchases. System control **computer 102** such as an HP-1000 interfaced to **billing computer 101**. System control computer **102** receives transactions such as **authorization transactions** from billing computer **101** and formats and forwards transactions to headend controller **103** and addressable transmitter (ATX) **108.**”

*Id.*, 7:60-8:1 (emphasis added).

**bb. Claim 52**

Claim 52 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 52 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart  
comparing Banker with Claim 52 of the '078 Patent  
under 35 U.S.C. § 102(e)**

Claim 52 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 94:9 (emphasis added). As shown in Section VII.A.4.a, Banker discloses the system of claim 1.

Claim 52 next recites and Banker discloses that “*the two-way local interactions occur while the user is using the commodity.*” **Ex. PAT-A**, ‘078 Patent, 94:9-10 (emphasis added).

Banker discloses that the user moves a cursor and selects a menu choice while using the terminal.

“...**actuating the movement of a cursor** in one direction through choices presented by a menu by use of a cursor key, and **actuating a selection** of a menu choice via **actuation of a select key.**”

**Ex. PA-D**, Banker, Abstract:14-17 (emphasis added). Banker also discloses that the on-screen display is overlaid on the video signal, so the viewer can continue to watch a program (“while the use is using the commodity”).

“**The on-screen display is selectively overlaid on the video signal, so a viewer can continue to watch a program**, or provided in place of the program video with a suitable plain-colored background. Modulator 307 selectively outputs the signal from display control circuit 306 on either channel 3 or 4 which is supplied to a television 308.”

*Id.*, 11:24-30 (emphasis added).

cc. **Claim 53**

Claim 53 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 53 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart  
comparing Banker with Claim 53 of the '078 Patent  
under 35 U.S.C. § 102(e)**

Claim 53 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 94:11 (emphasis added). As shown in Section VII.A.4.a, Banker discloses the system of claim 1.

Claim 53 next recites and Banker discloses that “*the component further manages collection of the results of the interactions along with information about a trigger event that initiated each respective interaction.*” **Ex. PAT-A**, ‘078 Patent, 94:11-14 (emphasis added).

Banker discloses that the user moves a cursor and selects a menu choice (“trigger event that initiated each respective interaction”).

“...**actuating the movement of a cursor** in one direction through choices presented by a menu by use of a cursor key, and **actuating a selection** of a menu choice via **actuation of a select key.**”

**Ex. PA-D**, Banker, Abstract:14-17 (emphasis added). Banker also discloses that the subscriber’s authorization transactions (“collection or results of the interactions”) that are generated by the actuation of the selection (“information about a trigger event that initiated each respective interaction”) are transmitted to the billing computer and system control computer (“component”) for billing and processing (“managing”).

“**Billing computer 101** includes a subscriber database and generates a monthly bill for the subscribers in the system based on level of service and any pay-per-view and impulse pay-per-view purchases. System control **computer 102** such as an HP-1000 interfaced to **billing computer 101**. System control computer **102** receives transactions such as **authorization transactions** from billing computer **101** and formats and forwards transactions to headend controller **103** and

addressable transmitter (ATX) **108.**”

*Id.*, 7:60-8:1 (emphasis added).

**dd. Claim 69**

Claim 69 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 69 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-C for a claim chart  
comparing Banker with Claim 69 of the ‘078 Patent  
under 35 U.S.C. § 102(e)**

Claim 69 recites and Banker discloses “[a] method for gathering information from units of a commodity in different locations, each unit of the commodity being coupled to a remote database on a network.” **Ex. PAT-A**, ‘078 Patent, 95:26-28 (emphasis added).

Banker discloses that data associated with a purchase of a pay-per-view event (“information”) is received (“gathering”) from subscriber terminals (“units of a commodity in different locations”).

“**Subscriber terminal 300** may include a plug-in module 317 for controlling so-called impulse pay-per-view transactions. Module 317 allows a subscriber to authorize their subscriber terminal to receive authorization and **event data for a pay-per-view event** (data stream (3) defined above), store the data associated with the purchase of that event in non-volatile memory, and **transmit the data to the system operator** via a telephone return path or radio frequency data return path through the cable distribution system. The subscriber is then billed for the purchased events.”

**Ex. PA-D**, Banker, 12:6-15 (emphasis added). Figure 3 shows Banker’s subscriber’s terminal (“unit of the commodity”).

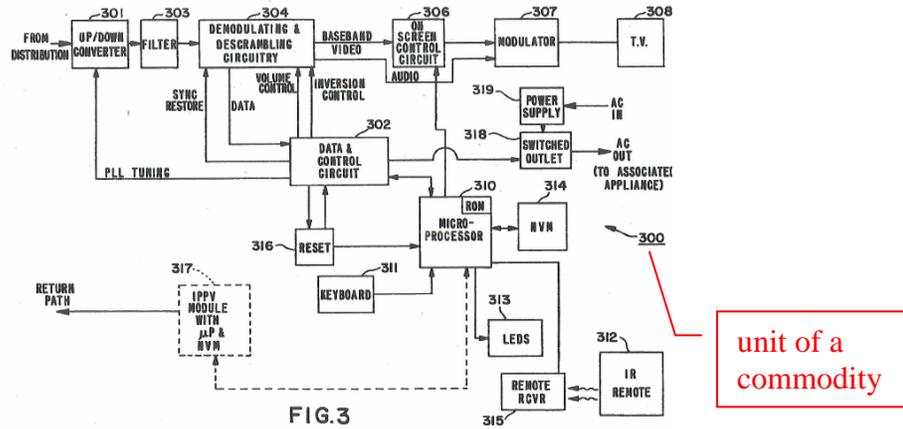


FIG. 3

*Id.*, Fig. 3.

Banker discloses each of the cable television terminals or subscriber terminals (“units of a commodity”) is coupled to a headend (“remote database on a network”).

“FIG. 1 is a block schematic diagram of a cable television system in accordance with the principles of the present invention in which data, for example, for enabling and disabling services may be addressably transmitted to **cable television terminals from a headend.**”

*Id.*, 5:44-48 (emphasis added).

Claim 69 next recites and Banker discloses “*the method comprising: eliciting user perceptions of respective units of the commodity through interactions at a user-interface of the respective unit.*” **Ex. PAT-A**, ‘078 Patent, 95:28-96:3 (emphasis added).

Banker discloses a user interface that is part of each of the subscriber terminals (“unit of the commodity”).

“Apparatus for providing **a user friendly interface** to a subscription television terminal...”

**Ex. PA-D**, Banker, Abstract:1-2 (emphasis added).

Banker discloses that the user interface has a display and key pad.

“FIG. 3D provides details of the **LED display 313 and key pad 311 of the terminal** of FIG. 3.”

*Id.*, 6:1-2 (emphasis added). Figure 3D shows the LED display and key pad (“user interface”).

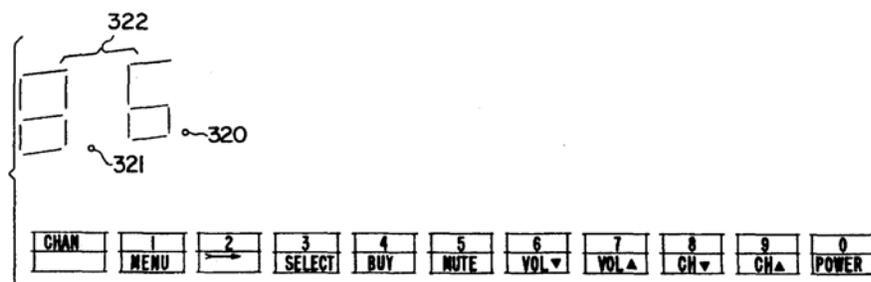


FIG.3D

*Id.*, Fig. 3D.

Banker discloses on-screen displays (“user interface”) on the subscriber terminal (“unit of the commodity”).

“FIG. 6A is a representation of several **on-screen displays** for time, channel number, and program identification.”

*Id.*, 6:21-22 (emphasis added). Figure 6A shows the user friendly interface (“user interface”).

SCREEN 1a  
TIME, CHANNEL, PID OVERLAY

```
12:42 AM      CH 78
                DISN
```

PRESS KEYS:  
FAVORITE, LAST, DISPLAY,  
CHΔ, CH▽

TIMEOUT 4 SECONDS

SLEEP TIMER OFF

LED SAYS "7 8 "

SCREEN 1b  
TWICE NORMAL FIRST LINE

```
1 2 : 4 2 Am Ch 7 8
                DISN
```

PRESS KEYS:  
FAVORITE, LAST, DISPLAY,  
CHΔ, CH▽

TIMEOUT 4 SECONDS

SLEEP TIMER OFF

2X DOWNLOADED TO NVM

LED SAYS "7 8 "

SCREEN 1c  
TIME, CHANNEL, PID, SLEEP

```
12:42 AM      CH 78
                DISN

SLEEP TIMER: 114 MIN
```

PRESS KEYS:  
FAVORITE, LAST, DISPLAY,  
CHΔ, CH▽

TIMEOUT 4 SECONDS

SLEEP TIMER ACTIVE AND COUNTING DOWN

LED SAYS "7 8 "

FIG.6A

*Id.*, Fig. 6A.

Banker discloses that the subscriber actuates a selection of pay-per-view programs (“users perception”) of the terminal (“respective units of the commodity”) to authorize and signal purchasing of the selected pay-per programs.

