

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BROOKS et al.
Title: PROGRAMMABLE TICKETING SYSTEM
Prior Appl. No.: 10/896287
Prior Appl.
Filing Date: 7/21/2004

CONTINUING PATENT APPLICATION
TRANSMITTAL LETTER

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

Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is a:

☒ Continuation ☐ Division ☐ Continuation-In-Part (CIP)

of the above-identified copending prior application in which no patenting, abandonment, or termination of proceedings has occurred. Priority to the above-identified prior application is hereby claimed under 35 U.S.C. § 120 for this continuing application. The entire disclosure of the above-identified prior application is considered as being part of the disclosure of the accompanying continuing application and is hereby incorporated by reference therein.

☒ Applicant claims small entity status under 37 CFR 1.27.

Enclosed are:

- ☒ Description, Claim(s), and Abstract (41 pages).
- ☒ Formal drawings (9 sheets, Figures 1-11).
- ☒ Declaration and Power of Attorney (5 pages).

- ☐ Assignment of the invention to Smart Destinations, Inc.,
☐ Assignment Recordation Cover Sheet.
☐ Small Entity statement.
☐ Request for application not to be published with certification under 35 USC 122(b)(2)(B)(i).
☒ Information Disclosure Statement.
☒ Form PTO-SB-08.
☐ Preliminary Amendment (____)
☒ Application Data Sheet (37 CFR 1.76).

The adjustment to the number of sheets for EFS-Web filing follows:

Number of Sheets		EFS-Web Adjustment	Number of Sheets for EFS-Web
50	x	75%	38

The filing fee is calculated below:

	Number Filed	Included in Basic Fee	Extra	Rate	Fee Totals
Basic Filing Fee				\$330.00 =	\$330.00
Search Fee				\$540.00	\$540.00
Examination Fee				\$220.00	\$220.00
Size Fee	38	- 100	= 0 x	\$270.00	\$0.00
Total	1	- 20	= 0 x	\$52.00 =	\$0.00
Claims:					
Independents	1	- 3	= 0 x	\$220.00 =	\$0.00
If any Multiple Dependent Claim(s) present:			+	\$390.00 =	\$0.00
Surcharge under 37 CFR 1.16(e) for late filing of Executed Declaration or late payment of filing fee			+	\$130.00 =	\$0.00
SUBTOTAL:				=	\$1090.00

<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract 1/2 of above):	=	\$545.00
	Basic Filing Fee Reduction for Filing via EFS-Web	=	\$83.00
	TOTAL FILING FEE:	=	\$462.00
Assignment Recordation Fee:	+ \$40.00	=	\$0.00
Processing Fee under 37 CFR 1.17(i) for Late Filing	+ \$130.00	=	\$0.00
of English Translation of Application:			
TOTAL FEE		=	\$462.00

The required filing fees are not enclosed but will be submitted in response to the Notice to File Missing Parts of Application.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date June 28, 2010

By 

FOLEY & LARDNER LLP
Customer Number: 48329
Telephone: (858) 847-6733
Facsimile: (858) 792-6773

Steven A. Moore
Attorney for Applicant
Registration No. 55,462

Electronic Acknowledgement Receipt	
EFS ID:	7909595
Application Number:	12825183
International Application Number:	
Confirmation Number:	1230
Title of Invention:	PROGRAMMABLE TICKETING SYSTEM
First Named Inventor/Applicant Name:	Tyler Brooks
Customer Number:	48329
Filer:	Steven A. Moore/Jennifer Vail
Filer Authorized By:	Steven A. Moore
Attorney Docket Number:	096633-0106
Receipt Date:	28-JUN-2010
Filing Date:	
Time Stamp:	19:11:16
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Transmittal Letter	IDS_TMT.pdf	281384 ac387866c9c31307ed47fe3593d6d29055d50a1c	no	2

Warnings:

Information:

2	Information Disclosure Statement (IDS) Filed (SB/08)	SB08.pdf	112710	no	4
			14e25d551de009454cf567488dbe9a918e668f22		
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
3	Application Data Sheet	ADS.pdf	62289	no	4
			890679a584dd7c314e4c48e3e17eefd79eac7a2		
Warnings:					
Information:					
This is not an USPTO supplied ADS fillable form					
4	Power of Attorney	Ntc_Acceptance_POA.pdf	26465	no	1
			6f9a1ff7ffcdde30a7cd60bf4a3773b46357a864		
Warnings:					
Information:					
5	Power of Attorney	POA.pdf	61132	no	1
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Warnings:					
Information:					
6	Power of Attorney	373_Statement.pdf	59667	no	1
			0ef1a3fca522c17b9ac75c023370742837bd46e3		
Warnings:					
Information:					
7	Oath or Declaration filed	Parent_DEC.pdf	66146	no	2
			85c3ded851f13191e14a20660bf56e2064ad9702		
Warnings:					
Information:					
8		CON_APP.pdf	208235	yes	41
			c949563481662f4706f4e6facdca06e1b8fa13f9		
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Specification		1	39	
	Claims		40	40	
	Abstract		41	41	

Warnings:					
Information:					
9	Drawings-only black and white line drawings	Figures.pdf	176411 <small>6e6f0401d191e5f4c24226919a6a67966e8d9788</small>	no	9
Warnings:					
Information:					
10	Transmittal of New Application	CON_TMT.pdf	292868 <small>8aa73bc30ce94e903831f6c60ad2ea5bdf29657f</small>	no	3
Warnings:					
Information:					
Total Files Size (in bytes):			1347307		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BROOKS et al.
Title: PROGRAMMABLE
TICKETING SYSTEM
Appl. No.: Unknown
Filing Date: Herewith

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

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

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of the documents cited by or submitted to the U.S. PTO in parent application Serial No. 10/896287, filed 7/21/2004. As provided in 37 CFR §1.98(d), copies of the documents are not being provided since they were previously submitted to the United States Patent & Trademark Office in the above-identified parent application.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

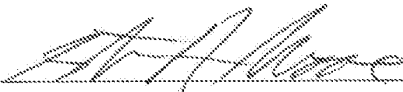
All of the documents are in English.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Although Applicant believes that no fee is required, the Commissioner is hereby authorized to charge any additional fees which may be due to Deposit Account No. 19-0741.

Respectfully submitted,

Date June 28, 2010

By 

FOLEY & LARDNER LLP
Customer Number: 48329
Telephone: (858) 847-6733
Facsimile: (858) 792-6773

Steven A. Moore
Attorney for Applicant
Registration No. 55,462

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Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	Unknown
				Filing Date	Herewith
				First Named Inventor	Tyler Brooks
				Art Unit	Unknown
				Examiner Name	Unknown
Sheet	1	of	4	Attorney Docket Number	096633-0106

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	A1	2001/0018660	08-30-2001	SEHR	
	A2	2001/0041994	11-15-2001	KIM, YOUNG BAE	
	A3	2002/0026348	02-28-2002	FOWLER ET AL.	
	A4	2002/0046116	04-18-2002	HOHLE ET AL.	
	A5	2002/0062253	05-23-2002	DOSH ET AL.	
	A6	2002/0091793	07-11-2002	SAGIE	
	A7	2002/0100802	08-01-2002	SEHR, RICHARD P.	
	A8	2002/0100803	08-01-2002	SEHR, RICHARD P.	
	A9	2002/0100808	08-01-2002	NORWOOD ET AL.	
	A10	2002/0112250	08-15-2002	KOPLAR ET AL.	
	A11	2002/0151364	10-17-2002	SUCHOCKI	
	A12	2002/0151364	10-17-2002	SUCHOCKI	
	A13	2003/0033272	02-13-2003	HIMMEL ET AL.	
	A14	2003/0036425	02-20-2003	KAMINKOW ET AL.	
	A15	2003/0101145	05-29-2003	FANG ET AL.	
	A16	2003/0105641	06-05-2003	LEWIS	
	A17	2003/0229793	12-11-2003	MCCALL ET AL.	
	A18	2004/0050933	03-18-2004	KERONEN ET AL.	
	A19	2004/0099723	05-27-2004	ROBERTSON	
	A20	2004/0117250	06-17-2004	LUBOW ET AL.	
	A21	2004/0124246	07-01-2004	ALLEN ET AL.	
	A22	2004/0210759	10-21-2004	FITCH ET AL.	
	A23	2004/0267619	12-30-2004	WATTS	
	A24	2005/0060173	03-17-2005	HALE ET AL.	
	A25	5,309,355	05-03-1994	LOCKWOOD	
	A26	5,566,327	10-15-1996	SEHR, RICHARD P.	
	A27	5,948,040	09-07-1999	DELORME ET AL.	
	A28	5,987,430	11-16-1999	VAN HORNE ET AL.	
	A29	6,003,014	12-14-1999	LEE ET AL.	
	A30	6,018,717	01-25-2000	LEE ET AL.	
	A31	6,078,928	06-20-2000	SCHNASE ET AL.	
	A32	6,085,976	07-11-2000	SEHR, RICHARD P.	
	A33	6,173,209	01-09-2001	LAVAL ET AL.	
	A34	6,216,227	04-10-2001	GOLDSTEIN ET AL.	
	A35	6,233,604	05-15-2001	VAN HORNE ET AL.	
	A36	6,283,376	09-04-2001	SCHUDER ET AL.	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	Unknown
				Filing Date	Herewith
				First Named Inventor	Tyler Brooks
				Art Unit	Unknown
				Examiner Name	Unknown
Sheet	2	of	4	Attorney Docket Number	096633-0106

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A37	6,363,351	03-26-2002	MORO, PAOLO	
	A38	6,386,451	05-14-2002	SEHR, RICHARD P.	
	A39	6,565,000	05-20-2003	SEHR, RICHARD P.	
	A40	6,601,233	07-29-2003	UNDERWOOD	
	A41	6,609,655	08-26-2003	HARRELL	
	A42	6,609,658	08-26-2003	SEHR, RICHARD P.	
	A43	6,609,659	08-26-2003	SEHR, RICHARD P.	
	A44	6,657,543	12-02-2003	CHUNG	
	A45	6,738,750	05-18-2004	STONE ET AL.	
	A46	6,776,332	08-17-2004	ALLEN ET AL.	
	A47	6,813,608	11-02-2004	BARANOWSKI	
	A48	6,889,098	05-03-2005	LAVAL ET AL.	

UNPUBLISHED U.S. PATENT APPLICATION DOCUMENTS					
Examiner Initials*	Cite No. ¹	U.S. Patent Application Document Serial Number-Kind Code ² (if known)	Filing Date of Cited Document MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ -Number ⁴ - Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	A49	WO-00/74300	12-07-2000	THE REGENTS OF THE UNIV. OF CALIFORNIA		
	A50	WO-01/84474	11-08-2001	CMA BUSINESS CREDIT SERVICES		
	A51	WO-01/86599	11-15-2001	SUPERCOM, LTD.		
	A52	WO-02/01485	01-03-2002	SMARTCLIC CORPORATION		
	A53	WO-02/082386	10-17-2002	FREEDOM CARD LIMITED		
	A54	WO-03/034267	04-24-2003	360 DEGREE WEB, INC.		
	A55	WO-03/067369	08-14-2003	HEMBLAD, KONRAD		

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	Unknown
				Filing Date	Herewith
				First Named Inventor	Tyler Brooks
				Art Unit	Unknown
				Examiner Name	Unknown
Sheet	3	of	4	Attorney Docket Number	096633-0106

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ² Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	A56	EP-1 039 402	09-27-2000	CITIBANK N.A.		
	A57	EP-1 039 403	09-27-2000	CITICORP DEVELOPMENT CENTER		
	A58	WO-2004/036515	04-29-2004	INTEL CORPORATION		
	A59	GB-2 403 839	01-12-2005	APPLIED CARD TECHNOLOGIES, LTD.		
	A60	EP-0 924 634	06-23-1999	AMPHENOL-TUCHEL ELECTRONICS		
	A61	WO-98/59324	12-30-1998	SCHLUMBURGER INDUSTRIES, S.A.		
	A62	WO-99/10824	03-04-1999	VISA INTERNATIONAL SERVICE ASSOCIATION		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A63	Birmingham Sport and Leisure Leisure Card, 3 page document printed from http://web.archive.org/web/20030618051258/http://leisure.birmingham.gov.uk/l_card/l_card.htm , printed on February 29, 2008	
	A64	International Search Report and the Written Opinion dated 11/28/2006 for PCT Application No. PCT/US05/25865	
	A65	KiwiAble Leisure Card, 2 page document printed from http://web.archive.org/20010828155758/http://www.ccc.govt.nz/Prgrammes/KiwiAble/LeisureCard.asp , printed on February 29, 2008	
	A66	The New York Pass – Attractions, 1 page printed from http://web.archive.org/web/20021119142524/www.newyorkpass.com/body/attractions.asp , printed on November 18, 2009.	
	A67	The New York Pass - Making the most of your trip to New York, 1 page printed from http://web.archive.org/web/20020720081577/http://newyorkpass.com/ , printed on February 29, 2008	
	A68	The New York Pass - Making the most of your trip to New York, 1 page printed from http://web.archive.org/web/20020720081557/http://www.newyorkpass.com/	

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				First Named Inventor	Tyler Brooks
				Art Unit	Unknown
				Examiner Name	Unknown
Sheet	4	of	4	Attorney Docket Number	096633-0106

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A69	The New York Pass – Making the most of your trip to New York, 1 page printed from http://web.archive.org/web/20030217210729/http://www.newyorkpass.com/ , printed on November 18, 2009.	
	A70	The New York Pass – Museums, 1 page printed from http://web.archive.org/web/20021013173733/www.newyorkpass.com/category_museums.asp , printed on November 18, 2009.	
	A71	The New York Pass – Places of Interest, 1 page printed from http://web.archive.org/web/20021215054509/www.newyorkpass.com/category_poi.asp , printed on November 18, 2009.	
	A72	The New York Pass – See the Best of New York for Under \$20 per day, 1 page printed from http://web.archive.org/web/20021103034458/www.newyorkpass.com/index.asp?ref= , printed on November 18, 2009.	
	A73	The New York Pass – Sightseeing Cruises, 1 page printed from http://web.archive.org/web/20021215063437/www.newyorkpass.com/category_sightseeing.asp , printed on November 18, 2009.	
	A74	The New York Pass – Welcome to The New York Pass, 1 page printed from http://web.archive.org/web/20030212222558/www.newyorkpass.com/body/main.asp , printed on November 18, 2009.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Application Data Sheet

Application Information

Application Type::	Regular
Subject Matter::	Utility
Suggested classification::	
Suggested Group Art Unit::	
CD-ROM or CD-R?::	None
Computer Readable Form (CRF)?::	No
Title::	PROGRAMMABLE TICKETING SYSTEM
Attorney Docket Number::	096633-0106
Request for Early Publication?::	No
Request for Non-Publication?::	No
Suggested Drawing Figure::	1
Total Drawing Sheets::	9
Small Entity?::	Yes
Petition included?::	No
Secrecy Order in Parent Appl.?::	No

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Representative Information

Representative Customer Number::	48329	
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Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application	Continuation of	10/896287	7/21/2004

Foreign Priority Information

Country::	Application number::	Filing Date::	Priority Claimed::

Assignee Information

Assignee Name:: Smart Destinations, Inc.



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/896,287	07/21/2004	Tyler Brooks	096633-0103

CONFIRMATION NO. 7645

POA ACCEPTANCE LETTER

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FOLEY & LARDNER LLP
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Date Mailed: 11/20/2009

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/11/2009.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/hchristian/

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

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Tyler BROOKS et al.

