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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/008,671	05/31/2007	5583759	R43278	6100

40401 7590 11/19/2007

HERSHKOVITZ & ASSOCIATES
2845 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 11/19/2007

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



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

Arthur J. Steiner
Ditthavong Mori & Steiner, PC
918 Prince St.
Alexandria, VA 22314

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/008,671.

PATENT NO. 5583759.

ART UNIT 3993.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

**Notice of Intent to Issue
Ex Parte Reexamination Certificate**

Control No. 90/008,671	Patent Under Reexamination 5583759	
Examiner Peter C. English	Art Unit 3993	

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

1. Prosecution on the merits is (or remains) closed in this *ex parte* reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. Cf. 37 CFR 1.313(a). A Certificate will be issued in view of
- (a) Patent owner's communication(s) filed: _____.
 - (b) Patent owner's late response filed: _____.
 - (c) Patent owner's failure to file an appropriate response to the Office action mailed: _____.
 - (d) Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
 - (e) Other: See Continuation Sheet.
- Status of *Ex Parte* Reexamination:
- (f) Change in the Specification: Yes No
 - (g) Change in the Drawing(s): Yes No
 - (h) Status of the Claim(s):
 - (1) Patent claim(s) confirmed: 1,3 and 11.
 - (2) Patent claim(s) amended (including dependent on amended claim(s)): _____
 - (3) Patent claim(s) cancelled: _____.
 - (4) Newly presented claim(s) patentable: _____.
 - (5) Newly presented cancelled claims: _____.
2. Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."
3. Note attached NOTICE OF REFERENCES CITED (PTO-892).
4. Note attached LIST OF REFERENCES CITED (PTO/SB/08).
5. The drawing correction request filed on _____ is: approved disapproved.
6. Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of the certified copies have
 been received.
 not been received.
 been filed in Application No. _____.
 been filed in reexamination Control No. _____.
 been received by the International Bureau in PCT Application No. _____.
- * Certified copies not received: _____.
7. Note attached Examiner's Amendment.
8. Note attached Interview Summary (PTO-474).
9. Other: Claims 2, 4-10, and 12-16 were not subject to reexamination..

cc: Requester (if third party requester)

Continuation of 1(e) Other: Patent Owner letter filed 8/22/07 waiving right to file 1.530 statement.

STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION

1. The following is an examiner's statement of reasons for patentability and/or confirmation of the claims found patentable in this reexamination proceeding:

Claim 1 of Patent No. 5,583,759 is confirmed as patentable over the cited prior art patents and printed publications for the following reasons. In the Owens et al. reference (US 4,264,808), the image processing center (IPC) 14 corresponds to the "first location" recited in claim 1 because the IPC 14 is remote from the point of acceptance (POA) 12 (see claim 1, lines 5-6) and includes a sorter 120 (see claim 1, lines 7-11). The POA 12 cannot be considered to be the "first location" because the Owens et al. reference does not teach that the POA 12 is remote from a collecting and clearing bank (see claim 1, lines 5-6), and the POA 12 does not include a sorter (see claim 1, lines 7-11). In Owens et al., the MICR printer in the IPC 14 prints a check amount on the check (see column 13, line 49 to column 14, line 4); however, a check amount does not constitute an indorsement as required by claim 1, lines 12-16 (see the definition of "indorsement" in section 3-204 of the Uniform Commercial Code). Further, the IPC 14 of Owens et al. is not described as preparing cash letters as required by claim 1, lines 20-22. Additionally, at the IPC 14 of Owens et al., the sorted records are put on disc in electronic form and the discs are physically delivered to the point of payment (POP) 16 (see column 14, lines 27-41). Therefore, Owens et al. does not teach a central processing unit and communication link which predetermines the timing and monitors the transport of the sorted records and cash letters, as required by claim 1, lines 34-38. Further, Owens et al. lacks the controlled coordination of recordation of the deposit of the funds represented by the sorted records with the timing of a settlement of accounts in the check payment system, as required by claim 1, lines 39-43.

Claim 3 of Patent No. 5,583,759 is confirmed as patentable because of its dependency from claim 1.