“actuating the movement of a cursor in one direction through choices presented by a menu by use of a cursor key, and **actuating a selection** of a menu choice via **actuation of a select key.**”

*Id.*, Abstract:14-17 (emphasis added).

Claim 69 next recites and Banker discloses “*generating perception information based on inputs of the users at the respective user-interfaces.*” **Ex. PAT-A**, ‘078 Patent, 96:4-5 (emphasis added).

Banker discloses allowing a subscriber to authorize a purchase of a pay-per-view event (“generating perception information”)

“Module 317 **allows a subscriber to authorize their subscriber terminal to receive authorization and event data for a pay-per-view event** (data stream (3) defined above), store the data associated with the purchase of that event in non-volatile memory, and transmit the data to the system operator via a telephone return path or radio frequency data return path through the cable distribution system.”

**Ex. PA-D**, Banker, 12:8-14 (emphasis added).

Banker also discloses pressing keys (“generating perception information based on inputs of the users”) at the menu screens (“user interface”).

Claim 69 next recites and Banker discloses “*transmitting the perception information to the remote database.*” **Ex. PAT-A**, ‘078 Patent, 96:6-7 (emphasis added).

Banker discloses transmitting transaction data for a purchased pay-per-view event (“perception information”) to a system operator (“remote database”).

“Module **317** allows a subscriber to authorize their subscriber terminal to receive authorization and event data for a **pay-per-view event** (data stream (3) defined above), store the data associated with the purchase of that **event** in non-volatile memory, and **transmit the data to the system operator via a telephone return path or radio frequency data return path through the cable distribution system**”

**Ex. PA-D**, Banker, 12:8-14 (emphasis added).

Claim 69 next recites and Banker discloses “*receiving the transmitted perception information from different units of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 96:8-9 (emphasis added).

Banker discloses receiving the transaction data for a purchased pay-per-view event (“perception information”) from each of the subscriber terminals (“different units of the commodity”).

“Module **317** allows a subscriber to authorize their subscriber terminal to receive authorization and event data for a **pay-per-view event** (data stream (3) defined above), store the data associated with the purchase of that **event** in non-volatile memory, and **transmit the data to the system operator via a telephone return path or radio frequency data return path through the cable distribution system**”

**Ex. PA-D**, Banker, 12:8-14 (emphasis added).

Claim 69 next recites and Banker discloses “*collecting and storing the received information at the remote database.*” **Ex. PAT-A**, ‘078 Patent, 96:10-11 (emphasis added).

Banker discloses that the billing computer (“remote database”) generates a monthly bill for the subscribers (“collecting and storing the received information”).

“Billing computer **101** includes a subscriber database and **generates a monthly bill for the subscribers** in the system based on level of service and any **pay-per-view and impulse pay-per-view purchases.**”

**Ex. PA-D**, Banker, 7:60-63 (emphasis added).

Banker also discloses that the system control computer (“remote database”) receives pay-per-view event transactions (“collecting and storing the received information”) and gather routing data (“collecting and storing the received information”).

“**System control computer 102 receives transactions such as authorization transactions from billing computer 101** and formats and forwards transactions to headend controller **103** and addressable transmitter (ATX) **108**. System control computer 102 also generates system set-up parameters such as scrambled channels. System control computer 102 configures tuning frequencies of the channels provided to the subscribers and controls on-screen display as described in greater detail below. A system control computer interface is responsible for **gathering and appropriately routing the data** leaving the system control computer 102.”

*Id.*, 7:64-8:8 (emphasis added).

ee. **Claim 70**

Claim 70 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 70 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart  
comparing Banker with Claim 70 of the '078 Patent  
under 35 U.S.C. § 102(e)**

Claim 70 recites “[t]he method of claim 69.” **Ex. PAT-A**, ‘078 Patent, 96:12 (emphasis added). As shown in Section VII.A.4.dd, Banker discloses the method of claim 69.

Claim 70 next recites and Banker discloses “enabling users of the commodities to access the received information.” **Ex. PAT-A**, ‘078 Patent, 96:12-13 (emphasis added).

Banker discloses that that the subscriber accesses the selected channel and volume level (“received information”) on the LED display.

“LED display 313 is utilized, for example, **to display selected channel numbers and diagnostics**. Referring briefly to FIG. 3D, there is shown the front panel of terminal 300 including an LED display and keys of a key pad 311. **The two digit display 322 shown may be used not only for selected channel numbers and diagnostics, but also as a two digit indication of volume** as will be further discussed herein.”

**Ex. PA-D**, Banker, 11:60-67 (emphasis added). Banker also discloses that the subscriber receives a monthly bill generated from the pay-per-view purchases received at the billing computer (“access the received information”).

“Billing computer **101** includes a subscriber database and **generates a monthly bill for the subscribers** in the system based on level of service and any **pay-per-view and impulse pay-per-view purchases**.”

*Id.*, 7:60-63 (emphasis added).

**ff. Claim 71**

Claim 71 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 71 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart comparing Banker with Claim 71 of the '078 Patent under 35 U.S.C. § 102(e)**

Claim 71 recites “[t]he method of claim 69.” **Ex. PAT-A**, ‘078 Patent, 96:14 (emphasis added). As shown in Section VII.A.4.dd, Banker discloses the method of claim 69.

Claim 71 next recites and Banker discloses “enabling third parties to access the received information.” **Ex. PAT-A**, ‘078 Patent, 96:14-15 (emphasis added).

Banker discloses that the billing computer (“third parties”) receives a subscriber’s pay-per-view purchases (“access the received information”) to generate a monthly bill.

“Billing computer **101** includes a subscriber database and **generates a monthly bill for the subscribers** in the system based on level of service and any **pay-per-view and impulse pay-per-view purchases.**”

**Ex. PA-D**, Banker, 7:60-63 (emphasis added).

**gg. Claim 72**

Claim 72 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 72 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart comparing Banker with Claim 72 of the '078 Patent under 35 U.S.C. § 102(e)**

Claim 72 recites “[t]he method of claim 71.” **Ex. PAT-A**, ‘078 Patent, 96:16 (emphasis added). As shown in Section VII.A.4.ff, Banker discloses the method of claim 71.

Claim 72 next recites and Banker discloses that “*the third parties include vendors or designers of the commodities.*” **Ex. PAT-A**, ‘078 Patent, 96:16-17 (emphasis added).

Banker discloses the billing computer, the system control computer, and the headend controller (“vendors or designers of the commodity”).

“**Billing computer 101** includes a subscriber database and generates a monthly bill for the subscribers in the system based on level of service and any pay-per-view and impulse pay-per-view purchases. System control **computer 102** such as an HP-1000 interfaced to **billing computer 101**. System control computer **102** receives transactions such as authorization transactions from billing computer **101** and formats and forwards transactions to **headend controller 103** and addressable transmitter (ATX) **108.**”

**Ex. PA-D**, Banker, 7:60-8:1 (emphasis added).

**hh. Claim 73**

Claim 73 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 73 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart comparing Banker with Claim 73 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 73 recites “[t]he method of claim 69.” **Ex. PAT-A**, ‘078 Patent, 96:18 (emphasis added). As shown in Section VII.A.4.dd, Banker discloses the method of claim 69.

Claim 73 next recites and Banker discloses “*making a design change using the received information, or marketing the commodity using the received information.*” **Ex. PAT-A**, ‘078 Patent, 96:18-20 (emphasis added).

Banker discloses that a cable television repair person can access a terminal’s processor memory. It is understood that the service person’s diagnostic results can be received by the service center and used for making a design change or marketing.

“A cable television repair person may be equipped with a **remote control device capable of transmitting these otherwise secret codes**. Equipped with such a device, the repair person **gains access to a terminal's processor memory for running diagnostic programs of the cable television terminal 300** of FIG. 3.”

**Ex. PA-D**, Banker, 16:12-18 (emphasis added).

ii. **Claim 74**

Claim 74 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Banker.

Requestor provides a concise statement of the substantial new question of patentability for Claim 74 based on Banker under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart comparing Banker with Claim 74 of the '078 Patent under 35 U.S.C. § 102(e)**

Claim 74 recites “[t]he method of claim 69.” **Ex. PAT-A**, ‘078 Patent, 96:21 (emphasis added). As shown in Section VII.A.4.dd, Banker discloses the method of claim 69.

Claim 74 next recites and Banker discloses that “*said eliciting step includes interacting with the users through the respective user-interfaces of units of commodity.*” **Ex. PAT-A**, ‘078 Patent, 96:21-23 (emphasis added).

Banker discloses that each subscriber (“user”) interacts through a user friendly interface (“user interface”) of the terminal.

“Apparatus for providing a **user friendly interface to a subscription television terminal...**”

**Ex. PA-D**, Banker, Abstract:1-2 (emphasis added). Banker also discloses that a repair person (“user”) interacts with the terminal via a remote control device (“user interface”).

“A cable television repair person may be equipped with a **remote control device capable of transmitting these otherwise secret codes**. Equipped with such a device, the repair person **gains access to a terminal's processor memory for running diagnostic programs of the cable television terminal 300** of FIG. 3.” **Ex. PA-D**, Banker, 16:12-18 (emphasis added).

Claim 74 next recites and Banker discloses “*to elicit perception information about (i) steps that a vendor of the commodity could take to improve user satisfaction or (ii) training or support provided for users of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 96:23-26 (emphasis added).