Application No./Patent No.: 10/896,287 Filed/Issue Date: 7/21/2004

Attorney Docket Number: 096633-0103

Entitled: PROGRAMMABLE TICKETING SYSTEM

SMART DESTINATIONS INC.
(Name of Assignee)

CORPORATION
(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest;
2. ☐ an assignee of less than the entire right, title, and interest
(The extent (by percentage) of its ownership interest is %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel/Frame _____ or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Tyler BROOKS et al. To: SMART DESTINTIONS INC.
The document was recorded in the United States Patent and Trademark Office at Reel 015604, Frame 0048, or for which a copy thereof is attached.
2. From: Tyler BROOKS et al. To: SMART DESTINATIONS INC.
The document was recorded in the United States Patent and Trademark Office at Reel 016328, Frame 0021, which is a Corrective Assignment to correct the Assignee's name previously recorded at Reel 015604, Frame 0048.
3. From: _____ To: _____
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/s Christopher E. Everett/ #51,659

November 10, 2009

Signature

Date

Matthew B. Lowrie (Reg. No. 38,228)

(617) 342-4006

Printed or Typed Name

Telephone Number

Attorney for Applicant

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Express Mail Label No.: EV 308 901 905 US

Date of Deposit: July 21, 2004

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

PROGRAMMABLE TICKETING SYSTEM

the specification of which is attached hereto:

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

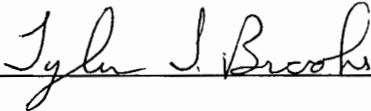
I hereby appoint the following Registered Practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

All Registered Practitioners of Lowrie, Lando & Anastasi, LLP associated with Customer Number 37462.


Address all telephone calls to Matthew B. Lowrie at telephone no. (617) 395-7003.

Address all correspondence to: the Correspondence Address associated with Customer Number 37462.

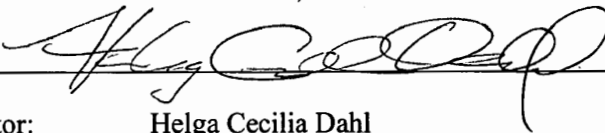
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



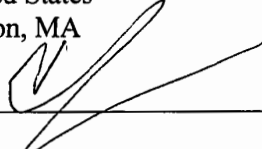
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Residence: Seattle, WA

PROGRAMMABLE TICKETING SYSTEM

CROSS-REFERENCE TO RELATED APPLICATIONS

This application is a continuation of U.S. Application No. 10/896,287, filed on July 21,
5 2004, which is fully incorporated herein by reference.

BACKGROUND OF INVENTION

1. Field of Invention

The present invention is directed to systems and methods for accessing facilities and,
10 more particularly, for automatically and dynamically controlling access to facilities and for
collecting and providing visitor data.

2. Discussion of Related Art

Tourism is a vital industry in many locations, including for example cities in the United
15 States. A number of systems have arisen in the context of promoting tourism to generate interest
in visiting attractions, such as museums, guided tours, rides, parks, etc.

In this context, others have provided systems where tourists may purchase a pass that can
be used at a variety of attractions. One example is a pass that is good for access to more than one
ski area. Another is a day pass that allows access to various attractions.

20 Smart card technology has become fashionable in a variety of contexts. A "smart card" is
a card that is capable of storing data on it. Such data may be changed dynamically, such as a
current financial balance for the card; the card may also include pre-programmed data that is not
changeable by the user, such as a unique identifier for the card; other data. One example of a
"smart card" is a plastic card the size of a credit card that has an embedded microprocessor for
25 storing information, used for banking, medical alerts, etc. Such devices may be used by inserting
the card into a reading device which includes a processor (or the equivalent) that may change the
data on the card.

One use of a smart card for tourist attractions is to pre-program the card with the
attractions that it is good for, and placing a reader at each facility. When a purchaser buys and
30 uses the card (e.g., by "dunking" it in a reader), the reader can verify that the card has been
programmed to allow access to this attraction.

In another example, a buyer may provide an identification card, such as a smart card with a unique ID, at the time of purchase of a ticket, pass, reservation, or the like, which identification may be electronically transmitted to a facility site (e.g., the attraction for which the ticket or pass was purchased). The buyer may be confirmed at the facility site, e.g., by
 5 presenting the smart card to a smart card reader, resulting in, for example, printing of a ticket, admission document etc. to allow the buyer access to the facility site. Some examples of such a system are described in U.S. Patent No. 6,738,750 to Stone et. al, issued May 18, 2004.

SUMMARY OF INVENTION

10 According to one embodiment, there is provided a terminal for use in accessing a facility, the terminal comprising a smart card data mechanism to read and write information on a dunked smart card, a verification mechanism to receive an identifier on the dunked smart card and to determine whether the dunked smart card is authorized to access the facility, and a network
 15 access mechanism to connect to a remote system management computer to upload to the remote system management computer data corresponding to use of the facility by authorized smart card holders during a time period. The facility may be, for example, a paid attraction or may be a special-offer or discount.

According to another embodiment, a smart card for use in a geographical product may comprise a body portion and a memory in or attached to the body portion, the memory including
 20 a first data structure to store a card identifier, and a second data structure to store a product identifier, the product identifier corresponding to a set of promotions available in the geographical product. In one example, the memory may also store an activation stamp that may be used to determine whether the card is valid or expired. In another example, the memory may also include one or more counters that may be linked to promotions to indicate whether
 25 promotions have been used by the card or are available for access by the card.

One embodiment may include a product manager system to manage a system that permits access to rewards corresponding to a plurality of promotions, the plurality of promotions being included in at least one product, the system comprising a network interface to permit data access to reward terminals located in proximity to the plurality of promotions, a database to store at
 30 least one product definition, and a database to store data corresponding to actual use of the rewards. In one example, the product definition includes a list of the plurality of promotions.

Further aspects and embodiments include a method of computing compensation for an attraction based on actual use of smart cards at the attraction, the method comprising acts of recording a number of smart cards used at the attraction during a predetermined time period, recording a type of each smart card used at the attraction during the predetermined time period,
5 recording data associated with each smart card; and determining the compensation based on the number, the type and the data. The type may indicate whether the card is an adult card or a child card. The data may include any of a time of use of the card, an origin of the purchaser of the card, an indication of other attractions accessed using the card, etc.

According to another embodiment, there may be implemented a method of activating a smart card for use in a multi-attraction access system comprising a plurality of promotions that can be accessed, the method comprising steps of providing a smart card, storing identification information on the smart card, providing the smart card with the stored identification information to an end-user, on a first use of the smart card to access one of the plurality of promotions, storing information on the smart card corresponding to the first use. In one example, the step of
15 storing information may include storing a time stamp corresponding to a time of activation of the smart card. In another example, the method may further include a step of checking whether the card has expired by, for example, comparing a current time with the time stamp and indicating that the card has expired if the current time exceeds the time stamp plus a predetermined time interval.

Another embodiment may include an access system for use with user codes comprising a controller configured to be coupled to at least one reward terminal and configured to provide information to the reward terminal and receive data from the reward terminal once every predetermined time period, and a database, coupled to the controller, that stores the information to be provided to the reward terminal and the data received from the reward terminal, wherein
25 the information includes a promotion list of promotions accessible from the reward terminal and a product list of promotions that are accessible with each user code, and wherein the data includes a list of user codes and promotions that have been processed by the reward terminal during the predetermined time period.

According to another embodiment, there may be provided a computer readable medium
30 encoded with a plurality of instructions to be executed on at least one processor, the plurality of instructions implementing a method of controlling access to a plurality of attractions, the method

comprising reading a card with a reader located at one of the plurality of attractions, recording a unique identification number of the card, comparing the unique identification number of the card with a product list of promotions that are accessible at the one of the plurality of attractions, and determining whether the card is valid for at least one of the promotions that are accessible at the one of the plurality of attractions. For valid cards, the method may further comprise steps of displaying a reward for the at least one promotion, and incrementing a promotion counter on the card to indicate that the reward has been given.

According to yet another embodiment, there may be implemented a method of creating a destination within a geographic location, the method comprising analyzing a plurality of attractions existing within the geographic location, rating each selected one of the plurality of attractions with a popularity index, building a matrix of the selected ones of the plurality of attractions, the matrix containing information about the plurality of attractions, the information including pricing information, location information and the popularity index, based on the matrix, selecting a plurality of partner paid attractions from the plurality of attractions, based on the matrix, selecting a plurality of special-offer partners from the plurality of attractions, and defining the destination as a collection of the selected partner paid attractions and special offer partners.

According to other aspects and embodiments, a method of controlling access to a plurality of attractions may comprise acts of reading a card with a reader located at one of the plurality of attractions, recording a unique identification number of the card, comparing the unique identification number of the card with a product list of promotions that are accessible at the one of the plurality of attractions, and determining whether the card is valid for at least one of the promotions that are accessible at the one of the plurality of attractions. For valid cards, the method may further comprise steps of displaying a reward for the at least one promotion, and incrementing a promotion counter on the card to indicate that the reward has been given.

BRIEF DESCRIPTION OF DRAWINGS

The accompanying drawings, are not intended to be drawn to scale. In the drawings, each identical or nearly identical component that is illustrated in various figures is represented by a like numeral. For purposes of clarity, not every component may be labeled in every drawing. In the drawings:

FIG. 1 is a flow diagram illustrating one embodiment of a method of creating a destination in which an access system is to be implemented;

FIG. 2 is a schematic diagram of one embodiment of an access system according to aspects of the invention;

5 FIG. 3 is a flow diagram of one example of a life-cycle of a smart card used with the system;

FIG. 4 is a flow diagram of one example of an enabling procedure used to enable cards to be used with the system;

10 FIG. 5 is a flow diagram of one example of an order life-cycle according to aspects of methods of the invention;

FIG. 6 is one example of a flow diagram showing activation of a card by a reward terminal 120;

FIG. 7 is a flow diagram of one example of a procedure that may be implemented by a reward terminal when a card-visitor attempts to use a card to access a promotion;

15 FIG. 8 is a conceptual diagram of information that may be stored in a memory structure of a smart card that may be used with the system;

FIG. 9 is a flow diagram of one example of a procedure for sending records to the gateway;

20 FIG. 10 is a flow diagram of one example of a procedure for uploading information from the gateway to the database; and

FIG. 11 is a representation of one example of a graphical user interface that may be provided to system manager users.

DETAILED DESCRIPTION

25 Various embodiments and aspects thereof will now be described in detail with reference to the accompanying figures. It is to be appreciated that this invention is not limited in its application to the details of construction and the arrangement of components set forth in the following description or illustrated in the drawings. The invention is capable of other embodiments and of being practiced or of being carried out in various ways. Also, the
30 phraseology and terminology used herein is for the purpose of description and should not be regarded as limiting. The use of "including," "comprising," or "having," "containing,"

"involving," and variations thereof, herein is meant to encompass the items listed thereafter and equivalents thereof as well as additional items.

The embodiments below will be described in the context of providing an access facility for tourist attractions at a tourist destination, e.g., a system that allows coordinated access to a group of attractions in one geographical area. Certain aspects of the systems and methods described below have broader application and may, for example, be applied in the context of controlling or coordinating access to other types of facility, features, attractions, or resources. The context of the embodiments described below is not intended as limiting all aspects of the present inventions, except where the language of the claims expressly limits them in this manner.

A wide variety of tourist destinations such as, for example, cities like London, Boston, Chicago, New York and many others, offer an array of attractions such as museums, restaurants, historic buildings, galleries, shops and markets that are of interest to tourists. Conventionally, access to all the attractions at anyone of such destinations is individually controlled and managed by the various attractions themselves. For example, a tourist wishing to visit a museum, a gallery and a restaurant, would travel to each of these attractions, queue and pay separately for access to each attraction using cash, credit card, travelers' checks, etc.

According to various embodiments and aspects of the present invention, there is provided a system and business model for allowing tourists access to a variety of attractions using a passcard that may be, for example, pre-paid. The system and methods described herein may offer value and convenience to tourists including special discounts and easy access to many attractions using the card, and in some examples can remove the need to queue and pay for each attraction separately. Certain embodiments of the systems and methods may also provide benefit~ for attraction managers and owners including encouraging visitors, greater visibility and simplified payments and certain embodiments may also allow greater flexibility and mechanisms for determining compensation of the attractions.

According to one embodiment, a system comprises a plurality of terminals that are located at various attractions and a plurality of cards that are used to access the attractions via the terminals. Visitors may obtain a card, for example, a smart card including embedded technology, that may allow them to access some or all of the attractions. Exemplary terminals and cards, and their operation, are described in more detail below.

Each terminal is coupled to a central controller that manages the system and collects data from the terminals. In this context, "coupled" includes any vehicle for communicating data, including for example a direct connection, a periodic networked connection. In one embodiment that is advantageous in a variety of contexts, the terminals may be coupled to the central
5 controller once per night for batch-processing of the exchange of data.

Data communicated to the central controller may include data representing how many cards have been used to access the attraction at which each terminal located and may further include data about such accessing, e.g., the time(s) that cards were used to access the attraction or even identifying information about the specific cards used to access the attraction.

10 The central controller may be used to calculate compensation for each attraction based on level of use, e.g., the compensation for allowing the bearer of each card access to the attraction. The controller and its operation are described in more detail below. Thus, embodiments of the system operate to allow owners of cards access to multiple attractions without having to pay separately for each attraction. Rather, a person may simply pay once for a card and use that card
15 to access attractions that are partners of the system.

Attractions may be paid by the system manager at the end of a day, week, month or other time frame, access fees corresponding to all the cards that have been used at that attraction during the time period, rather than being paid as a percentage of gross revenue for the cards (although in other embodiments, this latter method may be used).

20 Once a geographic location in which the system is to be implemented has been selected, a destination may be "created" by developing contractual relationships between the system manager and various paid attractions near or in the destination. It is to be understood that the term "destination," as used in this example, refers to a geographical area in which the access system according to various embodiments of the invention is implemented. A destination may
25 be, for example, a city like Boston or New York, a resort or collection of resorts, a theme park or collection of theme parks, or any other geographic area that contains a viable number of attractions, as is discussed in more detail below.

The system manager refers to a company or entity (or group of entities) that endeavors to deploy the system at the destination. In doing so, contractual relationships may be formed
30 between the system manager and each partner attraction. Where this is done, a variety of different types of contractual relationships may be formed. In one example, the system manager

may contract with each attraction and compensate the attraction based on actual use by tourists. Where this is done, the system manager may seek a discounted rate from the attraction based on expected increased numbers of tourists visiting the attraction, or even a compensation rate that based on the actual number of tourists visiting the attraction or a charge per tourist based on time of day (e.g., less for off-peak hours or at the end of the day) or some other data such as country of origin of the tourist (e.g., less or more for visitors from far away).

For example, the system manager may pay a partner attraction a first rate for the first fifty card-visitors per day and a discounted second rate for any additional card-visitors that day.

Factors that may be used in a formula that can be used to calculate compensation of an attraction may be simple (e.g., number of uses) or a little more complicated (e.g., a discount of the total admission price that would have been paid by users). Other factors include: time of day of use, day of the week, month (e.g., peak vs. off-peak season), etc. Other factors may be based on information about the visitor. For example, an attraction may find it desirable to receive a regular admission price for card-visitors it has strong reason to believe would come anyway, and charge a discounted rate for visitors it thinks it could not otherwise attract. Data about visitors that may be used to calculate compensation may include: geographical origin of the visitor, the difference in time between purchase of the card and its first use (e.g., distinguishing people who buy on impulse from people who plan well in advance), age group to which the visitor belongs, whether the visitor has also accessed related attractions (e.g., a visitor who accesses both a museum's special exhibit and its Imax theatre may receive a discount for one or both attractions). etc. For example, a children's' museum may give the system manager a very low rate for adults who visit the museum in order to encourage adults to bring children to the museum who could not come on their own.

According to one embodiment, compensation to partner attractions may be time sensitive.

For example, the system manager may compensate the partner attraction differently for card-visitors that visit the attraction at different times of day or year. In one example, a partner attraction may receive \$10.00 for any card-visitors that access the attraction before 5 pm and only \$5 (or nothing) for any card-visitors that access the attraction after 5 pm. In another example, an attraction may receive one rate of compensation for card-visitors that access the attraction during a peak season and a lower rate of compensation for card-visitors that access the attraction during an off season.

In one example, an attraction may charge the system manager a discounted rate for card-visitors and also require the attraction to accept acknowledgement of admission for card-visitors by installing and utilizing the smart card terminal provided to them by the system manager. The term "card-visitor" as used herein refers to a visitor to an attraction (e.g., a tourist to the destination) who has purchased a card (e.g., purchased directly or indirectly from the system manager) and is using the card to access the attraction.