Claim 11 of Patent No. 5,583,759 is confirmed as patentable over the cited prior art patents and printed publications for the following reasons. In the Owens et al. reference (US 4,264,808), the image processing center (IPC) 14 corresponds to the "first location" recited in claim 11 because the IPC 14 receives records from the point of acceptance (POA) 12 and includes a sorter 120 (see claim 11, lines 8-13). The POA 12 cannot be considered to be the "first

Art Unit: 3993

location” because the POA 12 does not include a sorter (see claim 11, lines 8-13). In Owens et al., the MICR printer in the IPC 14 prints a check amount on the check (see column 13, line 49 to column 14, line 4); however, a check amount does not constitute the indorsements required by claim 11, lines 14-18 (see the definition of “indorsement” in section 3-204 of the Uniform Commercial Code). Further, the IPC 14 of Owens et al. is not described as preparing cash letters as required by claim 11, lines 22-23. Additionally, at the IPC 14 of Owens et al., the sorted records are put on disc in electronic form and the discs are physically delivered to the point of payment (POP) 16 (see column 14, lines 27-41). Therefore, Owens et al. does not teach a control unit interconnecting the banks and predetermining the timing and monitoring the transport of the sorted records and cash letters, as required by claim 11, lines 36-38. Further, Owens et al. lacks the controlled coordination of recordation of the deposit of the funds represented by the sorted records with the timing of a settlement of accounts in the check payment system, as required by claim 11, lines 38-42.

Any comments considered necessary by PATENT OWNER regarding the above statement must be submitted promptly to avoid processing delays. Such submission by the patent owner should be labeled: "Comments on Statement of Reasons for Patentability and/or Confirmation" and will be placed in the reexamination file.

Not All Claims Reexamined

2. This action is directed only to the claims for which reexamination was requested. With respect to such claims, requester has alleged that a substantial new question of patentability (SNQ) exists, and upon review, it has been determined that the alleged SNQ in fact is present for claims 1, 3 and 11. No determination was made with respect to the existence or nonexistence of a SNQ with respect to claims 2, 4-10 and 12-16 for which reexamination was not specifically requested.

Remarks

3. Responses to this Office action may be submitted by facsimile and should be directed to the Central Reexamination Unit using facsimile number 571-273-9900. A confirmation of receipt will be generated automatically for all papers transmitted via this facsimile number.

Art Unit: 3993

All responses to be delivered by the United States Postal Service (USPS) should be addressed as follows:

Mail Stop Ex Parte Reexam
Central Reexamination Unit
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be labeled "Attn: Central Reexamination Unit" and delivered to:

Customer Service Window
Randolph Building, Lobby Level
401 Dulany Street
Alexandria, VA 22314

Submissions for reexamination proceedings may also be submitted through EFS-Web (the USPTO's web-based document submission system).

4. Any document filed by either the patent owner or third party requester ***must be served*** on the other party (or parties in a merged proceeding) in the reexamination proceeding in the manner provided by 37 CFR 1.248. See 37 CFR 1.550(f) and MPEP 2266.03.

5. 37 CFR 1.33(c) has been revised to provide that the patent owner's correspondence address for all communications in an *ex parte* reexamination or an *inter partes* reexamination is designated as the correspondence address of the patent. See *Revisions and Technical Corrections Affecting Requirements for Ex Parte and Inter Partes Reexamination*, 72 FR 18892 (April 16, 2007)(Final Rule).

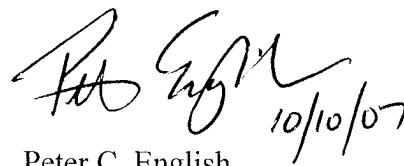
The correspondence address for any pending reexamination proceeding not having the same correspondence address as that of the patent is, by way of this revision to 37 CFR 1.33(c), automatically changed to that of the patent file as of the effective date. This change is effective for any reexamination proceeding which is pending before the Office as of May 16, 2007, including the present reexamination proceeding, and to any reexamination proceeding which is filed after that date. ***Parties are to take this change into account when filing papers***, and direct communications accordingly.

Art Unit: 3993

In the event the patent owner's correspondence address listed in the papers (record) for the present proceeding is different from the correspondence address of the patent, it is strongly encouraged that the patent owner affirmatively file a Notification of Change of Correspondence Address in the reexamination proceeding and/or the patent (depending on which address patent owner desires), to conform the address of the proceeding with that of the patent and to clarify the record as to which address should be used for correspondence.

6. Any inquiry concerning this communication or earlier communications from the Reexamination Examiner should be directed to Peter English whose telephone number is 571-272-6671. The examiner can normally be reached on Monday through Thursday (7:00 AM - 5:00 PM). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andres Kashnikow, can be reached at 571-272-4361.

For general information regarding reexamination proceedings please call the Central Reexamination Unit at 571-272-7705. For guidance on reexamination practice and procedure please call the Office of Patent Legal Administration at 571-272-7703. Information regarding this reexamination proceeding may be obtained from the Patent Application Information Retrieval (PAIR) system. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.



Peter C. English
Primary Examiner
Central Reexamination Unit

Conferees: *BK 92*
NCG

pe
10 October 2007