Banker discloses that a cable television repair person (“user”) can access a terminal’s processor memory. It is understood that the service person’s diagnostic results can be used to improve user satisfaction or training or support.

“A cable television repair person may be equipped with a **remote control device capable of transmitting these otherwise secret codes**. Equipped with such a device, the repair person **gains access to a terminal's processor memory for running diagnostic programs of the cable television terminal 300** of FIG. 3.”

**Ex. PA-D**, Banker, 16:12-18 (emphasis added).

5. **Anticipated By Manduley Under 35 U.S.C. § 102(e)**

a. **Claim 1**

Claim 1 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley.

Requestor provides a concise statement of the substantial new question of patentability for Claim 1 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart comparing Manduley with Claim 1 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 1 recites and Manduley discloses “[*a*] *system comprising units of a commodity that can be used by respective users in different locations.*” **Ex. PAT-A**, ‘078 Patent, 91:44-46 (emphasis added).

Manduley that the remote activation of software features in data processing devices (“units of commodity”). **Ex. PA-E**, Manduley, Title.

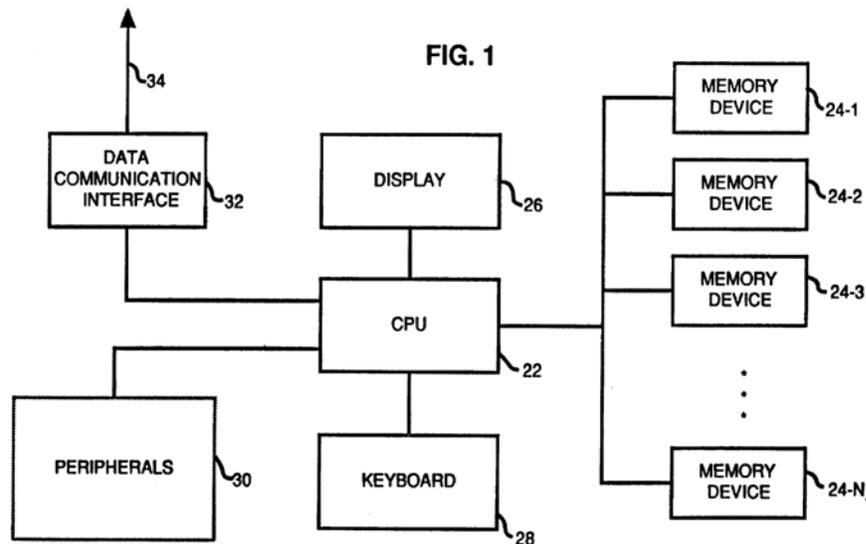
Manduley's data processing device ("unit of a commodity") may be a STAR 110 or STAR 200.

**"The STAR 200 includes an IBM PC-compatible microcomputer** interfaced to an electronic scale. Also included in the STAR 200 is a customized keyboard that includes special keys for selecting a parcel carrier or class of service. Software and data are loaded into the computer for storage on a hard disk."

*Id.*, 1:44-49 (emphasis added).

**"The STAR 110 resembles a conventional electronic scale in outward appearance.** A microprocessor, memory, weighing scale hardware and software, and a keyboard and small display, are all integrated into a single housing."

*Id.*, 1:50-53 (emphasis added). Figure 1 shows Manduley's data processing device.



*Id.*, Fig. 1.

Manduley discloses that the data processing devices ("units of a commodity") can be located various zip codes ("used by respective users in different locations").

**"The accessed or entered data may include zip code or other data identifying the location of device 20."**

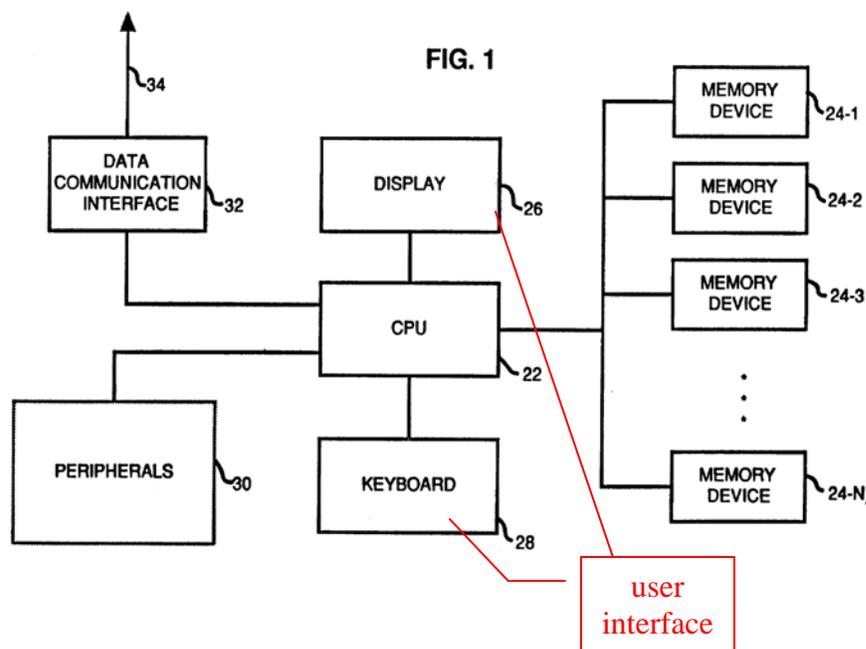
*Id.*, 6:42-44 (emphasis added).

Claim 1 next recites and Manduley discloses “a user interface, which is part of each of the units of the commodity...” **Ex. PAT-A**, ‘078 Patent, 91:47-48 (emphasis added).

Manduley discloses a display and a keyboard (“a user interface”) of the data processing device.

“Also connected to CPU 22 is a **display 26** and a **keyboard 28**...”

**Ex. PA-E**, Manduley, 3:42-43 (emphasis added). Figure 1 shows Manduley’s display and keyboard (“user interface”)



*Id.*, Fig. 1.

Manduley discloses allowing a user to input data to the device (“unit of the commodity”).

“Block **40** represents user interface software that **allows the user to input data** into, and control, device **20** and to receive information from device **20**.”

*Id.*, 3:59-61 (emphasis added).

Claim 1 next recites and Manduley discloses that the user interface is “*configured to provide a medium for two-way local interaction between one of the users and the corresponding unit of the commodity...*” **Ex. PAT-A**, ‘078 Patent, 91:48-50 (emphasis added).

Manduley discloses displaying menu items (“medium for two-way local interaction”) between the user and the device (“corresponding unit of the commodity”).

“With respect to at least some of the features available for activation, there may be **menu items that indicate** that either temporary or permanent activation is available.”

**Ex. PA-E**, Manduley, 6:15-17 (emphasis added).

Claim 1 next recites and Manduley discloses that the user interface is “*further configured to elicit, from a user, information about the user’s perception of the commodity.*”

**Ex. PAT-A**, ‘078 Patent, 91:50-52 (emphasis added).

Manduley discloses that the keyboard is used to select a menu item (*e.g.*, “information about the user’s perception of the commodity”).

“The request may be made by entry of appropriate **data or selection of a menu item** through keyboard 28. The request is presented to application manager 42 through user interface software 40.”

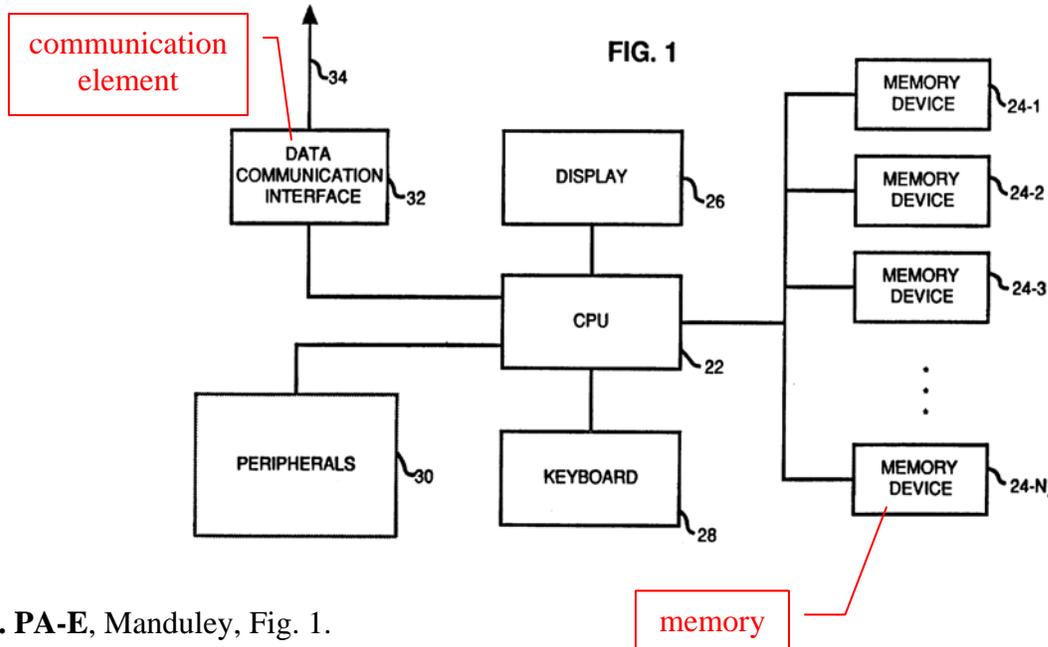
**Ex. PA-E**, Manduley, 5:8-11 (emphasis added).