Referring to FIG. 1, there is illustrated a flow diagram of one embodiment of a method for selecting a destination and configuring products for that destination. As discussed above, in a first step 100, the system manager may select a potential destination based on criteria such as the number and locations of attractions within the destination, the frequency of tourists to the destination, ease of traveling between attractions, etc. According to one embodiment, a destination may be selected based on a number of factors, including an estimated number of visitors, their typical visitation profile (e.g., do they come for a week or for a weekend), and the number of attractions that charge admission within the geographical area of the destination. These factors may be used to determine whether there will be enough visitors to the destination to make it commercially viable for the system manager and whether there will be value created for these visitors by the system, in other words, whether there are sufficient attractions within the destination that will agree to contract with the system manager to offer discounted rates and other special offers to card-visitors.

Partner attractions (e.g., paid-admission attractions that agree to contract with the system manager) may be selected based on a number of criteria. For example, it may be desirable that the partner attractions be of a certain quality so that card-visitors have a good experience at the partner attractions and the partner attractions reflect well on the system manager.

Partner attractions may be willing to provide the system manager with a proper discount to meet the needs of the system manager, particularly in systems that compensate partner attractions on a per-use basis. For example, an offered discount may allow a price for the card that encourages visitors to buy cards from the system manager but also makes partnering with the attraction commercially attractive to the system manager.

Another factor may be the usual price of admission to the attraction. For example, the partner attractions may typically not be too highly priced (relative to other attractions) because that may either drive up the price of the card such that customers do not want to buy them or may

adversely affect the profits of the system manager. Other factors that may be taken into consideration are the popularity of the attraction, the estimated "dwell" time of visitors (i.e., how long does the average visitor stay at the attraction), and the distance to other attractions.

While not limiting with respect to all embodiments of the present invention,
 5 compensating partner attractions on a per use basis may permit the system to be put in place more easily. Partner attractions do not have the uncertainty of an unknown return on their participation in the system and, as described above, discounts can be determined based on volume, timing, or other data concerning the actual use of the attraction by card-holders. As discussed above, discounts may be time sensitive, may depend on the type of person (e.g., a adult
 10 versus a child), or other may be based on a combination of factors that may include characteristics of the attraction itself and/or the card-visitors. In another example, the system manager may subsidize discounts for various promotions. For example, a card-visitor may receive a 20% discount off the regular admission to a certain attraction, 15% of which may be covered by the attraction and 5% of which may be subsidized by the system manager.

15 In a next step 102, the system manager may identify potential partner attractions for the system to be implemented in the destination.

In selecting a destination, the system manager may consider not only potential partner attractions, but also "special-offer partners," namely shops, restaurants and other services that do not require paid admission, as illustrated by step 104. The system manager may contract with
 20 such special-offer partners to offer card-visitors special offers and discounts. Inclusion of special-offer partners may make the card more attractive to customers and offer customers greater value for the card. Ideally, the system manager may include enough of the area's popular attractions (both paid admission and other attractions) to interest potential purchasers and deliver an easily calculated value for them to choose to buy the card over buying tickets to each
 25 attraction individually.

According to one embodiment, once an initial assessment of the destination has been done by the system manager and a target selling price of the card is established, partner attractions may be selected using a "daily budget."

In this example, the daily budget is a measure of the amount expected to be paid by the
 30 system manager to the various partner attractions for the total use of a card. The budget may be based on the target selling price of the card, less any sales commissions that are expected to be

paid to sales partners, less an estimated material cost of the system apportioned to one card, less a desired profit for the system manager. For example, for a two-day card, the budget calculation may be as shown below:

	Target Selling Price	:	+ \$69.00
5	Average Commission	:	-\$14.00
	Material Costs	:	-\$4.00
	Desired Profit	:	-\$10.00
	Daily Budget	:	= \$21.00 (per day)

In other words, for a two-day card sold for \$69.00, the total cost (Le., amount paid by the system manager to the partner attractions) for all the paid attractions visited by a card-visitor over the two days should be \$42.00 (or \$21.00 per day) and deals with partner attractions may be struck accordingly.

On the other hand, the above daily budget may be used to set the target selling price for the card. In this example, the system manager may determine that the average compensation to attractions is \$21 per day and, therefore, the target selling price needs to be set at \$69 in order to achieve a desired profit of \$10.

Of course, it is to be appreciated that the above example is for the purpose of illustration only and is not intended to be limiting. The cards may be sold for any price determined to be appropriate by the system manager, and the costs and desired profits may also vary, resulting in a budget different than the given example. The numbers used to calculate the budget may all be based on an estimated most popular duration (i.e., based on an analysis of how long visitors typically spend in a destination city).

Referring again to FIG. 1 and this particular example, the system manager may calculate an average commission and average material costs in step 106. The average commission may for example take into account wages etc. paid by the system manager to its own or affiliated sales people or agents. According to one example, the average commission may be calculated based on an estimated number of sales people and cards sold over a given time period, to apportion an appropriate sales cost to each card. Similarly, the material costs may include a representation of the costs of manufacturing the cards and possibly also manufacturing, installing and maintaining the terminals and other equipment.

In step 108, the system manager may determine a target selling price for cards at the destination. The target selling price of a card may be determined based on many factors such as, for example, a price that will be appealing to the market, the amount of value that an average user will receive, and an anticipated redemption rate, i.e., a net amount that must be paid by the system manager to the partner attractions. In one embodiment of a business model, the value that an average card-visitor may receive from using the card may be noticeably lower than what it would cost that card-visitor to pay for each attraction separately, considering also that the card may provide special offers, such as discounts at shops and restaurants, in addition to admission to select paid attractions. The anticipated redemption rate may also be low enough to ensure a proper gross profit margin for the system manager. Considering all the above factors (and possibly other factors as well), pricing of the cards may be determined by balancing the interests of giving value to customers and acquiring desired profits so as to select appropriate partner attractions that make the model viable.

It is to be appreciated that the system and methods may allow for a several types of cards, for example, single-day cards, multi-day cards, adult cards, child cards, senior cards, multi-person cards, etc. Target selling prices may be calculated for each type of card to be available for use in the destination and the cards programmed (as described below) accordingly.

It is to be appreciated that the steps illustrated in FIG. 1 do not necessarily need to be performed in the illustrated and/or described order. The given flow diagram is merely one example of how a system manager may create a destination and is not intended to be limiting. System managers may perform these and other steps to create a destination in any order that they see fit.

Once the costs, desired profits and target selling prices have all been estimated or determined, the system manager may have a target daily budget for the cards, as illustrated by step 110. The budget may be one factor used to create commercially viable destinations for the system.

According to one aspect of the system, the budget may be used to develop "products" within a selected destination, in step 112 of FIG. 1 (although products may be developed in other ways as well, as would be appreciated by one of ordinary skill in the art based on the disclosure provided herein).

The term "product" as used herein refers to a collection of facilities, resources, attractions, or whatever is being allocated according to the system. In the context of the present example (and not intended to be limiting), "product" refers to a collection of promotions at a destination.

5 The term "promotion" as used herein refers to an offering by a partner attraction (for example, admission to a gallery or museum, a tour, admission to a movie or Imax production, etc.) or by a special-offer partner (e.g., a 20% discount for a restaurant, 10% off at a store, etc.).

There need not be any practical limit to the number of different promotions that may be included in any particular product. The system manager may try to anticipate which attractions
10 will be visited the most and what is near them in both paid admissions (partner attractions) and special-offer partners in order to develop products that may be offered to card customers. Each card, when purchased by a customer, may be encoded with a selected product, as is described in more detail below.

Once the daily budget has been determined, the system manager may analyze the layout
15 of the destination, taking into account all of the attractions, their proximity to one another, their popularity, the "dwell time" of visitors at each attraction, and also how much one person can do in one day. The system manager may use this information to construct initial configurations of products to be offered for a destination. Initial product configurations may be constructed based on, for example, the system manager's knowledge of the market (which may be gathered from
20 analyzing data about visitors to the destination) and the available attractions.

According to one embodiment, initial product configuration may be determined using an information matrix. The destination may be divided into one or more geographic sub-areas and a separate information matrix may be created for each sub-area. The size and location of sub-areas may be defined based on a number of factors such as, for example, the geographic size of the
25 overall destination area, ease with which visitors may travel around within the destination (e.g., does the destination have efficient public transport or do visitors need to walk or drive between attractions), traffic conditions within the destination, geographic topography of the destination, the number of attractions within the destination, and the like. Each information matrix may include data relating to potential partner attractions and potential special-offer partners.

30 According to one embodiment, each geographic sub-area should not have the opportunity to have too much in redemption payouts to partner attractions. In other words, each geographic

sub-area may have sufficient partner attractions to be enticing to visitors, but not so many as to potentially require the system manager to have to pay more than the daily budget in fees to the partner attractions. This may be achieved by making sure that there are not too many partner attractions located too close to one another, and also that each geographic sub-area has enough special-offer partners to occupy visitors while not costing the system manager any money (in those embodiments where special-offer partners do not receive compensation; in other embodiments, special-offer partners may even be required to compensate the system manager based on use of the card).

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One example of an information matrix for a geographic sub-area is shown below in Table 1. Each attraction may be assigned a subjective popularity rating based on any available data. In one example, estimated costs and an estimated number of partner attractions likely to be visited by card-visitors may be based on an 8-hour day to allow the system manager to attempt to manage costs per day and per hour using the information matrix.

TABLE 1.

Attraction	Retail Value (\$)	Card Price (\$)	Dwell Time	Distance from Other Attractions	Popularity
Museum	12	8	90 min.	1 min.	20%
Historic Building	5	4	25 min	15 min	40%
Art Gallery	15	10	75 min.	10 min.	25%
City Tour	25	16	125 min.	1 min.	70%

In this example, once a daily budget is determined and potential partner attractions selected, the system manager may negotiate net rates with each of the partner attractions such that, when tested against maximum redemption (how much a person can physically do in a day), the total amount expected to be paid (per day) by the system manager to the partner attractions will not exceed the daily budget.

As should be appreciated from this specification, data gathering is possible in a way that allows assumptions to be tested or refined and the price of the card adjusted, or the various levels of compensation to attractions adjusted, as experience with the system is accrued.

According to one embodiment (e.g., one where attractions are compensated based on
5 actual use), the system manager may collect data representative of all uses of all cards in the destination and analyze the data to determine the amount owed to each partner attraction by the system manager.

In one example, the system manager may pay each partner attraction monthly for all the card uses at that attraction. Of course, it is to be appreciated that the system is not limited to
10 monthly payments. The system manager may negotiate and contract with each partner attraction to pay that partner attraction over any predetermined time period, for example, daily, weekly, bi-weekly, or any other mutually acceptable time period. In this example, the system offers the benefit to partner attractions of simplified payment, namely, that they may be paid once in a time period, for example, once a month, for all card-visitors to the attraction, rather than accepting
15 multiple individual payments for each visitor at the time of each visit. Various examples of payment systems and data collection are described in more detail below.

Once a destination has been created by developing contractual relationships with various partner attractions (paid attractions) and special-offer partners, the destination may be considered ready for launch. A destination that is ready for launch may have enough value created in total
20 admission prices and key attractions signed (confirmed partner attractions) to be reasonably expected to attract customers.

According to one embodiment, the system manager may develop and produce a guidebook or brochure that may include descriptions of all partner attractions and special offer partners in the destination (step 114). The guidebook may be provided or sold to customers who
25 purchase cards to assist the customers in planning and visiting desired attractions. The fact that a system manager may provide a guidebook may be an additional incentive for special-offer partners to join the system because the book may be a form of advertising for the special-offer partner and increase the visibility of the special-offer partner.

In addition, the system manager may install terminals at each of the partner attractions
30 and configure a network of smart card readers (step 116), as is discussed in more detail below.

When the book, smart cards and terminals are all complete, the destination may be launched, i.e., the system may become active in the destination.

Once a destination is launched, the system manager may collect data about card usage in the destination, as is discussed in more detail below. According to one embodiment, the system manager may analyze the data and compare it to the list of partner attractions and special-offer partners and add or subtract attractions or negotiate better pricing to maximize profit. The system manager may also use the collected data to reconfigure products (as illustrated by line 118) offered in the destination to improve, for example, the value added by the card and the profits achieved by the system manager.

Referring to FIG. 2, there is illustrated a schematic diagram of one embodiment of a system according to certain aspects of the inventions.

The system may include one or more reward terminals 120 which may be configured as smart card readers, as is described in more detail below. A reward terminal 120 may be located at each partner attraction and be configured to read cards 124 presented to it and to indicate whether or not a card-visitor 122 has access to the attraction.

A database 126 may be included (shown in this example as stored in a central location, run by the system manager, and updated over a network with nightly downloads to the terminals of any changes to products that use this attraction (and the cards that therefore allow access) and uploads to the database of actual use data) to store data relating to the system, cards, partners, etc., as is discussed in more detail below. "Database" as used herein includes any data structure to store data and a "database" may be a collection of separate databases or a subset of data in a larger database; "database" includes information intended to be archival or used only for temporary storage.

Embodiments and aspects of the access system and methods described herein implement all-inclusive ticketing to destination attractions (partner attractions) and discounts etc. at special-offer partners such as shops and restaurants. According to one embodiment, there may be provided a highly secure and efficient system based on smart card technology and requiring no paper transactions.

As discussed above, partner attractions and special-offer partners offer promotions such as, for example, admission to a museum or gallery, discounts at shops and restaurants, etc., to card-visitors. Promotions may be accessed using a purchased card via, for example, a reward

terminal. According to one embodiment, each promotion may have a unique promotion code that may be stored by the system, for example, in database 126 illustrated in FIG. 2. Promotions may be company-wide or venue-specific. For example, a company (either a partner attraction or a special-offer partner) that has multiple locations might have one promotion that is good at all
5 locations and individual promotions for specific locations. For example, a restaurant chain may offer a lunch special that is good at all locations, but a dinner special that is only good at one location. Partner attractions and special-offer partners may communicate with the system manager to set up the promotions that they wish to offer. These promotions may be altered at any time by agreement between the partner attraction, or special offer partner, and the system
10 manager in the manner (for example) described herein.

According to one embodiment, promotions may have constraints that control when, where and/or how often a card-visitor may access the promotion. Promotions may be constrained for example in time. Some examples of possible time constraints include time of day, day of the week and date. For example, a promotion may be constrained to be valid only from noon to 3 pm
15 on Wednesdays during the month of June. Time constraints may be agreed upon between the partner attraction (or special-offer partner) and the system manager and may also be altered whenever suitable.

In another example, promotions may be constrained by quantity. In other words, a card-visitor may be limited to a fixed number of uses of a promotion during the lifetime of a card. For
20 example, a card-visitor may be allowed to take a tour at any time during the lifetime of a card, but only once. In another example, promotions may be constrained by how often they are used in a given time period. For example, periodicity may be defined in terms of a calendar. This means that a promotion may be constrained to a certain number of uses in a single day or number of days. For example, a museum may offer free admission to a card-visitor every day, but only once
25 a day. In another example, the card may be used more than once per day, but not twice within an hour. This may be done, for example, to help assure that only one person is using a card.

Any of time, quantity and frequency of use constraints may be set up by the system manager in agreement with the partner attraction or special-offer partner and may be changed at any time. In addition, promotions may be constrained in a combination of time, quantity and
30 frequency of use. The system allows the system manager, and therefore the partner attraction or

special-offer partner, to configure promotions to have whatever constraints may be desirable and to modify the promotions whenever necessary.

According to one embodiment, every promotion may have an absolute time period (which may be never ending) along with modifications that make the promotion only good on
 5 certain days of the week and/or at certain times of the day. Partner attractions and special-offer partners may design their offers to meet business specific needs, for example, driving business at off hours. The system manager may program each promotion to have the tailored features and restrictions desired by the partner attractions and special-offer partners. In appropriate contexts, this flexibility can facilitate reaching an appropriate agreement on the level of discount provided
 10 to the system manager.

As discussed above, "products" includes collections of promotions. There may be no limit to the number of promotions that can be included in a product.

According to one embodiment, each product may have a unique product code and cards may be enabled with this code when they are purchased by customers. Thus, in this example,
 15 cards used in the system may be programmed with a particular product code, rather than (or in addition to) each of the promotions that make up the product. Then, product identifier controls what set of promotions the user can use. A product may not have a time limit, however, system operators may typically create new products seasonally, or if attractions within a destination change.

