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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/007,829	11/25/2005	5910988	R43260	5961

40401                      7590                      08/09/2007

HERSHKOVITZ & ASSOCIATES  
2845 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED: 08/09/2007

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

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

<b>Control No.</b> 90/007,829	<b>Patent Under Reexamination</b> 5910988	
<b>Examiner</b> Peter C. English	<b>Art Unit</b> 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: 13 July 2007.
  - (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: \_\_\_\_\_.
- 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: 26-50.
    - (2) Patent claim(s) amended (including dependent on amended claim(s)): 1-25
    - (3) Patent claim(s) cancelled: \_\_\_\_\_.
    - (4) Newly presented claim(s) patentable: 51-123.
    - (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: \_\_\_\_\_.

Peter C. English  
Primary Examiner  
Art Unit: 3993

cc: Requester (if third party requester)

## **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. 5,910,988 is patentable because the cited prior art patents and printed publications fail to teach a system, as defined in claim 1, wherein one or more remote image capturing subsystems provide encrypted subsystem identification information to a central data processing subsystem.

Claims 2-25, 91-96, 109 and 117-119 are patentable because of their dependency from claim 1.

Claim 26 of Patent No. 5,910,988 is patentable because the cited prior art patents and printed publications fail to teach a method, as defined in claim 26, including capturing an image of paper transaction data at one or more remote locations, encrypting information identifying a subsystem (i.e., at the remote location) along with the transaction data, and collecting and processing the transaction data at a central location.

Claims 27-41, 97-100, 110 and 120-123 are patentable because of their dependency from claim 26.

Claim 42 of Patent No. 5,910,988 is patentable because the cited prior art patents and printed publications fail to teach a network, as defined in claim 42, having a three-level tiered architecture, wherein one or more remote data processing subsystems communicate with at least one intermediate data collecting subsystem, and the intermediate data collecting subsystem communicates with at least one central data processing subsystem.

Claims 43-45, 101, 102, 111, 113 and 114 are patentable because of their dependency from claim 42.

Claim 46 of Patent No. 5,910,988 is patentable because the cited prior art patents and printed publications fail to teach a method, as defined in claim 46, for transmitting data over a network having a three-level tiered architecture, wherein one or more remote image capturing subsystems communicate with at least one intermediate subsystem, and the intermediate subsystem communicates with at least one central subsystem.

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Claims 47-50, 103-108, 112, 115 and 116 are patentable because of their dependency from claim 46.

New independent claims 51, 60, 69, 77 and 85 contain all of the limitations recited in independent claim 42 and are therefore patentable for the same reasons given above with respect to claim 42.

Claims 52-54 are patentable because of their dependency from claim 51.

New independent claims 55, 64, 73, 81 and 88 contain all of the limitations recited in independent claim 46 and are therefore patentable for the same reasons given above with respect to claim 46.

Claims 56-59 are patentable because of their dependency from claim 55.

Claims 61-63 are patentable because of their dependency from claim 60.

Claims 65-68 are patentable because of their dependency from claim 64.

Claims 70-72 are patentable because of their dependency from claim 69.

Claims 74-76 are patentable because of their dependency from claim 73.

Claims 78-80 are patentable because of their dependency from claim 77.

Claims 82-84 are patentable because of their dependency from claim 81.

Claims 86 and 87 are patentable because of their dependency from claim 85.

Claims 89 and 90 are patentable because of their dependency from claim 88.

2. 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.

### *Drawings*

3. The corrected formal drawing sheets filed on 13 July 2007 have been approved by the examiner.

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**Remarks**

4. 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.

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).

5. 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.

6. 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

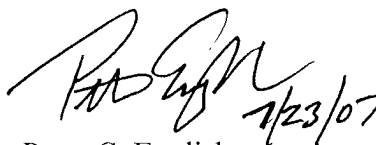
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for any reexamination proceeding which is pending before the Office as of May 16, 2007, including the present reexamination proceeding, and to any reexamination proceeding which is filed after that date. ***Parties are to take this change into account when filing papers***, and direct communications accordingly.

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.

7. 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:



pe

23 July 2007