Claim 1 next recites and Manduley discloses “*a memory within each of the units of the commodity capable of storing results of the two-way local interaction, the results including elicited information about user perception of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 91:53-56 (emphasis added).

Manduley discloses that the devices include memory devices (“memory”).

“Device **20** includes CPU **22**, which may be a conventional microprocessor. Connected to CPU **22** are a plurality of **memory devices 24-1 through 24-N**. Memory devices **24** may include, for example, **program memory ROMs**, detachable PROMM paddles, **working RAMs**, fixed and/or floppy disk drives, CD ROM drives, etc. It will be appreciated that at least some of the memory devices are read/write memory while others may be read only.”

**Ex. PA-E**, Manduley, 3:34-41 (emphasis added). Manduley’s memory devices (“memory”) are shown in Figure 1.



**Ex. PA-E**, Manduley, Fig. 1.

It is understood from these teachings of Manduley that a user’s activation request (“results of the two-way local interaction”) is stored in the memory device..

Claim 1 next recites and Manduley discloses “*a communication element associated with each of the units of the commodity capable of carrying results of the two-way local interaction from each of the units of the commodity to a central location.*” **Ex. PAT-A**, ‘078 Patent, 91:57-60 (emphasis added).

Manduley discloses the user’s activation request code (“results of the two-way local communication”) is transmitted from the device (“unit of the commodity”) to a data center (“central location”).

“Following step **150** is step **152**, at which the integrated request code is **transmitted from device 20 to the data center.**”

*Id.*, 7:24-26 (emphasis added). Manduley also discloses carrying request codes from users or device (“results of the two-way local interaction) to a data center (“central location”).

“FIGS. 4-A and 4-B illustrate a software routine for controlling **a data center to receive request codes from users or devices 20** and to transmit activation codes to users or devices 20.”

*Id.*, 7:40-43 (emphasis added).

Claim 1 next recites and Manduley discloses “*a component capable of managing the interactions of the users in different locations and collecting the results of the interactions at the central location.*” **Ex. PAT-A**, ‘078 Patent, 91:61-63 (emphasis added).

Manduley discloses that the data center (“central location”) receives user’s request codes (“collecting the results of the interactions”).

“FIGS. 4-A and 4-B illustrate a software routine for controlling a **data center to receive request codes from users or devices 20** and to transmit activation codes to users or devices 20. Such a **data center may be maintained**, for example, by a company that manufactures or markets devices 20.”

**Ex. PA-E**, Manduley, 7:40-45 (emphasis added). Manduley also discloses that the data center (“central location”) receives telephone calls (“interactions of the users”).

“The routine begins with step 200, at which **the data center receives a telephone call.**”

*Id.*, 7:46-47 (emphasis added).

**b. Claim 2**

Claim 2 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley.

Requestor provides a concise statement of the substantial new question of patentability for Claim 2 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart comparing Manduley with Claim 2 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 2 recites “[*t*]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 91:64 (emphasis added). As shown in Section VII.A.5.a, Manduley discloses the system of claim 1.

Claim 2 next recites and Manduley discloses that “*the user interface is triggered based on user behaviors to generate two-way interactions with each of the users.*” **Ex. PAT-A**, ‘078 Patent, 91:64-66 (emphasis added).

Manduley discloses that the application manager provides the user interface.

“The request is presented to **application manager 42 through user interface software 40.**”

**Ex. PA-E**, Manduley, 5:10-11 (emphasis added).

Manduley discloses a diagnostic software module is displayed via the application manager (“user interface”) initiated by the user’s keyboard input (“triggered based on user behaviors”).

“Also **accessible via application manager 42 is a diagnostic software module 72** which includes self-diagnosis software routines that may be **initiated by keyboard input.**”

*Id.*, 4:54-56 (emphasis added).

Claim 2 next recites and Manduley discloses “*each of the interactions relating to a corresponding specific one of the behaviors.*” **Ex. PAT-A**, ‘078 Patent, 91:66-67 (emphasis added).

Manduley discloses each of the request codes (“interactions”) corresponds to user’s input (“specific one of the behaviors”).

“FIGS. 4-A and 4-B illustrate a software routine for controlling a data center to receive **request codes from users or devices 20** and to transmit activation codes to users or devices 20.”

**Ex. PA-E**, Manduley, 7:40-43 (emphasis added).

c. **Claim 3**

Claim 3 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley.

Requestor provides a concise statement of the substantial new question of patentability for Claim 3 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart  
comparing Manduley with Claim 3 of the '078 Patent  
under 35 U.S.C. § 102(e)**

Claim 3 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:1 (emphasis added). As shown in Section VII.A.5.a, Manduley discloses the system of claim 1.

Claim 3 next recites and Manduley discloses that “*the interactions are triggered to occur repetitively for each of the users based on repeated uses of a feature of a unit of the commodity by the user.*” **Ex. PAT-A**, ‘078 Patent, 92:1-4 (emphasis added).

Manduley discloses “use of a feature.”

“It will be appreciated that temporary activation allows a user to have **use of a feature** on a rental or free trial basis.”

**Ex. PA-E**, Manduley, 7:11-13 (emphasis added).

Manduley discloses the number of times the feature is available for use (“repeated uses of a feature”).

“If the user selects temporary activation, there may be menu items that indicate such options as **the number of times the feature will be made available for use, or a length of time during which the feature will be available.**”

*Id.*, 6:17-21 (emphasis added).

d. **Claim 4**

Claim 4 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley.

Requestor provides a concise statement of the substantial new question of patentability for Claim 4 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart  
comparing Manduley with Claim 4 of the '078 Patent  
under 35 U.S.C. § 102(e)**

Claim 4 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:5 (emphasis added). As shown in Section VII.A.5.a, Manduley discloses the system of claim 1.

Claim 4 next recites and Manduley discloses that “*the user interface comprises part of a functional user interface of the unit of the commodity that can be used to control features of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 92:5-8 (emphasis added).

Manduley discloses performing functions under the control (“functional user interface of the unit of the commodity that can be used to control features of the commodity”)

“This application relates to operation of data processing devices and more particularly to such devices that **perform a plurality of functions under the control** of a stored software program.”

**Ex. PA-E**, Manduley, 1:13-16 (emphasis added).

Manduley discloses carrying out functions of the device (“control features of the commodity”) to control features of an application program.

“the programs being for controlling the microprocessor to **carry out intended functions of the device**, at least one of the applications programs including at least one optional **feature**”

*Id.*, 2:36-39 (emphasis added).

e. **Claim 5**

Claim 5 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley.

Requestor provides a concise statement of the substantial new question of patentability for Claim 5 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart  
comparing Manduley with Claim 5 of the '078 Patent  
under 35 U.S.C. § 102(e)**

Claim 5 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:9 (emphasis added). As shown in Section VII.A.5.a, Manduley discloses the system of claim 1.

Claim 5 next recites and Manduley discloses that “*the communication element also carries information from a passive probe that monitors the user’s use of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 92:9-11 (emphasis added).

Manduley discloses that the user’s entry of data or selection of a menu item (“use of the commodity”) is monitored.

“The routine commences with step 100, at which **the user requests that an application be actuated**. The request may be made by **entry of appropriate data or selection of a menu item** through keyboard 28.”

**Ex. PA-E**, Manduley, 5:7-10 (emphasis added).

Manduley discloses that the device updates the display, thus “monitors” the user’s entry of a request code (“use of the commodity”).

“After step 142 is step 144 at which device 20 **displays the integrated request code** that was generated at step 136.”

*Id.*, 6:60-62 (emphasis added).

Manduley discloses that a communication module takes results of the user’s entry of data or selection of a menu item (“user’s use of the commodity”), thus acts as a “passive probe.”

“Returning now to step 138, if device 20 was equipped for direct communication

with the data center, step 150 will follow step 138. At step 150 **appropriate action is taken through communication module 56 to establish a direct data link with a data center.**

*Id.*, 7:18-22 (emphasis added).

**f. Claim 6**

Claim 6 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley.

Requestor provides a concise statement of the substantial new question of patentability for Claim 6 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart comparing Manduley with Claim 6 of the '078 Patent under 35 U.S.C. § 102(e)**

Claim 6 recites “[*t*]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:12 (emphasis added). As shown in Section VII.A.5.a, Manduley discloses the system of claim 1.

Claim 6 next recites and Manduley discloses that “*the units of the commodity comprise telephone extension equipment.*” **Ex. PAT-A**, ‘078 Patent, 92:12-13 (emphasis added).

Manduley discloses a modem (“telephone extension equipment”).

“Also connected to CPU 22 is a data communication interface 32, which may be a conventional **modem**, and which is capable of establishing a data communication path (represented by arrow 34) between device 20 and another data processing system (not shown).”

**Ex. PA-E**, Manduley, 3:52-56 (emphasis added).

Claim 6 next recites and Manduley discloses that “*the central location comprises a private branch exchange or other central telephone network facility.*” **Ex. PAT-A**, ‘078 Patent, 92:13-15 (emphasis added).

Manduley discloses that the data center communication with the device via telephone. It is understood that the data center has a “central telephone network facility.”

“Communication via conventional **telephone**, or alternatively cellular telephone

or other wireless communication is contemplated.”

*Id.*, 7:22-24 (emphasis added).

**g. Claim 7**

Claim 7 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley.