20 Various embodiment of the system are designed to use smart cards to allow customers to access and use the system. Smart cards are often implemented as credit-card sized plastic cards that have an embedded, programmable microchip that includes a memory or storage device. Such cards may be ordered from the manufacturer in the "factory fresh" or new state.

Referring to FIG. 3, there is illustrated a flow diagram of one example of a card
 25 "lifecycle." In the new state 130 a card may have the system manager graphic printed on the front and/or the back and the card has a unique serial number programmed into the serial number field of the card. In one example, the serial number may also printed on the back or front of the card. In addition, the card may have a security code, for example, a default security code programmed at the factory, programmed into the card's memory. One example of smart cards
 30 that may be used with the system are SLE 4442 Secure Memory Smart Cards which can be purchased from a number of smart card manufacturers including, for example, CardLogix,

GemPlus and TxSystems. It is to be appreciated however, that the system is not limited to this specific type of smart card. In addition, although a preferred embodiment of the system and methods described herein may be implemented using smart cards, the system and methods are not so limited and may be implemented using unique bar-codes or pin numbers that may be supplied to customers instead of smart cards.

After new cards 130 have been obtained by the system manager, the cards may be enabled by an enabler 140 (see FIG. 2). New cards 130 become enabled cards 132 when they are programmed with a specific period, type and product. In addition, the card's security code may be changed from the factory default to something only known by the system manager network.

This may prevent fraudulent cards from operating in the network.

According to one embodiment, the enabler 140 may be a smart card enabled point of sale terminal, similar to the reward terminal 120. One example, of a terminal that may be used as an enabler for the system is an Allegro 100 terminal from Intellect. However, several manufacturers (e.g., Hypercom, Verifone, Lipman, and others) produce smart card enabled POS terminals that may also be used.

The Enabler may be used to transform new cards 130 into enabled cards 132. An enabled card may have additional features programmed into the card compared with new cards 130. For example, an enabled card may have a card type (e.g., adult, child or senior), period (for example, a two-day card may be programmed as such) and a product (represented by a product code) programmed into the card.

Referring to FIG. 4, there is illustrated a flow diagram of one example of a procedure that the enabler 140 may implement to turn new cards 130 into enabled cards 132. In a first step 142, an operator may swipe or "dunk" a new card into the enabler terminal. The enabler may interrogate the card to determine if it is a system-compatible type of smart card, for example, an SLE 4442 based smart card, in step 144. If not, an error is indicated, as shown by box 146 and enabling is discontinued. If the card is a valid type, in a next step 148 the Enabler may read the state of the card. If the card is already enabled, then the terminal displays a report of the current enabled state including the card type, period, and product, in step 149. Enabling is discontinued and the enabler may display an error (box 146). If the card is not valid and not yet enabled, the enabler may proceed with the enabling process.

It is to be appreciated that the terms "swipe" and "dunk" are used interchangeably in this disclosure and are intended to mean any manner in which a card may be read by a terminal including, but not limited to, swiping the card through a terminal, inserting the card into the terminal, contactless reading/writing of the card by the terminal, etc.

5 According to one example, in a next step 150, the Enabler may override the factory default security code on the card and program the card with a new security code that is known only to the system manager network. If the card does not have the factory default security code present on the card, the enabler may display an error (step 146) and enabling may be discontinued. In a next step 152, the enabler may program the card with the card type (e.g., adult,
10 child or senior), period (e.g., one day, two day, one week) and product by writing representative codes into predefined fields of the smart card. If the card fails to program, the operator may be told of the error (step 146) and enabling is discontinued.

 Once the enabler has programmed the card, the enabler may record the card serial number, and the programmed product, period and type along with the current date and time in a
15 memory device of the enabler. This information may be transferred later to the Gateway as is discussed below in more detail. Finally, the operator may remove the card from the enabler. The card is now enabled and may be referred to as an enabled card. Enabled cards are ready to be sold to customers for use with the system. While enablement may be done at the point-of-sale, enablement may also be done in advance as described below.

20 Referring again to FIG. 3, after cards are enabled, they may be assigned to a particular sales channel to be sold to customers, thereby becoming "assigned" (block 134). Cards become assigned when the card is promoted to the assigned state in the database 126 (see FIG. 2). The act of assigning a card to a sales venue in the database promotes the card to the assigned state. At this point in the lifecycle, the card can be sold by the sales venue to the customer. Assigned cards
25 become "sold" (block 135) when the card is sold to a customer.

 According to one embodiment, the system manager may use an order system to track sales of enabled cards. A "sold" card may generate an order that is used to track payment for the card. Orders may begin in a blank state, as shown by block 160 in FIG. 5. An order may be used to eventually tie a customer, the sales agent, and the card product together. Order data may then
30 be used for a variety of purposes including determining how much sales commission is to be paid to agents, popularity of various types of products, and other uses described in more detail below.

Blank orders may become "described" when a sales agent, customer and card product are specified in the order, indicated by block 162. Described orders may become "voucher" (block 164) when the customer has confirmed the purchase of a card. However, in this state, a card has not been assigned to the order and payment is not yet due. Described or voucher orders may become satisfied (block 166) when a card is assigned to the order. At this point in the order lifecycle, the card is in either the activated 136 or sold 135 state (see FIG. 3). Finally, orders may become retired (block 168) when payment has been received for the order.

As discussed above, products may be programmed into cards during enabling (step 152).

In one embodiment, a product may be represented on the card as a particular code, for example, as a 32 bit number. An important feature of the system may be that no list of promotions may be included on the card. Rather, the card is programmed with a product code that defines the promotions for which the card is valid.

Referring again to FIG. 2, the system may include a database 126. According to one embodiment, inside the database 126, product definitions may be maintained as lists of promotion codes, for example, as lists of 32 bit numbers. These lists may be changed at the database 126 without changing the product codes on the cards. For example, if a product code X includes promotions A, B and C, then it may be changed, in the database, to include promotion D as well. Thus, a card that is programmed with product code X may now be used to access promotion D without any change needing to be made to the card (after the terminal has connected to the database to receive the updated information; e.g., after a nightly updating over a network).

In this fashion, a product can be changed even after a card has been enabled and sold and a card already programmed with a particular product code can be used at a terminal with new or modified promotions, as is discussed in more detail below. System operators can add, subtract or modify the individual promotions in a product (thus changing the product definition) without access to the card. This allows the system manager to alter products without recalling sold cards and reducing or avoiding inventory problems with "out-of-date" cards.

According to one embodiment, the system manager may install one or more reward terminals 120 at each partner attraction. The reward terminal 120 may be a smart card enabled point of sale terminal adapted to read cards 124 presented to it and indicate whether or not a card-visitor 122 has access to the attraction. More specifically, the reward terminal 120 may

include a storage element, such as a computer-readable memory device, that may contain a list of promotions that may be valid at that reward terminal. For example, a reward terminal located at a museum that is a partner attraction may store several promotions (e.g., access to the museum, access to special exhibits, access to an Imax theatre, and discounts at the museum restaurant) that may be offered by the museum to card-visitors. When the card 124 is "swiped" or "dunked" at the reward terminal 120, the reward terminal 120 checks to see if the card 124 is still valid (e.g., has not expired), whether the card is supported at the terminal and whether the promotions in the terminal are available to the card-visitor. If a promotion is valid, then it may be offered and a reward may be displayed. If more than one promotion is valid, then an attendant may make a choice and the appropriate reward may be given.

The term "reward" as used herein refers to a signal or indication that a card-visitor has chosen to access an offered promotion. In other words, a card-visitor receives a "reward" when the card-visitor uses the card to access a promotion. A promotion, as stored in the system, may have a title and a reward. The title may be used to identify the promotion. For example, a card-visitor who swipes his/her card at a reward terminal may be offered a promotion having a title "admission to museum." The reward is used to reward the card-visitor, namely to indicate to attendants at the partner attraction that the card-visitor is entitled to the selected promotion. During normal operation of the system, an attendant, or the card-visitor, may select a promotion by its title and may be told the reward by the promotion reward. A card may have a certain number of rewards based on the product associated with that card. In other words, a product comprises a list of promotions and each promotion may correspond to one or more rewards. For example, as discussed above, promotions may be frequency or quantity limited which may determine how many rewards that promotion may give to any card.

The reward terminal 120 may be any suitable type of smart-card enabled terminal. Some examples of reward terminals that may be used in the system include point of sale terminals manufactured by Hypercom, Verifone or Lipman. One specific example of a reward terminal 120 that may be used in the system is an Allegro 100 terminal from Intellect. However, the system is not limited to any specific type or model of terminal. In some embodiments, automatic dispensers including card-readers may be provided so that a separate line may be used to gain access (e.g., a dispenser to issue tickets), offering the possibility of reduced waiting times for card-visitors.

Referring again to FIG. 3, in this example, cards become "activated" when a card-visitor first swipes a card at a reward terminal. The day of activation may be recorded on the card so that, from that day, the card may be valid for the pre-programmed card time period. These time periods (e.g., a day) may be computed from the time of activation (e.g., a 24-hour period) or may correspond to window within, for example, a 24-hour period, such as the time from when the card was activated up until, for example, midnight on the day it was activated.

Referring to FIG. 6, there is illustrated one example of a flow diagram showing activation of a card by a reward terminal 120. In this example, the card is "activated" (for purposes of determining when the card then expires for cards that expire based on a time period) on first use. For cards that do not expire, it may be that the card need not be activated after it is initially set up or the card may be activated at the point of sale. Other activation events are possible as well.

Other expiration events are also possible. For example, a card may expire after a certain amount of use (e.g., aggregated and stored on the card). One such embodiment would be to set the card to expire after \$50 of aggregated use at attractions, where the value of aggregated use is stored on the card. For example, a card may be encoded with a product that includes both a list of promotions (use of which is subject to promotion constraints) and a fixed money amount for travel or food, for example. In this case, the card may expire for use associated with food or travel when the fixed money amount is reached, but may remain valid for accessing promotions. Another expiration event could be, for example, non-use for a certain period or a use (or attempted use) after a certain date or time of day. In another example, a card may expire when all its rewards have been used up. Other expiration events may be some algorithm or formula based on these or other factors.

Returning to the example of FIG. 6, when the card-visitor (or an attendant at a partner attraction or special-offer partner) swipes the card in the reward terminal (step 170), the reward terminal identifies the card (step 172) as a system card (i.e., an enabled card).

If the card is not recognized, an error is displayed (step 174) and no reward may be given to the card-visitor.

In a next step 176, the reward terminal may read the activation timestamp on the card. If the activation stamp is blank (or has some other entry indicating that it has not been activated), then this is the first use of the card, and the reward terminal proceeds to step 178, where the reward terminal writes the activation timestamp into an appropriate field on the smart card. Once

the activation has been recorded, the reward terminal may proceed to determine the promotions available to the card-visitor, as is discussed in more detail below.

If, in step 176, the activation stamp contains a date, then this card has been activated before and the reward terminal proceeds to step 180 to check the activation. In step 180, the
 5 reward terminal reads the activation timestamp from the smart card and reads the card period from the smart card. If the current time is less than the activation timestamp plus the card period, then the card is valid and the reward terminal may proceed to determine the promotions available to the card-visitor. If the current time is greater than the activation timestamp plus the card
 10 period, then the card has expired. If the card is expired, the reward terminal may display a "card expired" message to the user and discontinues card processing (step 182). Other embodiments, e.g., where activation any time during one time period (e.g., any time during the day) causes expiration at the end of that time period may likewise be implemented, e.g., where a use at any time during a day causes the card to expire at the end of that day.

As discussed above, one of the components of the system may be a reward terminal 120.
 15 A reward terminal may include a user interface such as a screen and keyboard and swipe slot for cards. The reward terminal may constantly or regularly check for user activity which may signal that a card-visitor is attempting to use the reward terminal or that an operator is attempting to, for example, query the number of records currently stored on the reward terminal (indicating how many promotions have been accessed that day at that reward terminal). When a card is swiped at
 20 the reward terminal, the reward terminal may begin to implement a procedure for processing the swipe.

Referring to FIG. 7, there is illustrated a flow diagram of one example of a procedure that may be implemented by a reward terminal when a card-visitor attempts to use a card to access a promotion. The card-visitor 122 may give the smart card 134 to an attendant or operator who
 25 swipes the card into the reward terminal 120 (step 200), or may dunk the card themselves in an automated kiosk. As discussed above, the reward terminal may check the activation state of the card and may proceed if the card is valid (step 202). Next, the reward terminal may read the product code from the smart card (step 204).

The example of FIG. 7 may be more easily understood with reference to one example of
 30 a memory structure for a smart card. Referring to FIG. 8, there is illustrated a conceptual diagram of information that may be stored in a memory structure of a smart card that may be

used with one embodiment of the system. The smart card memory may contain several "properties" fields that contain information relating to the properties of the card, such as its serial number, period, type and programmed product code. As discussed above, each card may have a unique serial number that identifies a particular card in the system.

5 When the card is swiped in a reward terminal (step 200), the reward terminal may record this serial number along with the date and a promotion code for later transmission to the database 126, an example of which is described below. The "period" field may include a number indicating how many days the card is good for starting at midnight of the day of first activation. The reward terminal may use this number to determine if a card is still valid in step 202.

10 The "type" field in this example indicates the card type (e.g., adult, child, senior, etc.). This type code may be used to display the card type to the attendant when necessary. For example, a reward message might be "admin one adult" and the "adult" part is determined from this field. As discussed above, the product code indicates what product the card supports. The reward terminal may use the product code, in step 204, to find the list of promotions that are
15 valid for the current customer.

 Referring again to FIG. 7, once the reward terminal has read the product code from the card, the reward terminal may scan a list of available promotions loaded in the memory of the reward terminal (step 206). Each reward terminal may be programmed with a list of promotions that may be accessed via that reward terminal. This list may correspond to a list of the
20 promotions offered by the partner attraction at which the reward terminal is located. The reward terminal may then form a list of candidate promotions (step 206) that are included in the product identified in (as read from) the card (e.g., matching the product code). If the list of candidate promotions is empty, then the operator may be told that no promotions are available and the process may be terminated. If the list contains one or more candidate promotion, then processing
25 proceeds.

 In this embodiment, in a next step, the reward terminal may scan the list of candidate promotions and compare them with the time criteria for each promotion (step 208). If the promotion fails the time criteria, for example, it is the wrong time of day or day of the week for a card-visitor to access that promotion, then the promotion is dropped from the candidate
30 promotion list. After the time criteria have been applied, if the candidate list is empty, then the operator may be told that no rewards are available and the process may be terminated. If the

candidate list has more than one entry, then the title of each available promotion may be presented to the operator and the operator may select which promotion to process (step 210). If there is only one available promotion, then the title of that promotion may be displayed, and the terminal may proceed with processing that promotion.

5 After a promotion has been selected for processing, the reward terminal may check to see if any frequency (step 214) or quantity (step 216) restrictions exist for that promotion. It is to be appreciated that although the flow diagram illustrated in FIG. 7 check frequency constraints first and then quantity constraints, the method is not so limited and the steps may be performed in any order configured by the system manager. If the selected promotion has a frequency constraint,
10 then the terminal may apply a frequency constraint test (step 216).

 According to one embodiment, a frequency constraint test may be conducted as follows. The reward terminal may read the date from the card and check to see whether it matches the current date (step 212). If the current date does not match the date on the card, then the frequency list on the card is old and the card passes the frequency constraint and the reward terminal may
15 continue processing at step 216. If the current date does match the date on the card then the frequency list (step 213) on the card is valid and may be examined to determine if the promotion passes. In one example, the reward terminal may scan the frequency list on the card looking for the promotion code of the selected promotion. If no promotion code is found, then the card passes the frequency constraint and the reward terminal may continue processing at step 216. If
20 the promotion code is found, then the reward terminal may examine a frequency counter (step 218) on the card in the frequency list that includes the promotion code. If the frequency counter is less than the frequency constraint, then the promotion passes and the reward terminal may continue processing at step 216. If the card's frequency counter is equal to the frequency count, then the promotion has been used and the reward terminal may display a message to tell the
25 operator that the reward has already been used for the day (step 220) and processing is terminated. In one example, the reward terminal may store the promotion code and frequency counter in its memory for later update of the card state, as is discussed in more detail below. As one of ordinary skill would appreciate based on the disclosure provided herein, any number of possible frequency constraints maybe imposed for a particular promotion and the mechanisms
30 for storing and tracking frequency constraints using the memory of a card device may be varied. As just one example, a frequency constraint may be depend on more than one variable, such as

allowing a larger number of uses (or unlimited use) on weekdays, and lower frequency on weekends.