Requestor provides a concise statement of the substantial new question of patentability for Claim 7 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart  
comparing Manduley with Claim 7 of the ‘078 Patent  
under 35 U.S.C. § 102(e)**

Claim 7 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:16 (emphasis added). As shown in Section VII.A.5.a, Manduley discloses the system of claim 1.

Claim 7 next recites and Manduley discloses that “*the results of the interactions are forwarded from the central location to a remote server for analysis.*” **Ex. PAT-A**, ‘078 Patent, 92:16-18 (emphasis added).

Manduley disclose a system for remotely charging postage meters (“a remote server”) connected to the data center (“central location”) that calculates postage (“analysis”).

“The data center to which request codes are to be sent and from which activation codes are received is preferably of the same general type as the data center described in U.S. Pat. Nos. 3,792,446 and 4,097,923 in **connection with a system for remotely charging postage meters.**”

**Ex. PA-E**, Manduley, 7:29-33 (emphasis added).

**h. Claim 10**

Claim 10 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley.

Requestor provides a concise statement of the substantial new question of patentability for Claim 10 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart  
comparing Manduley with Claim 10 of the '078 Patent  
under 35 U.S.C. § 102(e)**

Claim 10 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:28 (emphasis added). As shown in Section VII.A.5.a, Manduley discloses the system of claim 1.

Claim 10 next recites and Manduley discloses that “*the two-way interaction provides instructions on how to use the commodity.*” **Ex. PAT-A**, ‘078 Patent, 92:28-29 (emphasis added).

Manduley discloses displaying information advising the user how to request activation (“instructions on how to use the commodity”)

“Next following step 310, is step 312, at which there would be **displayed information advising the user as to how to request activation.**”

**Ex. PA-E**, Manduley, 11:20-22 (emphasis added).

**i. Claim 15**

Claim 15 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley. Requestor provides a concise statement of the substantial new question of patentability for Claim 15 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart  
comparing Manduley with Claim 15 of the '078 Patent  
under 35 U.S.C. § 102(e)**

Claim 15 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:41 (emphasis added). As shown in Section VII.A.5.a, Manduley discloses the system of claim 1.

Claim 15 next recites and Manduley discloses that “*the two-way interaction is mediated by a publicly or privately accessible on-line computerized information service.*” **Ex. PAT-A**, ‘078 Patent, 92:41-43 (emphasis added).

Manduley discloses AddressRight system providing various information services, *e.g.*, mailing list correction, duplicate address elimination, etc. (“computerized information service”).

“Addressing program 46 preferably includes the functionality of the **AddressRight system** available from Pitney Bowes Inc. Thus addressing program 46 preferably includes a plurality of features 52 such as **mailing list correction, duplicate address elimination, merging of two or more mailing lists, envelope printing or barcode generation.**”

**Ex. PA-E**, Manduley, 4:20-25 (emphasis added). Manduley also discloses a computerized parcel manifest system that provides a plurality of carriers or classes of service (“computerized information service”).

“Manifesting program 48 preferably includes the functionality of the aforesaid **STAR 200 parcel manifest system**. The features 54 making up manifesting program 48 may therefore **include a plurality of carriers or classes of service** for which manifests can be produced and a plurality of **accounting and reporting capabilities** concerning manifesting activities performed by manifesting program 48.”

*Id.*, 4:26-32 (emphasis added).

**j. Claim 16**

Claim 16 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley. Requestor provides a concise statement of the substantial new question of patentability for Claim 16 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart comparing Manduley with Claim 16 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 16 recites “[*t*]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:44 (emphasis added). As shown in Section VII.A.5.a, Manduley discloses the system of claim 1.

Claim 16 next recites and Manduley discloses that “*the user interface presents information in one or more of the following styles: text, lists, charts, views, arrangements,*

*hierarchies, graphical maps, sample extracts, abstracts, summary descriptions, or hypertext.”*

**Ex. PAT-A**, ‘078 Patent, 92:44-48 (emphasis added).

Manduley discloses displaying menu items (*e.g.*, “text”).

“With respect to at least some of the features available for activation, there may be **menu items that indicate** that either temporary or permanent activation is available.”

**Ex. PA-E**, Manduley, 6:15-17 (emphasis added).

Manduley discloses a list (“lists”) of the features and/or applications.

“After step 140 is step 142 at which system 20 displays **a list of the features and/or applications** requested for activation by the user.”

*Id.*, 6:55-57 (emphasis added).

Manduley discloses an activation map (“graphical maps”).

“This is accomplished through program activation module 58 which consults a part of configuration record 66 which is referred to as the “**activation map**”. The activation map contains data indicating which application programs, and which features of the programs, have been activated and whether the activation is permanent or temporary.”

*Id.*, 5:19-25 (emphasis added). Manduley also discloses displaying on the display (“user interface”) a listing (“lists”) and a description (“descriptions”) of advantages of the unactivated functions.

“If so, there is **displayed on display 26** a suggestion that there are one or more **unactivated functions** available on device 20 and **a listing**, and preferably also **a description of the advantages**, of those functions.”

*Id.*, 11:1-5 (emphasis added).

**k. Claim 18**

Claim 18 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley.

Requestor provides a concise statement of the substantial new question of patentability for Claim 18 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart  
comparing Manduley with Claim 18 of the '078 Patent  
under 35 U.S.C. § 102(e)**

Claim 18 recites “[t]he system of claim 16.” **Ex. PAT-A**, ‘078 Patent, 92:55 (emphasis added). As shown in Section VII.A.5.j, Manduley discloses the system of claim 16.

Claim 18 next recites and Manduley discloses that “*the style is hypertext.*” **Ex. PAT-A**, ‘078 Patent, 92:55 (emphasis added).

Manduley discloses displaying menu items (*e.g.*, “text”). It is understood that the menu item can contain hypertext.

“With respect to at least some of the features available for activation, there may be **menu items that indicate** that either temporary or permanent activation is available.”

**Ex. PA-E**, Manduley, 6:15-17 (emphasis added).

**I. Claim 22**

Claim 22 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley. Requestor provides a concise statement of the substantial new question of patentability for Claim 22 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart  
comparing Manduley with Claim 22 of the '078 Patent  
under 35 U.S.C. § 102(e)**

Claim 22 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 92:65 (emphasis added). As shown in Section VII.A.5.a, Manduley discloses the system of claim 1.

Claim 22 next recites and Manduley discloses that “*the elicited information is information about the user’s needs with respect to use of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 92:65-67 (emphasis added).

Manduley discloses ordering of additional hardware when needed to implement a feature or application (“information about the user’s need with respect to use of the commodity”).

“Reference was previously made to **automatic ordering of additional hardware when needed to implement a feature or application** for which activation was requested.”

**Ex. PA-E**, Manduley, 10:21-23 (emphasis added).

**m. Claim 24**

Claim 24 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley.

Requestor provides a concise statement of the substantial new question of patentability for Claim 24 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart comparing Manduley with Claim 24 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 24 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:4(emphasis added). As shown in Section VII.A.5.a, Manduley discloses the system of claim 1.

Claim 24 next recites and Manduley discloses “*wherein the two-way local interactions comprise a transaction for sale of a product or a service contract for the commodity.*” **Ex. PAT-A**, ‘078 Patent, 93:4-6 (emphasis added).

Manduley discloses billing (“transaction for sale”) and maintenance and/or lease payment (“service contract of the commodity”).

“The routine then proceeds to step 222, at which the data center issues instructions that will result in **billing the holder of device 20 for any charges** applicable to the requested programs or features and any ordered hardware, with updated or supplementary **billing of maintenance and/or lease payments.**”

**Ex. PA-E**, Manduley, Manduley, 8:23-28 (emphasis added).

Manduley discloses maintenance agreement or product leasing arrangement (“service contract”).

“Step 220, where appropriate, also includes updating of any applicable **maintenance agreement or product leasing arrangement.**”

*Id.*, 8:21-23 (emphasis added).

n. **Claim 25**

Claim 25 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley.

Requestor provides a concise statement of the substantial new question of patentability for Claim 25 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart  
comparing Manduley with Claim 25 of the ‘078 Patent  
under 35 U.S.C. § 102(e)**

Claim 25 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:7 (emphasis added). As shown in Section VII.A.5.a, Manduley discloses the system of claim 1.

Claim 25 next recites and Manduley discloses that “*the two-way local interactions comprise a request for servicing of the commodity by the user.*” **Ex. PAT-A**, ‘078 Patent, 93:7-9 (emphasis added).

Manduley discloses that the display and the keyboard are configured to accept data or selection of a menu item (“a request for servicing of the commodity”).

“The request may be made by entry of appropriate **data or selection of a menu item** through keyboard 28. The request is presented to application manager 42 through user interface software 40.”

**Ex. PA-E**, Manduley, 5:7-11 (emphasis added).

Manduley discloses user’s activation request (“a request for servicing”) of an application or a feature on the data processing device (“commodity”).

“If activation is requested, the routine proceeds to step 124 (FIG. 3-C) at which it is determined whether the user is authorized to **request activation.**”

*Id.*, 6:1-3 (emphasis added).

**o. Claim 30**

Claim 30 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley.