Returning to this example, once the reward terminal has processed any frequency constraints, the reward terminal may check to see if the selected promotion has a quantity constraint (step 216). If the promotion does not have a quantity constraint, then the reward terminal may proceed to step 224 to update the card state in the card memory, as is discussed in more detail below. In the promotion does have a quantity restriction, the reward terminal may scan the quantity list on the card looking for the promotion code of the selected promotion. If no promotion code is found, then the card passes the quantity constraint and the reward terminal may proceed to step 224. If the promotion code is found, then the reward terminal may examine a quantity counter (step 228) for the entry in the quantity list that contains the promotion code. If the card's quantity counter for that promotion is less than the quantity constraint, then the promotion passes and the reward terminal may proceed to step 224. If the card's quantity counter for that promotion is equal to the quantity count, then the promotion has been used and the reward terminal may display a message to tell the operator that the reward has already been used and processing is terminated (step 230). In one example, the reward terminal may store the promotion code and quantity count in its memory for later update of the card state, as is discussed in more detail below. As for frequency counters, the quantity counter tests may be formed from as logical tests, such as permitting any use after the first one only a weekday or a weekend day after 4 pm.

Once processing has been completed and the reward terminal has determined that the card-visitor is entitled to access the selected promotion (i.e., card is valid and all time, frequency and quantity restrictions have been passed), the reward terminal may display the promotion reward for the operator (step 234).

Referring again to FIG. 8, the card may include an activation timer field that indicates the date and time when the card was first activated. As discussed above, when the card is first swiped through a reward terminal, the reward terminal may write the system time into this field. In one embodiment, the reward terminal may maintain the system time as the number of seconds since the beginning of the epoch. The epoch may be defined to begin at a time when the system is launched in a destination, or another time selected as suitable by the system manager. On all subsequent swipes of a card after the first swipe, the reward terminal may read the activation

system time from the card and add the card period in seconds. For example, for a two-day card, the card period may be 172800 seconds. If the sum of the activation system time and the card period is less than the current system time, then the card has expired. Of course, it is to be appreciated that the system is not required to maintain records of system time in seconds but may
 5 instead use a different time tracking method; similarly, for embodiments that expire based on time, other measure may be used such as having all one-day cards expire at 11:59 pm on the day of first use (no matter what time the card was first used). In one example, the reward terminal may be configured to account for leap years in its time tracking method. In another example, the reward terminals may not account for daylight savings, in order to facilitate moving of reward
 10 terminals from one location to another, and thus may receive daylight savings time information from a central computer, as is discussed in an example below.

According to one embodiment, the card may also include in its memory one or more counters. For example, a card may include a quantity counter and a frequency counter. In one example, the quantity counter may include a number that indicates the number of quantity
 15 promotions currently included in the product stored on the card. As discussed above, promotions may be limited in either quantity or frequency or both and may also be unlimited in both quantity and frequency. For a promotion that is limited to a specific number of uses during the lifetime of the card (a quantity limited promotion), the promotion code may be recorded in a quantity list on the card. As discussed above, whenever a card is swiped at a reward terminal, the reward
 20 terminal may check to see if the promotion quantity has already been used by that card-visitor (step 214, FIG. 7). The card may also include a frequency counter that may include a number that indicates the number of frequency promotions currently included in the product code stored on the card. For promotions that are limited to a specific number of uses per day (a frequency limited promotion), the promotion code may be recorded in a frequency list on the card.
 25 Whenever a card is swiped at a reward terminal, the reward terminal may check to see if the promotion frequency has already been used by that card-visitor (step 212, FIG. 7).

In one example, the card may also store an indication of the current day of the month. As discussed above, the terminal may use this day indicator to determine if any of the entries in the frequency list are valid (step 212, FIG. 7). If the current day on the terminal is not equal to the
 30 current day on the card, then the list on the card is considered old and is ignored. If a frequency

promotion is consumed, then a new list may be started on the card and the current day field may be reset to the current day on the terminal.

As discussed above, the card may store a frequency list which may be a list of frequency promotions that have been used by the card-visitor during the current day. According to one
 5 example, the frequency list may contain number pairs. The first number of a pair may indicate the number of times the promotion has been used (i.e., may correspond to the promotion counter). The second number of the pair may be used to indicate the promotion code. When a reward terminal checks to see if a frequency promotion is available, it may scan this list for the applicable promotion code (step 213). It may then compare the number of times the promotion
 10 has been used with the promotion limits (step 218). If no more rewards are available, the reward terminal displays the "no more rewards" message (step 220). If more rewards are available, then the reward terminal may increment the promotion counter (step 224) and display the reward message (step 234).

Similarly the card may store a quantity list which may include a list of quantity
 15 promotions that have been used by the customer during the lifetime of the card. Like the frequency promotion list, the quantity list may comprise number pairs. The first number may indicate the number of times the promotion has been used (Le., may correspond to the promotion counter) and the second number may indicate the promotion code. When a reward terminal checks to see if a frequency promotion is available, it may scan this list for the promotion code
 20 (step 226). The reward terminal may then compare the number of times the promotion has been used with the promotion limits (step 228). If more rewards are available, then the terminal may increment the promotion counter (step 224) and display the reward message (step 234). If no more rewards are available, then the reward terminal displays the "no more rewards" message (step 230).

As discussed above, the reward terminal may, in step 224, update card properties and
 25 counters on the card before displaying the reward and terminating processing of the card. For example, the reward terminal may update the frequency and quantity list information on the smart card to indicate that one more promotion has been consumed. Such updating may prevent "double-swiping" from occurring in the system.

According to one embodiment, the system may be an "offline" system or a batch
 30 processing system, where the reward terminals do not require access to a central database at the

time of card use (unlike online credit card systems, for example, which are authorized at a central location on a per-use basis).

"Double swiping" as used herein refers to a card being swiped twice at the same attraction. This can happen if the card is used twice at the same reward terminal or used again at another reward terminal with the same promotion. For example, some attractions may have multiple entrances and so have more than one reward terminal installed with the same promotions. To prevent "double swiping," the reward terminal may record the promotion code and count on each card that is processed in the system. As discussed above, the reward terminal may apply a series of constraints to a card to see if it can be used to satisfy a promotion at the reward terminal. In the embodiments discussed above, two of these constraints may involve how often and how many times the card has been used. Since the cards used in the system are smart cards, it is possible to record how many and how often a particular promotion has been used in the card's promotion counters. Each time a promotion is used, its counter may be incremented on the card by the reward terminal. Thus, to prevent double swiping, the reward terminal may find the promotion count of the current promotion on the card and test to see if it meets or exceeds the limit of how many rewards the card-visitor is entitled to. The reward terminal will not offer a reward if the promotion count has reached its limit, thereby preventing double-swiping. As may be appreciated, frequency limits may also prevent or discourage double-swiping by preventing two people from visiting the attraction at the same time.

In addition to writing updated information to the card, the reward terminal may store in its memory device information such as, for example, the date and time when the reward is issued, the serial number of the card used and the promotion code of the promotion consumed. This information may later be transmitted to the database 126. When the reward terminal is not processing a user request, such as a request for access to a promotion, the reward terminal may enter an "idle" mode wherein it may display, for example, the system manager logo and instructions for how to swipe a card at the reward terminal.

Referring again to FIG. 2, the system may include a gateway 200 that may communicate with the reward terminal 120 as indicated by lines 202. According to one embodiment, the gateway 200 may be a standard personal computer or mainframe computer that may be running an operating system such as Linux or Microsoft Windows™. In a preferred example, the gateway may include a PowerEdge 400SC from Dell running Red Hat versions 9 Linux.

However, the system is not so limited and it is to be appreciated for example that any server grade computer from any of the major manufacturers including, for example, Gateway, Dell, HP, IBM and the like, may be used in this example of the system. Likewise, any major Linux distribution may be used including SuSe, Mandrake, Debian, and others in addition to Red Hat.

5 The gateway may form an interface between the reward terminals and the central database 126. It is to be appreciated that although the gateway and the database are illustrated in FIG. 2 as separate and discrete items, the database may be a storage element located on or attached to (e.g., an external hard-drive) the gateway computer and need not be physically separate from the gateway.

10 The gateway may contain a number of programs that are configured to control data flow between the enabler, the reward terminals, the database and the gateway. According to one embodiment, these programs may include, for example, a loading program that may be, for example, a script program, that may be run daily to process files uploaded to the gateway from the enabler and the reward terminals. The load program may include any necessary information
15 for the gateway to properly acknowledge each terminal and may manage where received files are stored in the gateway's storage device. Another program may be, for example, a generate program that may generate the loading script program. The generate program may query the database for a list of active terminals and generate an upload processing script that includes those terminals. In one example, the act of generating the upload script may be called "generating a
20 new network." New networks may be generated at various times, for example, when a new partner attraction or special-offer partner is added to the system or when a new promotion is added or changed at an existing partner attraction or special-offer partner. Another program that may be included in the gateway is a "snapshot" program. The snapshot program may generate an email that is a snapshot of current network activity. In one example, the snapshot program may
25 be run automatically every day to give the system manager a quick view of the significant activity in the system for the previous day. This may be useful for getting a quick idea of how many customers used the system, what they did and what terminals were used. Alternatively, a system manager operator may request that the snapshot program be run, rather than automatically running the snapshot program.

30 According to one embodiment, reward terminals 120 and the enabler 140 may communicate with the gateway via phone lines or direct serial links, as indicated by lines 202 in

FIG. 2. It is to be appreciated that although the following discussion may refer primarily to communication between reward terminals and the gateway, the same principles may apply to communication between an enabler and the gateway. Reward terminals 120 may log into the gateway computer 200 using a remote login, for example, a Unix style remote login. Once
 5 connected and recognized by the gateway computer 200, the reward terminals 120 may invoke a gateway program to perform the communication protocol. In one example, the protocol allows for the reward terminal 120 to send its stored records to the gateway 200.

As discussed above, during enabling of a new card, the enabler stores in its memory a record containing the card properties and the card serial number (step 154, FIG. 4). According to
 10 one embodiment, these stored records may be uploaded 202 to the gateway 200 and then stored in the central database 126. In one example, each day, the card enable records may be batched up and sent to the gateway 200. Similarly, when an activated card is swiped in a reward terminal, a record containing the card serial number and promotion code used is stored in the reward terminal's memory. Each day, the transaction records may be batched up and sent to the gateway
 15 200.

It is to be appreciated that the system may allow for records to be sent to the gateway more (or less) frequently than once a day and may operate always or part of the time in an "online" mode wherein records may be continually, or semi-continually, sent to the gateway. However, in one example, the system may operate as an "offline" system that only requires batch
 20 processing. In this example, records may be stored at the enabler and at the reward terminals and uploaded to the gateway once a day (or once every time period, that time period being selected by the system manager and possibly being longer or shorter than one day). It is also possible to allow an attraction to trigger an upload where, for example, an attraction is added during the day or where an exchange of data is required for debugging, customer service or some other need.

25 One example of a procedure for sending records from either the enabler 140 or the reward terminal 120 to the gateway is illustrated in FIG. 9. It is to be appreciated that for the purposes of this explanation, the term "terminal" may be used to refer to the enabler, the reward terminal, or a kiosk or other device that includes the functionality of one or both.

To begin a batch upload, an operator may initiate communication between the terminal
 30 and the gateway, or the terminal may initiate communication on its own at a preprogrammed time. In one example, the terminal may communicate with the gateway over a phone line. In this

example, the terminal may initialize a modem and dial a phone number of the gateway (step 304). If the gateway does not respond, the terminal may terminate the process and display an error (step 306). Once the gateway has been reached, the terminal may log into the gateway by giving it a username and a password, for example, using Unix rlogin (step 308). If the gateway
 5 does not recognize the terminal, then communication may be terminated and the terminal may display an error (step 306). When the terminal has connected to the gateway and logged in, the terminal may invoke the gateway program (step 310) to handle the communication protocol, as discussed above. If the gateway does not start the program, then the communication is terminated and the terminal may display an error (step 306).

10 In a next step, the terminal may send its stored records to the gateway (step 312). In one example, each byte of a record may be compared with an echoed character and each record may be validated, e.g., by checksum. If a record transfer does not succeed, then communication is terminated and the terminal may display an error (step 306). If the record transfer is successful, the gateway may write the records to its memory (step 314) or an attached storage device. For
 15 example, the gateway may write the received records in an ASCII file which may be called a terminal data file and include a serial number of the terminal as its name with the extension ".in" to indicate that it is an incoming record file.

In a next step 316, the gateway may send a record containing the current time and date to the terminal. This record may also be validated with checksum and further security or validation
 20 mechanisms may also be included. If the record transfer does not succeed, then communication is terminated and the terminal may display an error (step 306). Once the terminal has received the date and time from the gateway, it may update its internal records by setting its time and date to the information received from the gateway. In this manner, all terminals may be controlled to maintain the same system time that is regularly received from the central gateway. This may
 25 eliminate the potential of time drift among the different reward terminals which could potentially cause problems with properly validating cards at the reward terminals.

In one embodiment, the gateway may also send a stored configuration to the terminal (step 318). The configuration may be stored in, for example, an ASCII file that includes the terminal serial number as its name with the extension '.out' to indicate that it is an outgoing
 30 configuration file. As discussed above, each byte may be compared with an echoed character and each record may be validated with checksum. If a record transfer does not succeed, then

communication is terminated and the terminal may display an error (step 306). The configuration file sent to each terminal may include, for example, updated product definitions that may add or subtract promotions from products. As discussed above, by implementing the product system wherein product definitions are stored on the reward terminals, the system manager is able to
5 modify products by reconfiguring the product definitions at the reward terminals without needing access to the cards. Once the terminal has received the configuration file, the terminal may delete its old configurations and configure itself to the information downloaded from the gateway (step 320). The terminal may then clear its memory of all records that have now been sent to the gateway and is ready to store new records.

10 It is to be appreciated that the configuration may also be sent to the terminal before the date and time is sent rather than afterwards as illustrated in FIG. 9. In this example, the gateway may acknowledge the transmission of records from the terminal to the gateway and sends the current terminal configuration. The terminal may acknowledge receipt of the configuration file and ask for the current date and time. The gateway may then send the date and time, after which
15 the terminal may acknowledge receipt and terminate the connection. As discussed above, all transmissions may be verified via checksum and handshake.

According to one embodiment, the terminal may continually or regularly check to see if it is time to call the gateway. As discussed above, each day at a predetermined time, the terminal may attempt to establish communication with the gateway. If it is successful, the terminal may
20 follow the procedure described above, or a similar procedure, to transfer records to the gateway and receive configuration information from the gateway. In one example, if the terminal is not successful in establishing communication with the gateway, it may proceed with a second attempt. For example, if the terminal and the gateway are communicating via a phone line, the terminal may attempt to call a secondary number for the gateway or may try to call again at a
25 later predetermined time. The system manager may configure the terminal to attempt to contact the gateway a set number of times after which, if all fail, it may display an error.

Referring again to FIG. 2, the gateway computer 200 may upload 222 and download 224 information to and from the database 126. According to one embodiment, the gateway may run an upload program once a day (or once every predetermined time period which may be longer or
30 shorter than one day) to store any records uploaded from the enabler 140 and the reward terminals 120 in the database 126. The upload program may be, for example, a C program that

reads the record files sent by the terminals and stores the information in the database via SQL. However, it is to be appreciated that the upload program may be written in a language other than C and may use a different process to transfer data between the database and the gateway than is described herein. One example of a procedure for uploading a terminal data file from the gateway to the database is given below. However, one of skill in the art will recognize that there are many different methods for transferring data between computers and storage devices and the system is not limited to the example given below. In addition, as discussed above, the database and the gateway may reside on the same computer base and ordinary methods known in the art may be used to access and store data in the database.

Referring to FIG. 10, there is illustrated in flow diagram form one example of a procedure for uploading information from the gateway computer 200 to the database 126. In a first step 231, the upload program may open the terminal data file to obtain data from the terminal file. A terminal file may be a record file received by the gateway from either a reward terminal or the enabler. Next, the upload program may read the terminal report timestamp record and store that time (step 233) in a report log table of the database, which is described in more detail below. This table may contain the report history of a terminal. In one example, the upload program may read a terminal record (step 236). If that terminal record is a card enable record (received initially from the enabler), then the upload program may read the timestamp, serial number, period, type and product code of the card enable record (step 238). The upload program may then locate the card in the database card table that has that serial number and update its properties to reflect the properties of the card as specified by the card enable record (step 240). If the card cannot be found, an error may be displayed and the process terminated. If the card is found, the state of the card may be updated in the database to reflect that the card is now enabled (step 242).

If step 234 reveals that the terminal record is a transaction record from a reward terminal, the upload program may read the timestamp, serial number, and promotion code of the transaction record (step 244). The upload program may then locate the card in the database using the serial number (step 244). If the card is not found, an error may be displayed and the process terminated. If the card is found, a record may be added to the transaction table in the database that contains a reference to the card record in the card table and the transaction properties (step 248). The process may be repeated until there are no more records to upload.

Similarly, when required, an operator may run a program on the gateway computer that generates new terminal configuration files from the database. The gateway may then send these configuration files to the terminals, as discussed above. According to one example, the download program may operate similarly to the upload program and may be a C program that reads terminal configuration information from the database and stores it in ASCII files. These files may be named as the serial number of the terminal plus the extension "out," as described above. According to one example, the download program may connect to the database and find an appropriate terminal in the terminal table by serial number. The download program may write the auto dial time (for the terminal), terminal time zone and dialing prefix to the configuration file. In addition, the download program may write account information, such as, for example, the phone number, username and password of the Gateway, to the configuration file. The download program may also find the set of promotions assigned to the terminal and write their properties, such as time, frequency and quantity restrictions, to the configuration file. Furthermore, the download program may locate the set of products that may be enabled with the terminal and write their properties to the configuration file. Thus, the configuration file may contain all information necessary for the terminal to properly process a card presented to it.

One of ordinary skill in the art would appreciate, based on this disclosure, that there would be many methods for controlling data transfer between a computer and a database and the system is not limited to the specific example given above. In addition, as discussed above, the database may in fact be a storage device that is located at the gateway computer. In this case, methods known in the art may be used by the gateway computer to access the database and obtain information there from or write information thereto.

As mentioned above, according to one embodiment, the database 126 may contain a number of tables in which card records, product definitions and other information may be stored. For example, the database may include a company table that may contain the properties of all partner attractions and special-offer partners participating in the system. Some of these properties may include, for example, relationships between companies (partner attractions or special-offer partners) and their venues (e.g., whether a company has one or multiple venues, where their head office is located, etc.)

Another table that may be included in the database is a card table that may hold the properties of all cards that are currently known to the system. For example, the card table may

hold the serial number of each card. After the card has been enabled, the card table may contain the card properties (type, period and product) associated with the serial number. In addition, product and company properties may be included in the card table as references to other tables.

Another table that may be included in the database may be a transaction table that may
 5 hold records of all the processed swipes in the system. The transaction table properties may include the time and date of each swipe and the location (Le., the terminal) where the swipe occurred. Transactions may also reference what card was used and what promotion was used.

In addition, the database may include a promotion table that holds the definitions of all the promotions offered by the partner attractions and the special-offer partners. The promotion
 10 definitions may include the title and reward of the promotion and the constraints (e.g., time, quantity and frequency) of the promotion. Promotions may also reference the company (or more accurately, the venue of a company) offering the promotion. This may be done by including in the promotion table references to the company table.

The database may also include a product table holds the definition of the products offered
 15 in the system. The product definitions may include a name and a description and the and "one-to-many" table may relate what promotions are included in what products. The card table may reference the product table to tie cards to a particular product, i.e., a list of available promotions. In one example, the actual product code programmed into a card may be used as the product table identifier.

20 Thus, the database, in these and other tables, may keep a record of what is happening in the system, including changing product definitions and data relating each transaction (such as a request to access a promotion) that occurs in the system.

This data may be useful to the system manager, to partner attractions and/or to special-offer partners. For example, the card data may include information about the purchaser of the
 25 card such as, age bracket, home country if the customer is a foreign tourist or home city if the customer is a domestic tourist, etc. The data may also include a record of all promotions accessed by that card and therefore that customer. Therefore, considering all the data for all cards in the system, users may be able to create statistics about card-visitor demographics. For example, a user may be able to determine that adult card-visitors from England typically visit museum x,
 30 take a city tour and hardly ever go to Imax theatres. For another example, a user may be able to determine that card-visitors with children (i.e., customer has bought an adult card and a child

card) prefer museum Y, but also usually take city tours. This information may be useful to the system manager to better configure the system to add value for customers. The system manager may also choose to sell or provide the information to partner attractions and/or special-offer partners so that they may be able to tailor promotions to encourage visitors. This information
 5 may also be provided or sold to third-parties, although in many instances measures may be taken to assure that the privacy of customers is preserved, such as assuring that no data is provided to any third-party or attraction that allows an individual customer to be identified.

According to another embodiment, because product definitions may be maintained at the central database, the system may include products from other competing companies that may be
 10 adapted to become system manager products. In other words, because product definitions may be changed by the system manager without access to the cards, there is no inventory required to create and offer new products. Therefore, the system manager may create, in the central database, products that may include offerings from other companies and that may be accessed using the same cards. Through the central database, terminals may be updated to recognize
 15 different types of cards and different products without any need to modify the cards or the system infrastructure.

Referring again to FIG. 2, the system may include a central user interface 250. Via the user interface 250, a system manager controller may access the system network and run programs on the gateway or store or retrieve data from the database 126. It is to be appreciated
 20 that although the gateway 200, the database 126 and the user interface 250 are illustrated in FIG. 2 as separate units, they may all be combined on a single (or distributed) central computer.

Referring to FIG. 11, there is illustrated one example, of a graphical user interface 252 that may be presented to system manager users on the user interface 250. In the illustrated example, the interface 252 may operate using a selection of "managers." However, it is to be
 25 appreciated that the graphical user interface may be implemented in any number of ways as may be desired by the system manager.

According to one example, the interface 252 may include an "Inventory Manager" option 254 that may allow system operators to control and view cards, terminals and gateways used in the system. With the inventory manager, a user may add, modify and assign cards, add and/or
 30 modify terminals and add and/or modify gateways. Although terminals and gateways are may be changed only rarely, cards may be frequently modified in response to changing business needs

and customer service. The user interface may also include a product manager option 256 that may be used to add and/or modify products. This includes the ability to set prices and include/exclude vendor offers. In addition, the user interface 252 may include a sales manager option 258 that may be used to control and view the sales channels in the system. The system operator can add and/or modify sales channels and view orders. The user interface 252 may further include a vendor manager option 260 that allows the system operator to control and view the vendors (namely partner attractions and special-offer partners) in the system. The vendor manager may be used to add and retire vendors, to add and/or modify vendor promotions and to view vendor activity. It is of course to be appreciated that the user interface may also include other and different menu options or may label menu options differently than is illustrated in FIG. 11. The important principle of the interface 250 is to provide the system manager operators with a convenient access to the system network to control and modify the system as needed or desired.

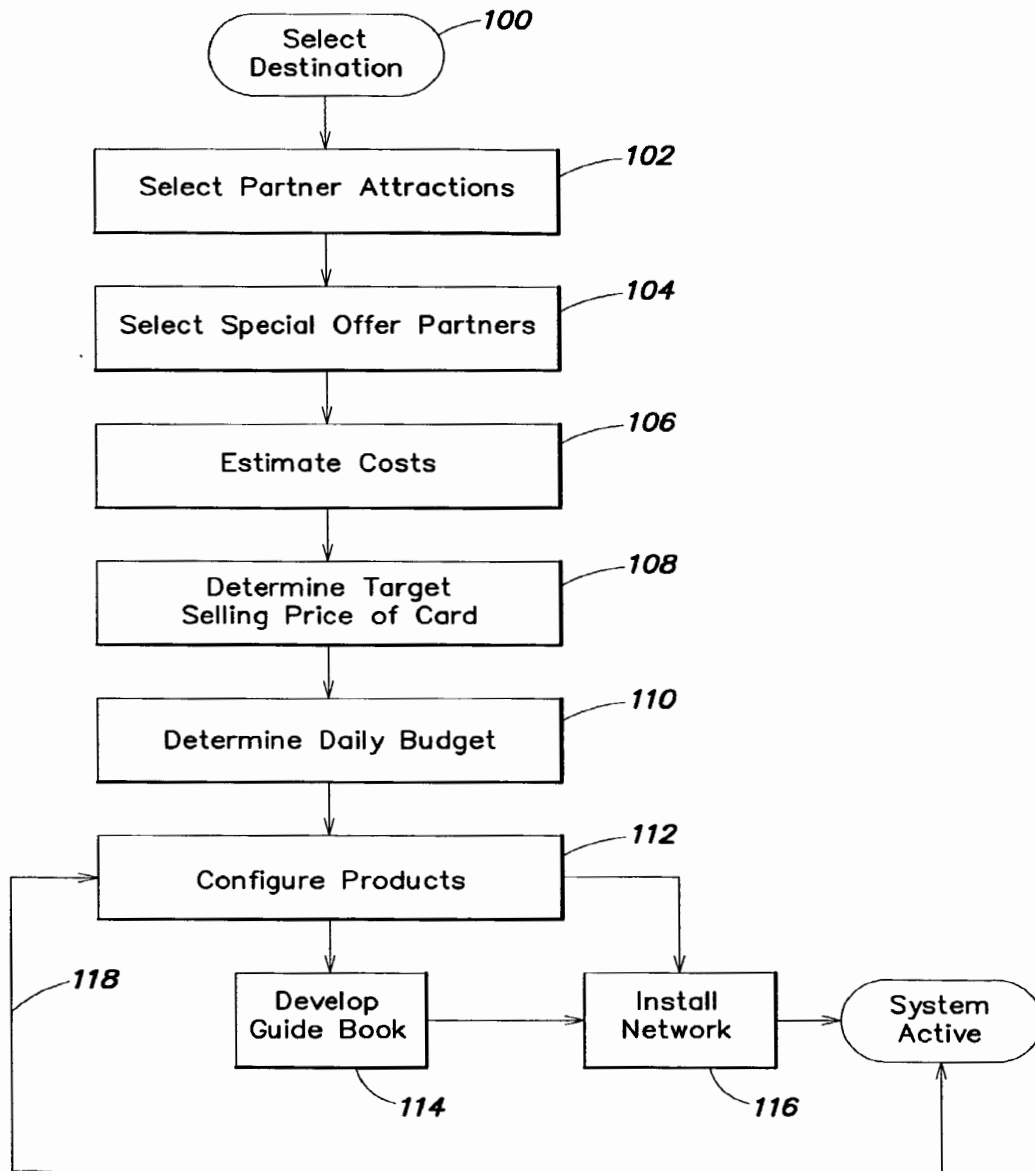
Having thus described several aspects of at least one embodiment of this invention, it is to be appreciated various alterations, modifications, and improvements will readily occur to those skilled in the art. For example, although the system has been described primarily in terms of smart card technologies, the system may also operate with another form of user code. For example, instead of smart cards, card-visitors may be provided with a unique PIN or with a card printed with a barcode rather than having any embedded technology. As may also be appreciated based on this disclosure, aspects of the present inventions may be implemented using software stored on a computer readable medium such as a compact disk, hard drive or memory stick or in special purpose hardware. It should also be understood that the functionality of various of the components in the examples described above may be combined or divided in various ways, such as having a card enabled and reward terminal combined into a single unit or dividing the system management functions among multiple computers. Such and other alterations, modifications, and improvements are intended to be part of this disclosure, and are intended to be within the scope of the invention. Accordingly, the foregoing description and drawings are by way of example and explanation only and are not intended to be limiting. The scope of the invention should be determined from proper construction of the appended claims, and their equivalents.

CLAIMS

1. A terminal for use in accessing a facility, the terminal comprising:
 - a smart card data mechanism to read and write information on a dunked smart card;
 - 5 a verification mechanism to receive an identifier on the dunked smart card and to determine whether the dunked smart card is authorized to access the facility; and
 - a network access mechanism to connect to a remote system management computer to upload to the remote system management computer data corresponding to use of the facility by authorized smart card holders during a time period.

Abstract:

A smart-card based system and methods to control access to a plurality of attractions within a geographical area. The system may include one or more reward terminals that are
5 located at attractions and are configured to read smart cards presented to them and, assuming the card is valid for that location, allow the card holder to access the attraction. Each smart card may be programmed with a product code that defines the attractions at which the card may be used. Product codes may be stored in a central database along with a list of the attractions associated with the each product code. The list of attractions may be updated as desired, thereby updating
10 and changing the attractions at which any given card may be used.