Requestor provides a concise statement of the substantial new question of patentability for Claim 30 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart comparing Manduley with Claim 30 of the '078 Patent under 35 U.S.C. § 102(e)**

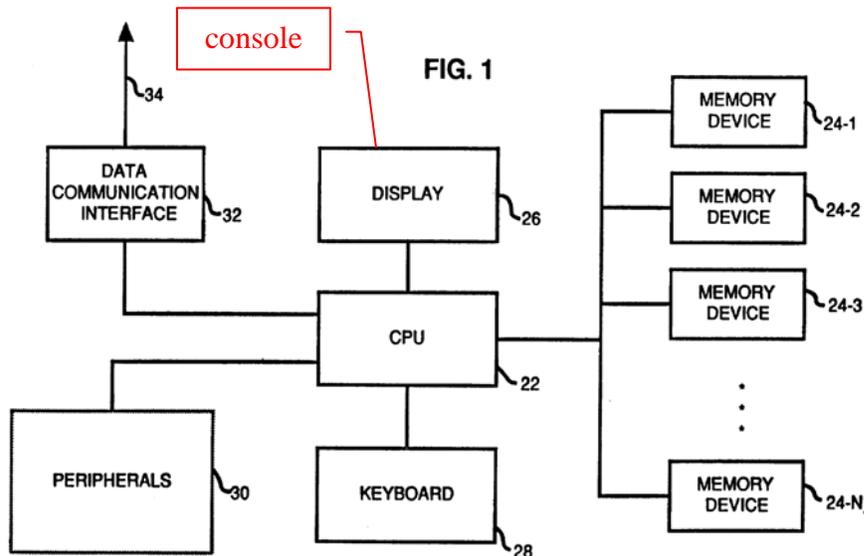
Claim 30 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:18 (emphasis added). As shown in Section VII.A.5.a, Manduley discloses the system of claim 1.

Claim 30 next recites and Manduley discloses that “the user interface includes a console displaying text or graphics.” **Ex. PAT-A**, ‘078 Patent, 93:18-19 (emphasis added).

Manduley discloses a display (“console”).

“Also connected to CPU 22 is a **display 26** and a keyboard 28...”

**Ex. PA-E**, Manduley, 3:42-43 (emphasis added).



*Id.*, Fig. 1.

Manduley discloses that the display displays a menu item (“text or graphics”).

“The request may be made by entry of appropriate **data or selection of a menu item** through keyboard 28. The request is presented to application manager 42 through user interface software 40.”

*Id.*, 5:8-11 (emphasis added).

**p. Claim 31**

Claim 31 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley.

Requestor provides a concise statement of the substantial new question of patentability for Claim 31 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart comparing Manduley with Claim 31 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 31 recites “[t]he system of claim 30.” **Ex. PAT-A**, ‘078 Patent, 93:20 (emphasis added). As shown in Section VII.A.5.o, Manduley discloses the system of claim 30.

Claim 31 next recites and Manduley discloses that “*the console comprises a display of a computer, phone, or handheld device.*” **Ex. PAT-A**, ‘078 Patent, 93:20-21 (emphasis added).

Manduley discloses that the display (“console”) is a display of the data processing device (“computer”).

“Also connected to CPU 22 is **a display 26** and a keyboard 28...”

**Ex. PA-E**, Manduley, 3:42-43 (emphasis added).

Manduley discloses that the display displays a menu item (“text or graphics”).

“The routine commences with step 100, at which the user requests that an application be actuated. The request may be made by entry of appropriate data or selection of **a menu item** through keyboard 28.”

*Id.*, 5:7-10 (emphasis added).

Manduley discloses a personal computer (“computer”). It is understood that the personal computer has a display.

“Among other alternatives, the hardware just described may advantageously be realized in a conventional **personal computer**, or may be incorporated in an embedded system such as the STAR 110 described above.”

*Id.*, 3:45-48 (emphasis added).

**q. Claim 32**

Claim 32 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley.

Requestor provides a concise statement of the substantial new question of patentability for Claim 32 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart  
comparing Manduley with Claim 32 of the ‘078 Patent  
under 35 U.S.C. § 102(e)**

Claim 32 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:22 (emphasis added). As shown in Section VII.A.5.a, Manduley discloses the system of claim 1.

Claim 32 next recites and Manduley discloses that “*the component is configured to provide access to the collection of results to vendors of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 93:22-24 (emphasis added).

Manduley discloses that the request codes are transmitted to a company that manufactures or markets the device (“vendor of the commodity”), thus the manufacturer or marketing company accesses to the request codes (“collection of results”).

“FIGS. 4-A and 4-B illustrate a software routine for controlling **a data center to receive request codes from users or devices 20** and to transmit activation codes to users or devices 20. Such a data center may be maintained, for example, by **a company that manufactures or markets devices 20.**”

**Ex. PA-E**, Manduley, 7:39-44 (emphasis added). Manduley also discloses that the system with a postage meter (“vendor of the commodity”) accesses the activation request codes (“collection of results”).

“The data center to which request codes are to be sent and from which activation

codes are received is preferably of the same general type as the data center described in U.S. Pat. Nos. 3,792,446 and 4,097,923 in connection with **a system for remotely charging postage meters.**”

*Id.*, 7:29-33 (emphasis added).

r. **Claim 38**

Claim 38 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley.

Requestor provides a concise statement of the substantial new question of patentability for Claim 38 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart comparing Manduley with Claim 38 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 38 recites “[*t*]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:41 (emphasis added). As shown in Section VII.A.5.a, Manduley discloses the system of claim 1.

Claim 38 next recites and Manduley discloses that “*the units of commodity store one or more probes that elicit specific information from the respective users through the user interfaces.*” **Ex. PAT-A**, ‘078 Patent, 93:41-43 (emphasis added).

Manduley discloses that the keyboard is used to select a menu item (*e.g.*, “elicit information about the user’s perception of the commodity”).

“The request may be made by entry of appropriate **data or selection of a menu item** through keyboard 28. The request is presented to application manager 42 through user interface software 40.”

**Ex. PA-E**, Manduley, 5:8-11 (emphasis added).

Manduley discloses that a communication module (“one or more probes”) takes results of the user’s entry of data or selection of a menu item (“user’s use of the commodity”)

“Returning now to step 138, if device 20 was equipped for direct communication with the data center, step 150 will follow step 138. At step 150 **appropriate action is taken through communication module 56 to establish a direct data link with a data center.**”

*Id.*, 7:18-22 (emphasis added).

It is understood that respective user via his/her own user interface elicit information (*e.g.*, section of a menu item or entry a request code”)

s. **Claim 46**

Claim 46 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley. Requestor provides a concise statement of the substantial new question of patentability for Claim 46 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart comparing Manduley with Claim 46 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 46 recites “[*t*]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:61 (emphasis added). As shown in Section VII.A.5.a, Manduley discloses the system of claim 1.

Claim 46 next recites and Manduley discloses that “*the two way local interaction enables the user to request help or support.*” **Ex. PAT-A**, ‘078 Patent, 93:61-62 (emphasis added).

Manduley discloses an application guide that makes suggestions (“help or support”) to the user.

“A third portion, represented by block 70, contains software that monitors operation of device 20 and **makes suggestions to the user** concerning unactivated programs or features that may be of value to the user. Portion 70, sometimes referred to as the “**application guide**”, will be discussed in more detail below.”

**Ex. PA-E**, Manduley, 4:46-52 (emphasis added).

Manduley discloses that the user’s execution of an application or feature initiates the application guide, which provides suggestions (“help or support”).

“Operation of **application guide 70 is initiated upon execution of an application or a feature** for which there are alternative or compatible applications or features resident among the application program stored in device 20.”

*Id.*, 10:41-44 (emphasis added).

**t. Claim 47**

Claim 47 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley. Requestor provides a concise statement of the substantial new question of patentability for Claim 47 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart comparing Manduley with Claim 47 of the '078 Patent under 35 U.S.C. § 102(e)**

Claim 47 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 93:63(emphasis added). As shown in Section VII.A.5.a, Manduley discloses the system of claim 1.

Claim 47 next recites and Manduley discloses that “*the information relates to perception of a problem relating to use of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 93:63-64 (emphasis added).

Manduley discloses finding an error in decrypting the request code (“problem relating to use of the commodity”).

“Following step 210 is step 212, at which it is determined whether **an error is found** by reference to the customer's file or **in decrypting the request code.**”

**Ex. PA-E**, Manduley, 8:6-8 (emphasis added).

**u. Claim 48**

Claim 48 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley. Requestor provides a concise statement of the substantial new question of patentability for Claim 48 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart comparing Manduley with Claim 48 of the '078 Patent under 35 U.S.C. § 102(e)**

Claim 48 recites “[t]he system of claim 47.” **Ex. PAT-A**, ‘078 Patent, 93:65 (emphasis added). As shown in Section VII.A.5.t, Manduley discloses the system of claim 47.

Claim 48 next recites and Manduley discloses that “*the two-way local interaction includes suggestions of the user to solve the problem.*” **Ex. PAT-A**, ‘078 Patent, 93:65-67 (emphasis added).

Manduley discloses that the data center issues an error message to the user. It is understood that the error message may include “suggestions” to the user to solve the problem.

“If so, step 214 follows, at which the data center **issues an error message** (either by direct communication to device 20 or to the user via the voice answer back unit, as the case may be) and the routine ends.”

**Ex. PA-E**, Manduley, 8:8-12 (emphasis added). Manduley also discloses making suggestions to the user via an application guide. It is understood that these suggestions are intended to activate programs or features (“solve the problem” of activation).