**FIG. 1**

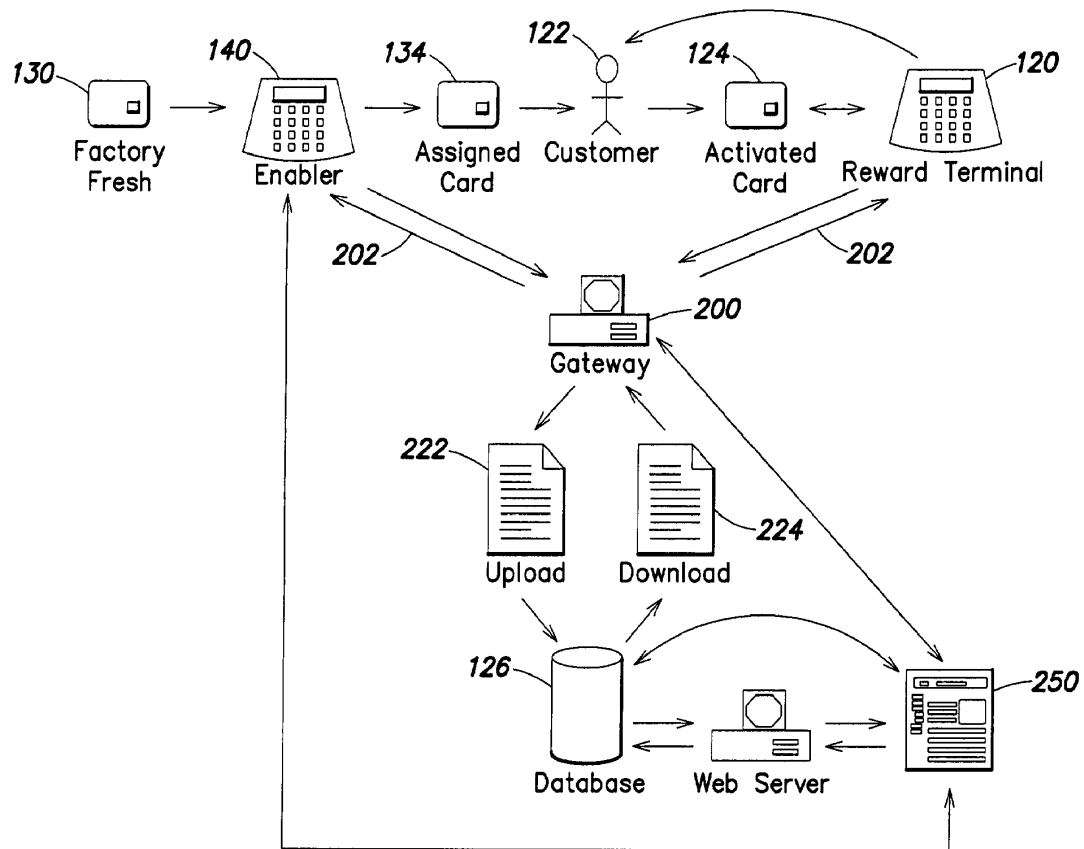


FIG. 2

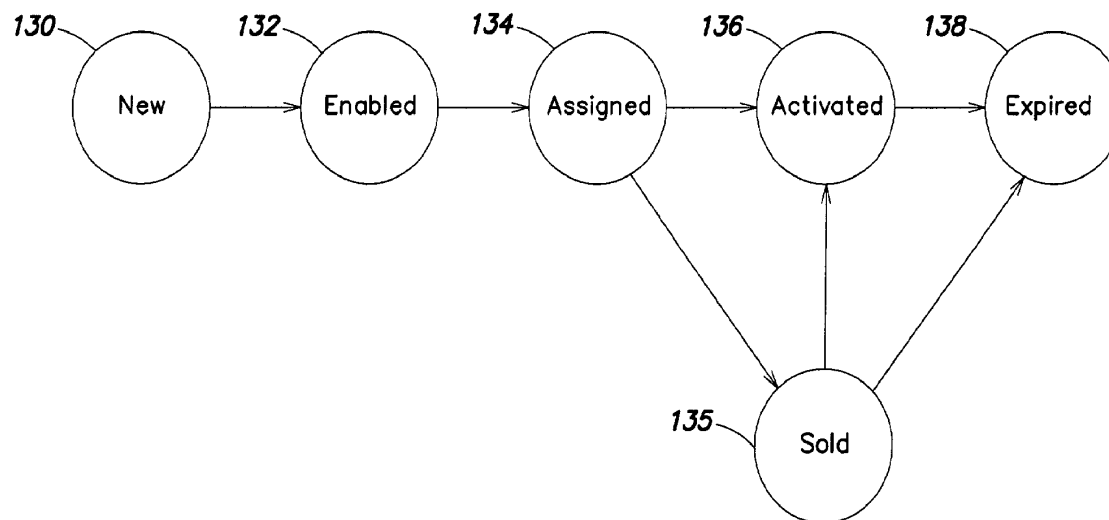


FIG. 3

3/9

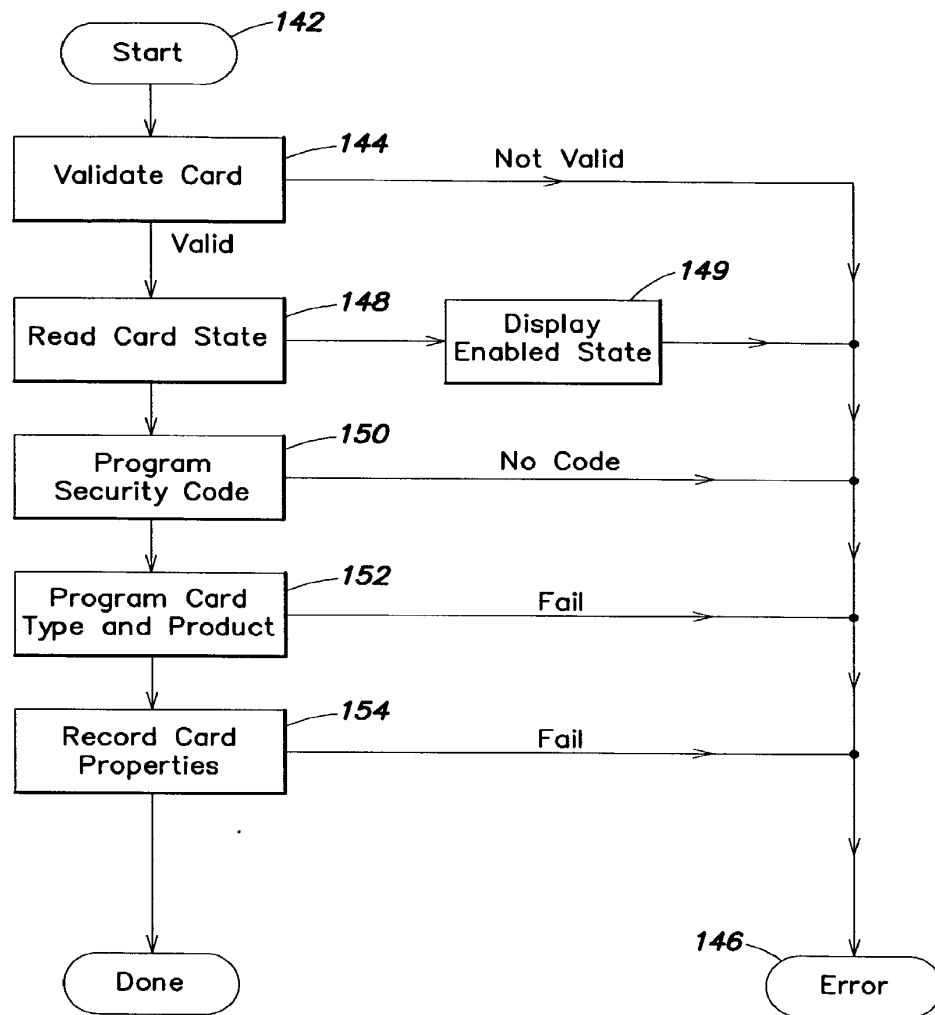


FIG. 4

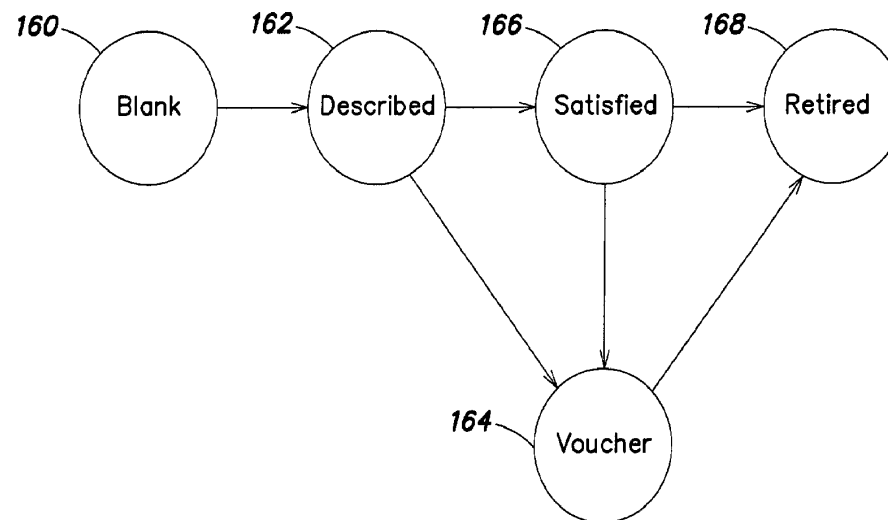


FIG. 5

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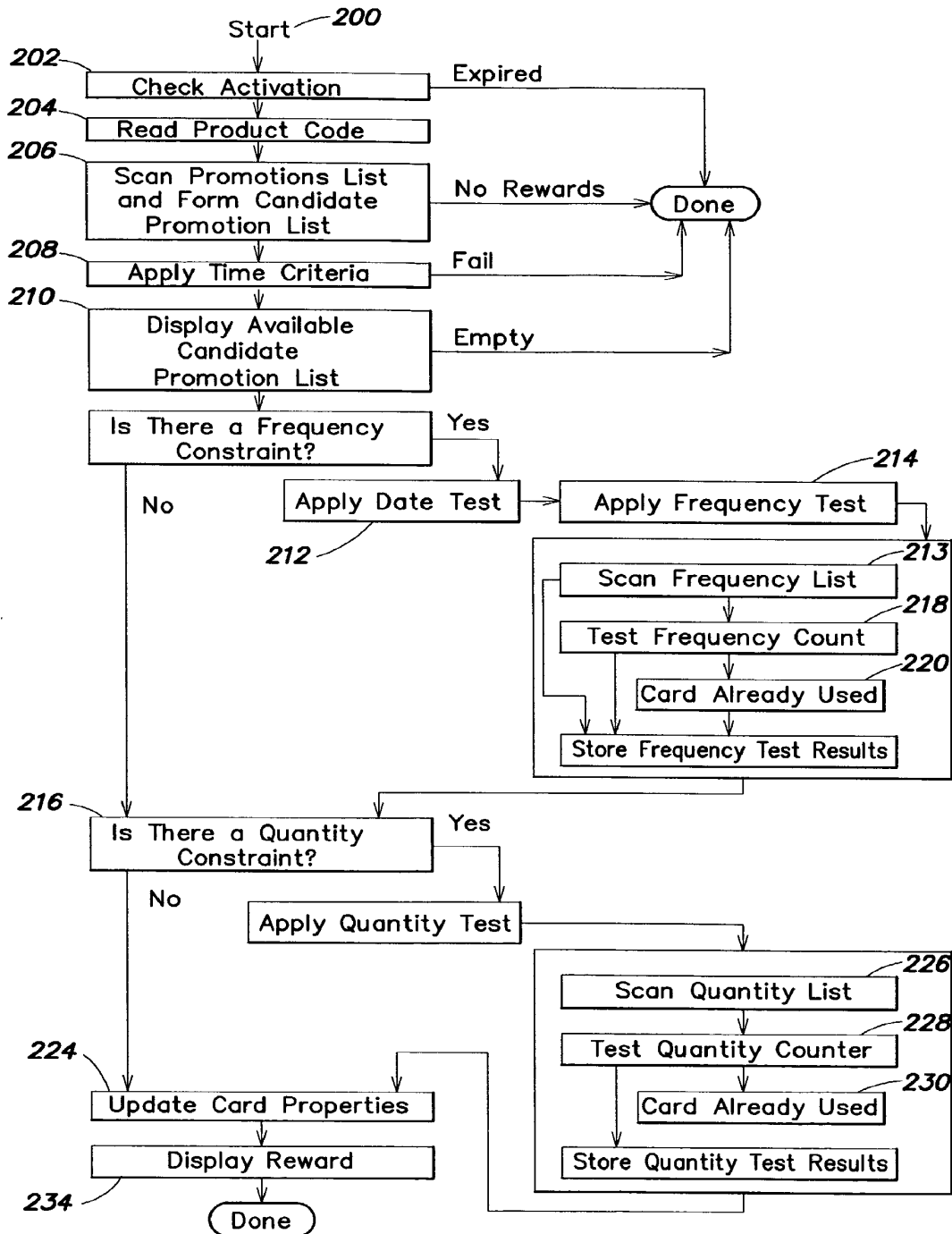


FIG. 7

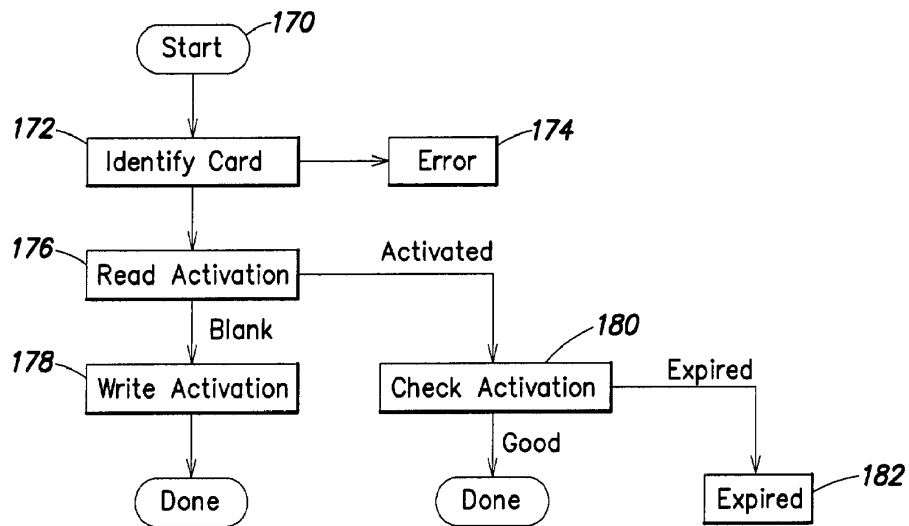


FIG. 6

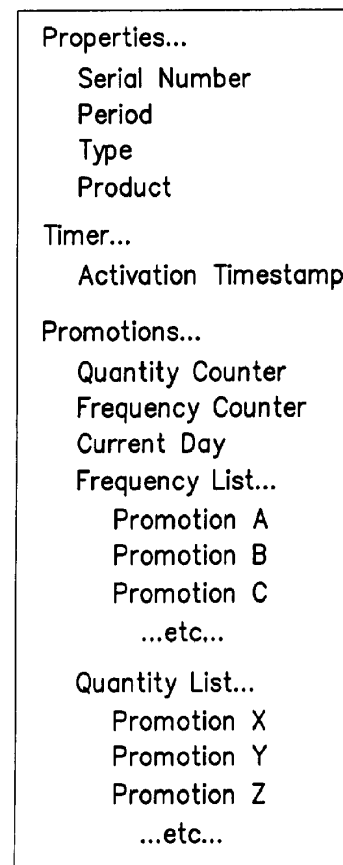
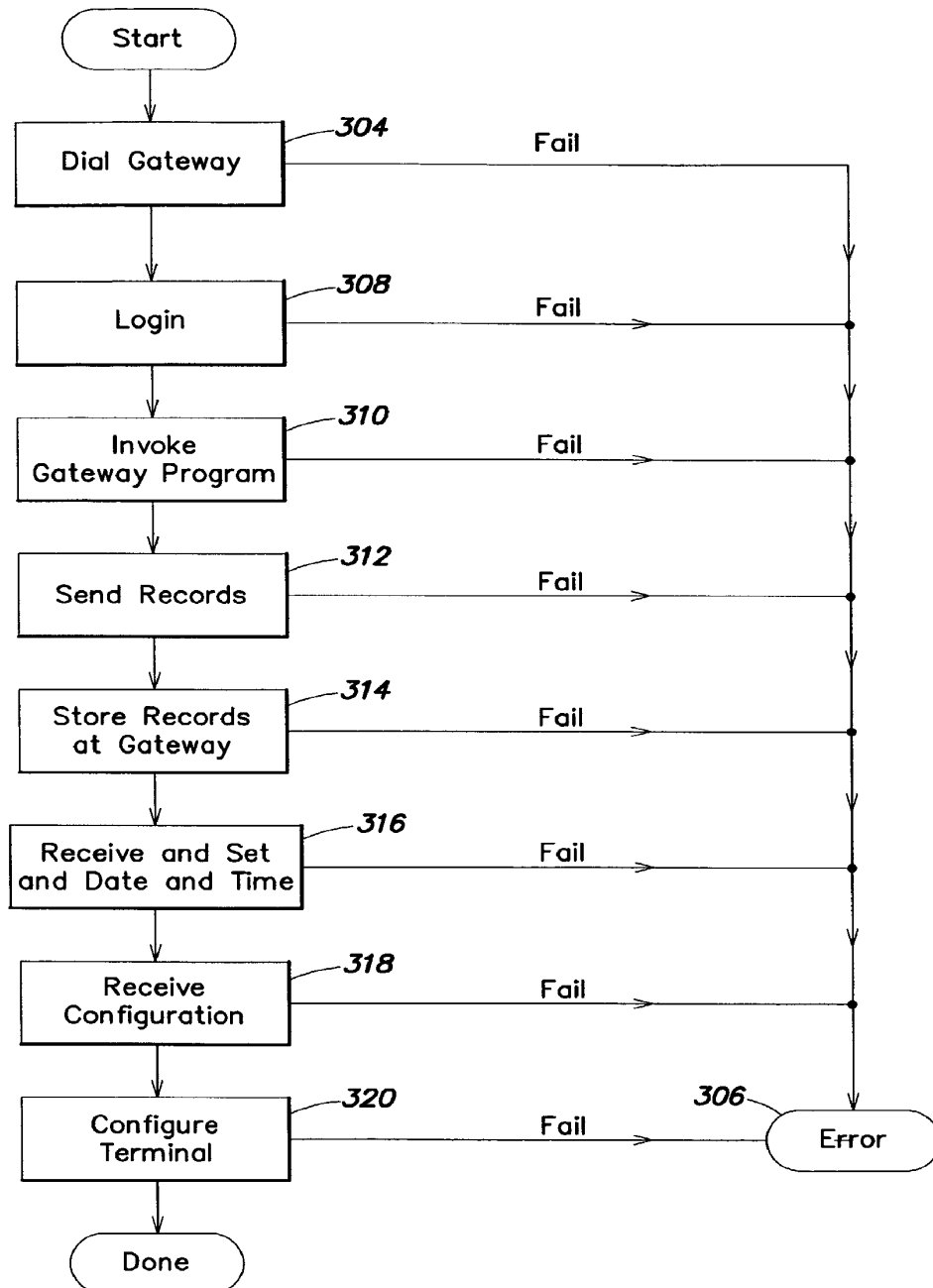