“A third portion, represented by block 70, contains software that monitors operation of device 20 and **makes suggestions to the user** concerning unactivated programs or features that may be of value to the user. Portion 70, sometimes referred to as the “application guide”, will be discussed in more detail below.”

*Id.*, 4:46-52 (emphasis added).

**v. Claim 50**

Claim 50 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley. Requestor provides a concise statement of the substantial new question of patentability for Claim 50 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart comparing Manduley with Claim 50 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 50 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 94:4 (emphasis added). As shown in Section VII.A.5.a, Manduley discloses the system of claim 1.

Claim 50 next recites and Manduley discloses that “*the commodity is a demonstration unit.*” **Ex. PAT-A**, ‘078 Patent, 94:4-5 (emphasis added).

Manduley’s data processing device (“unit of a commodity”) such as a STAR 110 or STAR 200. It is understood that these STAR 110 or 220 can be demonstration units.

“**The STAR 200 includes an IBM PC-compatible microcomputer** interfaced to an electronic scale. Also included in the STAR 200 is a customized keyboard that includes special keys for selecting a parcel carrier or class of service. Software and data are loaded into the computer for storage on a hard disk.”

**Ex. PA-E**, Manduley, 1:44-49 (emphasis added).

“**The STAR 110** resembles a conventional electronic scale in outward appearance. A microprocessor, memory, weighing scale hardware and software, and a keyboard and small display, are all integrated into a single housing.”

*Id.*, 1:50-53 (emphasis added).

w. **Claim 51**

Claim 51 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley. Requestor provides a concise statement of the substantial new question of patentability for Claim 51 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart comparing Manduley with Claim 51 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 51 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 94:6 (emphasis added). As shown in Section VII.A.5.a, Manduley discloses the system of claim 1.

Claim 51 next recites and Manduley discloses that “*the communication element also carries objective information about the user’s use of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 94:6-8 (emphasis added).

Manduley discloses allowing a user to input data (*e.g.*, selection of a menu item or entry of a request code) (“objective information about the user’s use of the commodity”).

“Block **40** represents user interface software that **allows the user to input data** into, and control, device **20** and to receive information from device **20**.”

**Ex. PA-E**, Manduley, 3:59-61 (emphasis added).

**x. Claim 52**

Claim 52 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley.

Requestor provides a concise statement of the substantial new question of patentability for Claim 52 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart comparing Manduley with Claim 52 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 52 recites “[*t*]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 94:9 (emphasis added). As shown in Section VII.A.5.a, Manduley discloses the system of claim 1.

Claim 52 next recites and Manduley discloses that “*the two-way local interactions occur while the user is using the commodity.*” **Ex. PAT-A**, ‘078 Patent, 94:9-10 (emphasis added).

Manduley discloses allowing a user to input data (*e.g.*, selection of a menu item or entry of a request code, “) while using the device (“commodity”).

“Block **40** represents user interface software that **allows the user to input data** into, and control, device **20** and to receive information from device **20**.”

**Ex. PA-E**, Manduley, 3:59-61 (emphasis added).

Manduley discloses displaying menu items (“medium for two-way local interaction”) while using the device (“commodity”)

“With respect to at least some of the features available for activation, there may be **menu items that indicate** that either temporary or permanent activation is available.”

*Id.*, 6:15-17 (emphasis added).

y. **Claim 53**

Claim 53 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley. Requestor provides a concise statement of the substantial new question of patentability for Claim 53 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart comparing Manduley with Claim 53 of the '078 Patent under 35 U.S.C. § 102(e)**

Claim 53 recites “[t]he system of claim 1.” **Ex. PAT-A**, ‘078 Patent, 94:11 (emphasis added). As shown in Section VII.A.5.a, Manduley discloses the system of claim 1.

Claim 53 next recites and Manduley discloses that “*the component further manages collection of the results of the interactions along with information about a trigger event that initiated each respective interaction.*” **Ex. PAT-A**, ‘078 Patent, 94:11-14 (emphasis added).

Manduley discloses diagnostic software routines are initiated by the user’s keyboard input (“trigger event that initiated each respective interaction”).

**“Also accessible via application manager 42 is a diagnostic software module 72 which includes self-diagnosis software routines that may be initiated by keyboard input.”**

**Ex. PA-E**, Manduley, 4:54-56 (emphasis added).

Manduley discloses collecting the user’s input (*e.g.*, selection of a menu item or entry of a request code).

**“Block 40 represents user interface software that allows the user to input data into, and control, device 20 and to receive information from device 20.”**

*Id.*, 3:59-61 (emphasis added). Manduley also discloses that the user’s request made by entry of data or selection of a menu item is presented to, thus “collected” application manager (“component”).

“The request may be made by **entry of appropriate data or selection of a menu item** through keyboard 28. The **request is presented to application manager 42 through user interface software 40.**”

*Id.*, 5:8-11 (emphasis added).

**z. Claim 69**

Claim 69 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley.

Requestor provides a concise statement of the substantial new question of patentability for Claim 69 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-D for a claim chart comparing Manduley with Claim 69 of the ‘078 Patent under 35 U.S.C. § 102(e)**

Claim 69 recites and Manduley discloses “[a] *method for gathering information from units of a commodity in different locations, each unit of the commodity being coupled to a remote database on a network.*” **Ex. PAT-A**, ‘078 Patent, 95:26-28 (emphasis added).

Manduley that the remote activation of software features in data processing devices (“units of commodity”). **Ex. PA-E**, Manduley, Title.

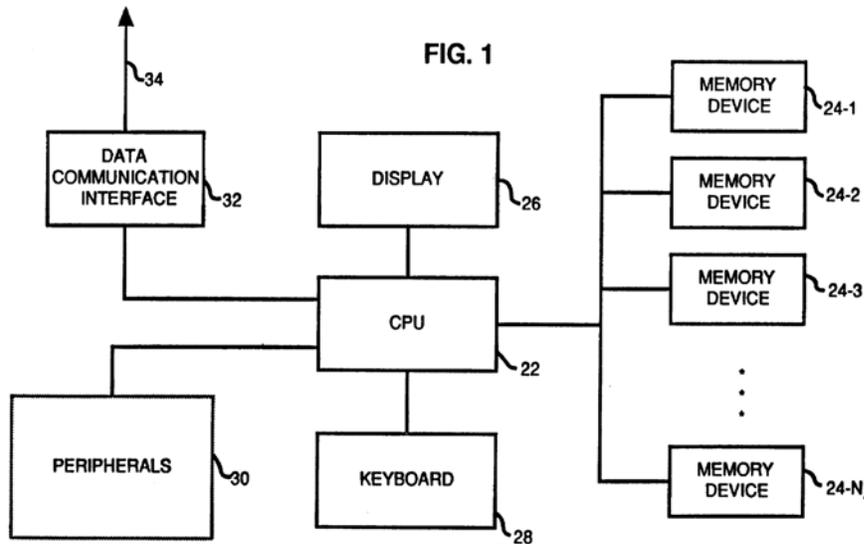
Manduley’s data processing device (“unit of a commodity”) may be a STAR 110 or STAR 200.

“**The STAR 200 includes an IBM PC-compatible microcomputer** interfaced to an electronic scale. Also included in the STAR 200 is a customized keyboard that includes special keys for selecting a parcel carrier or class of service. Software and data are loaded into the computer for storage on a hard disk.”

*Id.*, 1:44-49 (emphasis added).

“**The STAR 110** resembles a conventional electronic scale in outward appearance. A microprocessor, memory, weighing scale hardware and software, and a keyboard and small display, are all integrated into a single housing.”

*Id.*, 1:50-53 (emphasis added). Figure 1 shows Manduley’s data processing device.



*Id.*, Fig. 1.

Manduley discloses a method of receiving a request (“information”) from each of the data processing devices (“units of a commodity”).

“The **method** also includes **receiving a request to operate one of the optional features...**”

*Id.*, Abstract: 12-13 (emphasis added).

Manduley discloses that the data processing devices (“units of a commodity”) can be located various zip codes (“used by respective users in different locations”).

“The accessed or entered data may include **zip code or other data identifying the location of device 20.**”

*Id.*, 6:42-44 (emphasis added).

Manduley discloses that user’s device is connected to a data center (“remote database on a network”).

“Following step **150** is step **152**, at which the integrated request code is **transmitted from device 20 to the data center.**”

*Id.*, 7:24-26 (emphasis added).

Claim 69 next recites and Manduley discloses “*the method comprising: eliciting user perceptions of respective units of the commodity through interactions at a user-interface of the respective unit.*” **Ex. PAT-A**, ‘078 Patent, 95:28-96:3 (emphasis added).

Manduley discloses that the display and the keyboard (“user interface”) are used to generate an activation request code (*e.g.*, “user perceptions of respective units of the commodity”).

“The request may be made by entry of appropriate **data or selection of a menu item** through keyboard 28. The request is presented to application manager 42 through user interface software 40.”

**Ex. PA-E**, Manduley, 5:8-11 (emphasis added). Manduley also discloses that the user may request activation (*e.g.*, “user perceptions”) of an application or a feature on the data processing device (“respective units of the commodity”).

“If activation is requested, the routine proceeds to step 124 (FIG. 3-C) at which it is determined whether the user is authorized to **request activation.**”

*Id.*, 6:1-3 (emphasis added).

Claim 69 next recites and Manduley discloses “*generating perception information based on inputs of the users at the respective user-interfaces.*” **Ex. PAT-A**, ‘078 Patent, 96:4-5 (emphasis added).

Manduley discloses allowing a user to input data to the device (“unit of the commodity”).

“Block **40** represents user interface software that **allows the user to input data** into, and control, device **20** and to receive information from device **20.**”

**Ex. PA-E**, Manduley, 3:59-61 (emphasis added).

Manduley discloses that user’s data input or selection is generated at the menu item (“user interface”).

“The request may be made by entry of appropriate **data or selection of a menu item** through keyboard 28. The request is presented to application manager 42 through user interface software 40.”

*Id.*, 5:8-11 (emphasis added).

Claim 69 next recites and Manduley discloses “*transmitting the perception information to the remote database.*” **Ex. PAT-A**, ‘078 Patent, 96:6-7 (emphasis added).

Manduley discloses that the user’s request code (“perception information”) is transmitted to a data center (“remote database”).

“Following step **150** is step **152**, at which the integrated request code is **transmitted from device 20 to the data center.**”

**Ex. PA-E**, Manduley, 7:24-26 (emphasis added).

Claim 69 next recites and Manduley discloses “*receiving the transmitted perception information from different units of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 96:8-9 (emphasis added).

Manduley discloses that a data center (“remote database”) receives the user’s request codes (“perception information”) from different user’s devices (“units of the commodity”).

“FIGS. 4-A and 4-B illustrate a software routine for controlling a **data center to receive request codes from users or devices 20** and to transmit activation codes to users or devices 20.”

**Ex. PA-E**, Manduley, 7:40-43 (emphasis added).

Claim 69 next recites and Manduley discloses “*collecting and storing the received information at the remote database.*” **Ex. PAT-A**, ‘078 Patent, 96:10-11 (emphasis added).

Manduley discloses that the request codes (“received information”) are received (“collecting”) and maintained (“storing”) at the data center (“remote database”).

“FIGS. 4-A and 4-B illustrate a software routine for controlling a **data center to receive request codes from users or devices 20** and to transmit activation codes to users or devices 20. Such a **data center may be maintained**, for example, by a company that manufactures or markets devices 20.”

**Ex. PA-E**, Manduley, 7:40-45 (emphasis added).

aa. **Claim 70**

Claim 70 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley. Requestor provides a concise statement of the substantial new question of patentability for Claim 70 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart comparing Manduley with Claim 70 of the '078 Patent under 35 U.S.C. § 102(e)**

Claim 70 recites “[t]he method of claim 69.” **Ex. PAT-A**, ‘078 Patent, 96:12 (emphasis added). As shown in Section VII.A.5.z, Manduley discloses the method of claim 69.

Claim 70 next recites and Manduley discloses “enabling users of the commodities to access the received information.” **Ex. PAT-A**, ‘078 Patent, 96:12-13 (emphasis added).

Manduley discloses that the device updates the display the user’s entry of a request code (“received information”), thus enables the user to access the entered request code.

“After step 142 is step 144 at which device 20 **displays the integrated request code** that was generated at step 136.”

**Ex. PA-E**, Manduley, 6:60-62 (emphasis added).

Manduley discloses displaying information (“received information”) advising the user how to request activation. This information is generated based on the user’s input that is received by the device.

“Next following step 310, is step 312, at which there would be **displayed information advising the user as to how to request activation.**”

*Id.*, 11:20-22 (emphasis added).

**bb. Claim 71**

Claim 71 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley. Requestor provides a concise statement of the substantial new question of patentability for Claim 71 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart comparing Manduley with Claim 71 of the '078 Patent under 35 U.S.C. § 102(e)**

Claim 71 recites “[t]he method of claim 69.” **Ex. PAT-A**, ‘078 Patent, 96:14 (emphasis added). As shown in Section VII.A.5.z, Manduley discloses the method of claim 69.

Claim 71 next recites and Manduley discloses “enabling third parties to access the received information.” **Ex. PAT-A**, ‘078 Patent, 96:14-15 (emphasis added).

Manduley disclose a system for remotely charging postage meters (“third parties”) that calculates postage based on the received activation codes (“received information”).

“The data center to which request codes are to be sent and from which **activation codes** are received is preferably of the same general type as the data center described in U.S. Pat. Nos. 3,792,446 and 4,097,923 in **connection with a system for remotely charging postage meters.**”

**Ex. PA-E**, Manduley, 7:29-33 (emphasis added).

**cc. Claim 72**

Claim 72 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley. Requestor provides a concise statement of the substantial new question of patentability for Claim 72 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart comparing Manduley with Claim 72 of the '078 Patent under 35 U.S.C. § 102(e)**

Claim 72 recites “[t]he method of claim 71.” **Ex. PAT-A**, ‘078 Patent, 96:16 (emphasis added). As shown in Section VII.A.5.bb, Manduley discloses the method of claim 71.

Claim 72 next recites and Manduley discloses that “*the third parties include vendors or designers of the commodities.*” **Ex. PAT-A**, ‘078 Patent, 96:16-17 (emphasis added).

Manduley discloses a company that manufactures or markets devices (“vendors or designers of the commodities”).

“FIGS. 4-A and 4-B illustrate a software routine for controlling a data center to receive request codes from users or devices 20 and to transmit activation codes to users or devices 20. Such a data center may be maintained, for example, by a **company that manufactures or markets devices 20.**”

**Ex. PA-E**, Manduley, 7:39-44 (emphasis added).

**dd. Claim 73**

Claim 73 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley.

Requestor provides a concise statement of the substantial new question of patentability for Claim 73 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart  
comparing Manduley with Claim 73 of the ‘078 Patent  
under 35 U.S.C. § 102(e)**

Claim 73 recites “[t]he method of claim 69.” **Ex. PAT-A**, ‘078 Patent, 96:18 (emphasis added). As shown in Section VII.A.5.z, Manduley discloses the method of claim 69.

Claim 73 next recites and Manduley discloses “*making a design change using the received information, or marketing the commodity using the received information.*” **Ex. PAT-A**, ‘078 Patent, 96:18-20 (emphasis added).

Manduley discloses a company that manufactures or markets devices (“marketing the commodity”) based on the received request codes (“using the received information”).

“FIGS. 4-A and 4-B illustrate a software routine for controlling a data center to

receive **request codes** from users or devices 20 and to transmit activation codes to users or devices 20. Such a data center may be maintained, for example, by a **company that manufactures or markets devices 20.**”

**Ex. PA-E**, Manduley, 7:39-44 (emphasis added).

ee. **Claim 74**

Claim 74 should be rejected under 35 U.S.C. § 102(e) as unpatentable over Manduley.

Requestor provides a concise statement of the substantial new question of patentability for Claim 74 based on Manduley under 35 U.S.C. § 102(e).

**Please see attached Exhibit CC-E for a claim chart  
comparing Manduley with Claim 74 of the ‘078 Patent  
under 35 U.S.C. § 102(e)**

Claim 74 recites “[t]he method of claim 69.” **Ex. PAT-A**, ‘078 Patent, 96:21 (emphasis added). As shown in Section VII.A.5.z, Manduley discloses the method of claim 69.

Claim 74 next recites and Manduley discloses that “*said eliciting step includes interacting with the users through the respective user-interfaces of units of commodity.*” **Ex. PAT-A**, ‘078 Patent, 96:21-23 (emphasis added).

Manduley discloses that users use the keyboard to select a menu item (“interacting with the users through the respective user interfaces of units of commodity”).

“The request may be made by entry of appropriate **data or selection of a menu item** through keyboard 28. The request is presented to application manager 42 through user interface software 40.”

**Ex. PA-E**, Manduley, 5:8-11 (emphasis added).

Manduley discloses that the user enters data or selects a menu item (“interacting with the users through the respective user interfaces of units of commodity”).

“Returning now to step 138, if device 20 was equipped for direct communication with the data center, step 150 will follow step 138. At step 150 **appropriate action is taken through communication module 56 to establish a direct data link with a data center.**”

*Id.*, 7:18-22 (emphasis added).

Claim 74 next recites and Manduley discloses “*to elicit perception information about (i) steps that a vendor of the commodity could take to improve user satisfaction or (ii) training or support provided for users of the commodity.*” **Ex. PAT-A**, ‘078 Patent, 96:23-26 (emphasis added).

Manduley discloses an application guide that makes suggestions (“training or support”) to the user.

“A third portion, represented by block 70, contains software that monitors operation of device 20 and **makes suggestions to the user** concerning unactivated programs or features that may be of value to the user. Portion 70, sometimes referred to as the "**application guide**", will be discussed in more detail below.”

**Ex. PA-E**, Manduley, 4:46-52 (emphasis added).

## **VIII. CONCLUSION**

The prior art presented here was either not previously considered by the Patent Office or not considered in the original prosecution as presented herein. Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 of the ‘078 Patent are not patentable over this prior art. The prior art discloses, teaches or suggests the subject matter of the ‘078 Patent in such a manner that SNQs for Claims 1-7, 10-16, 18, 22, 24, 25, 30-32, 38, 46-48, 50-53, and 69-74 are raised.

In view of the foregoing, Requestor respectfully submits that a substantial new question of patentability has been raised. Accordingly, Requestor requests that the Office grant this Request and initiate reexamination with special dispatch.

August 12, 2011

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of this Request for *Inter Partes* reexamination, together with all exhibits and attachments and supporting documentation, has been served via Express Mail on the 12th day of August, 2011, upon the following:

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Susie Patino