FIG. 8

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**FIG. 9**

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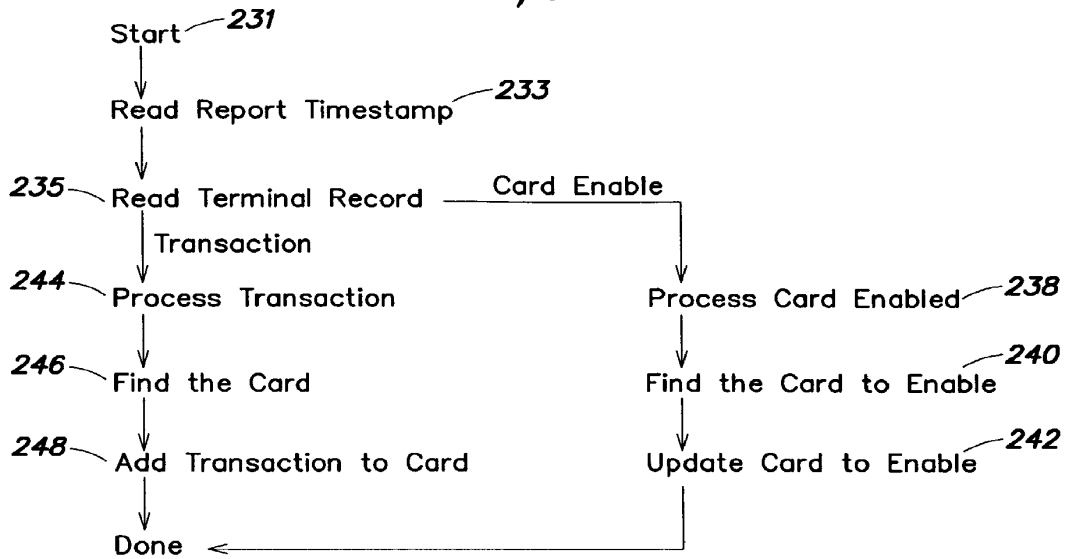


FIG. 10

The screenshot shows a web application titled 'G Boston Card™'. The interface includes a welcome message for 'Tyler Level 10 Role system' and a 'Home' button with a 'logout' link. A sidebar menu lists roles: Home, Inventory Manager, Product Manager, Sales Manager, and Vendor Manager. The main content area displays descriptions for these roles, with specific reference numbers: Inventory Manager (254), Product Manager (256), Sales Manager (258), and Vendor Manager (260). At the bottom, there is a section for 'Company Info (e.g. Name, Address Phone)'.

FIG. 11

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO

I hereby revoke all previous powers of attorney given in the application identified in the attached statement under 37 CFR 3.73(b).

I hereby appoint:

☒ Practitioners associated with the Customer Number: **48329**

OR

☐ Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number	Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Please change the correspondence address for the application identified in the attached statement under 37 CFR 3.73(b) to:

☒ The address associated with Customer Number: **48329**☐ Firm or Individual Name

Address

City	State	Zip
Country	Telephone	Email


Assignee Name and Address:

SMART DESTINATIONS INC.
 85 Merrimac Street, Suite 300
 Boston, MA 02114
 USA

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Signature		Date	10/20/2009
Name	Rob Cartwright	Telephone	(617) 671-1008
Title	Chief Financial Officer		

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

BOST_1332877.1

Date: 06/28/10

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 12/825,183	
APPLICATION AS FILED – PART I						
(Column 1)		(Column 2)		SMALL ENTITY		OR
OTHER THAN SMALL ENTITY						
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)
BASIC FEE (37 CFR 1.18(a), (b), or (c))	N/A	N/A	N/A	82	N/A	
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A	270	N/A	
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	110	N/A	
TOTAL CLAIMS (37 CFR 1.16(i))	1	minus 20 =	x\$26		x\$52	
INDEPENDENT CLAIMS (37 CFR 1.16(h))	1	minus 3 = *	x\$110		x\$220	
APPLICATION SIZE FEE (37 CFR 1.16(s))			If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR			
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))			195		390	
			TOTAL	462	TOTAL	
* If the difference in column 1 is less than zero, enter "0" in column 2.						
APPLICATION AS AMENDED – PART II						
(Column 1)		(Column 2)		(Column 3)		
SMALL ENTITY		OR		OTHER THAN SMALL ENTITY		
RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)			
X =		X =				
X =		X =				
N/A		N/A				
TOTAL ADD'T FEE				TOTAL ADD'T FEE		
(Column 1)		(Column 2)		(Column 3)		
SMALL ENTITY		OR		OTHER THAN SMALL ENTITY		
RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)			
X =		X =				
X =		X =				
N/A		N/A				
TOTAL ADD'T FEE				TOTAL ADD'T FEE		

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

1. The "Highest Number Previously Paid For" (total or independent) is the highest number found in the appropriate box in column 1.

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

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



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/825,183	06/28/2010	2876	0.00	096633-0106	1	1

CONFIRMATION NO. 1230

48329
FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON, MA 02199-7610

FILING RECEIPT



OC000000042463325

Date Mailed: 07/12/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Tyler Brooks, Seattle, WA;
Kevin McLaughlin, Charlestown, MA;
Helga Cecilia Dahl, Boston, MA;
Edward Kim, Seattle, WA;

Assignment For Published Patent Application

Smart Destinations, Inc.

Power of Attorney: The patent practitioners associated with Customer Number 48329

Domestic Priority data as claimed by applicant

This application is a CON of 10/896,287 07/21/2004 PAT 7,765,128

Foreign Applications

If Required, Foreign Filing License Granted: 07/07/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/825,183**

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

PROGRAMMABLE TICKETING SYSTEM

Preliminary Class

235

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/825,183	06/28/2010	Tyler Brooks	096633-0106

CONFIRMATION NO. 1230

FORMALITIES LETTER



OC000000042463326

48329
FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON, MA 02199-7610

Date Mailed: 07/12/2010

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
*Applicant must submit **\$82** to complete the basic filing fee for a small entity.*

The applicant needs to satisfy supplemental fees problems indicated below.

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

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of **\$65** for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$527** for a small entity

- **\$82** Statutory basic filing fee.
- **\$65** Surcharge.
- The application search fee has not been paid. Applicant must submit **\$270** to complete the search fee.
- The application examination fee has not been paid. Applicant must submit **\$110** to complete the examination fee for a small entity in compliance with 37 CFR 1.27.

Replies should be mailed to:

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

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

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

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

/squareshi/

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



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/825,183	06/28/2010	Tyler Brooks	096633-0106

48329
FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON, MA 02199-7610

CONFIRMATION NO. 1230
POA ACCEPTANCE LETTER



Date Mailed: 07/12/2010

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/28/2010.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/cnguyen/

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

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BROOKS et al.
 Title: PROGRAMMABLE TICKETING SYSTEM
 Appl. No.: 12/825183
 Filing Date: 6/28/2010
 Confirmation Number: 1230

**TRANSMITTAL OF MISSING PARTS
 OF PATENT APPLICATION**

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

Sir:

In response to the Notice to File Missing Parts of Application mailed 7/12/2010, in the above-identified patent application, transmitted herewith are the missing parts to complete the filing of the subject patent application.

The adjustment to the number of sheets for EFS-Web filing follows:

Number of Sheets		EFS-Web Adjustment	Number of Sheets for EFS-Web
50	x	75%	38

The filing fee is calculated below:

	Claims as Filed		Included in Basic Fee		Extra Claims		Rate		Fee Totals
Basic Filing Fee, Search Fee & Examination Fee							\$1,090.00		\$1,090.00
Size Fee	38	-	100	=	0	x	\$270.00	=	\$0.00
Total	1	-	20	=	0	x	\$52.00	=	\$0.00

Claims:							
Independents:	<u>1</u>	-	<u>3</u>	=	<u>0</u>	x	<u>\$220.00</u> = <u>\$0.00</u>
If any Multiple Dependent Claim(s) present:						+	<u>\$390.00</u> = <u>\$0.00</u>
Surcharge under 37 CFR 1.16(f) for late payment of filing fee						+	<u>\$130.00</u> = <u>\$130.00</u>
Extension fee for response filed within the _____ month:						+	<u>\$0.00</u>
							SUBTOTAL: = <u>\$1,220.00</u>
[X] Small Entity Fees Apply (subtract ½ of above):							= <u>\$610.00</u>
Basic Filing Fee Reduction for Filing via EFS-Web							<u>\$83.00</u>
							TOTAL FILING FEE: = <u>\$527.00</u>
Processing Fee under 37 CFR 1.17(i) for Late Filing of English Translation of Application:						+	<u>\$130.00</u> = <u>\$0.00</u>
							TOTAL FEE = <u>\$527.00</u>
Difference to pay:						-	<u>\$0.00</u> - <u>\$527.00</u>

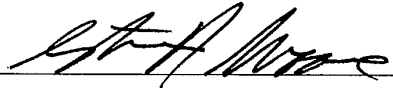
The above-identified fees of \$527.00 in payment of surcharge fee (37 C.F.R. § 1.16(f)) are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date September 7, 2010

By 

FOLEY & LARDNER LLP
Customer Number: 48329
Telephone: (858) 847-6733
Facsimile: (858) 792-6773

Steven A. Moore
Attorney for Applicant
Registration No. 55,462

Electronic Patent Application Fee Transmittal				
Application Number:	12825183			
Filing Date:	28-Jun-2010			
Title of Invention:	PROGRAMMABLE TICKETING SYSTEM			
First Named Inventor/Applicant Name:	Tyler Brooks			
Filer:	Steven A. Moore/Jennifer Robins			
Attorney Docket Number:	096633-0106			
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	82	82
Utility Search Fee	2111	1	270	270
Utility Examination Fee	2311	1	110	110
Pages:				
Claims:				
Miscellaneous-Filing:				
Late filing fee for oath or declaration	2051	1	65	65
Petition:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				527

Electronic Acknowledgement Receipt	
EFS ID:	8363821
Application Number:	12825183
International Application Number:	
Confirmation Number:	1230
Title of Invention:	PROGRAMMABLE TICKETING SYSTEM
First Named Inventor/Applicant Name:	Tyler Brooks
Customer Number:	48329
Filer:	Steven A. Moore/Jennifer Robins
Filer Authorized By:	Steven A. Moore
Attorney Docket Number:	096633-0106
Receipt Date:	07-SEP-2010
Filing Date:	28-JUN-2010
Time Stamp:	15:49:04
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 527
RAM confirmation Number	2207
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1	Applicant Response to Pre-Exam Formalities Notice	096633-0106transmittalofmissi ngparts.pdf	60752 0ab9b5d119aa8e8baa2aaa68a3da1ee1643 0078d	no	3
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	37013 fe3a3fbc090ce094c4d9b67712654ec7b2d5 5f78	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			97765		
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/825,183	06/28/2010	2876	527	096633-0106	1	1

CONFIRMATION NO. 1230

UPDATED FILING RECEIPT



OC000000043497349

48329
FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON, MA 02199-7610

Date Mailed: 09/16/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Tyler Brooks, Seattle, WA;
Kevin McLaughlin, Charlestown, MA;
Helga Cecilia Dahl, Boston, MA;
Edward Kim, Seattle, WA;

Assignment For Published Patent Application

Smart Destinations, Inc.

Power of Attorney: The patent practitioners associated with Customer Number 48329

Domestic Priority data as claimed by applicant

This application is a CON of 10/896,287 07/21/2004 PAT 7,765,128

Foreign Applications

If Required, Foreign Filing License Granted: 07/07/2010

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/825,183**

Projected Publication Date: 12/23/2010

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

PROGRAMMABLE TICKETING SYSTEM

Preliminary Class

235

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/825,183	06/28/2010	Tyler Brooks	096633-0106

CONFIRMATION NO. 1230

48329
FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON, MA 02199-7610

PUBLICATION NOTICE



Title:PROGRAMMABLE TICKETING SYSTEM

Publication No.US-2010-0320268-A1

Publication Date:12/23/2010

NOTICE OF PUBLICATION OF APPLICATION

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

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

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In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

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Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: July 28, 2011 <i>(use as many sheets as necessary)</i>				Application Number	12/825183
				Filing Date	6/28/2010
				First Named Inventor	Tyler Brooks
				Art Unit	3625
				Examiner Name	Davison, Kathleen G.
Sheet	1	of	1	Attorney Docket Number	096633-0106

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

UNPUBLISHED U.S. PATENT APPLICATION DOCUMENTS					
Examiner Initials*	Cite No. ¹	U.S. Patent Application Document Serial Number-Kind Code ² (if known)	Filing Date of Cited Document MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		WO-01/17262				

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BROOKS et al.
Title: PROGRAMMABLE
TICKETING SYSTEM
Appl. No.: 12/825183
Filing Date: 6/28/2010
Examiner: Davison, Kathleen G.
Art Unit: 3625
Confirmation Number: 1230

PRELIMINARY AMENDMENT UNDER 37 CFR 1.115

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

Sir:

Prior to examination of the present Continuing Application, Applicant respectfully requests that the application be amended as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this document.

Amendments to the Claims:

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

Listing of Claims:

1. (Cancelled)

2. (New) A method for accessing an attraction, the method comprising:

(a) receiving, by a terminal associated with an attraction of one or more attractions, a code that is associated with the one or more attractions;

(b) reading, by the terminal, a card presented by each visitor of a plurality of visitors to access the attraction, the card enabled with the code, the terminal validating each card to grant access to the attraction; and

(c) receiving, by the attraction, after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the card at the attraction.

3. (New) The method of claim 2, wherein step (a) further comprises receiving, by the terminal, the code defining the one or more attractions for which the card is valid.

4. (New) The method of claim 2, wherein step (a) further comprises receiving, by the terminal, the code from a system manager.

5. (New) The method of claim 2, wherein step (a) further comprising identifying, by the terminal, a list of promotions accessible via the terminal.

6. (New) The method of claim 2, wherein step (b) further comprises validating, by the terminal, the code stored on the card.

7. (New) The method of claim 2, wherein step (b) further comprises providing, by the attraction responsive to the terminal validating the card, access to each visitor without the visitor paying at a time of the visit.
8. (New) The method of claim 2, wherein step (b) further comprises activating, by the terminal, the card on first use of the card.
9. (New) The method of claim 2, wherein step (b) further comprises storing on the card a location of the attraction.
10. (New) The method of claim 2, wherein step (b) further comprises storing on the card a location of the attraction as which the card is first used.
11. (New) The method of claim 2, wherein step (b) further comprises storing on the card a time of use of the card at the attraction.
12. (New) The method of claim 2, wherein step (b) further comprises storing on the card a time of first use of the card.
13. (New) The method of claim 2, wherein step (b) further comprises validating, by the terminal, the card, based on one or more property fields stored on the card.
14. (New) The method of claim 2, wherein the card comprises a smart card.
15. (New) The method of claim 2, wherein the card has a type comprising one of the following: adult, child and senior.

16. (New) The method of claim 2, wherein the card is programmed with a period identifying a number of consecutive days the card is valid.
17. (New) The method of claim 2, wherein step (c) further comprises receiving compensation based on a number of uses of the card at the attraction.
18. (New) The method of claim 2, wherein step (c) further comprises receiving compensation based on times of use of the card at the attraction.
19. (New) The method of claim 2, wherein step (c) further comprises receiving compensation based on a level of use of the card at the attraction.
20. (New) A system for accessing an attraction, the system comprising:
 - a terminal located at an attraction of one or more attractions, the terminal configured with a code that is associated with the one or more attractions;
 - a card reader configured to read a card presented by each visitor of a plurality of visitors to access the attraction, the card enabled with the code, the terminal validating each card to grant access to the attraction; and
 - wherein the attraction receives from a system manager after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the card at the attraction.
21. (New) The system of claim 20, wherein the terminal receives from the system manager the code defining the one or more attractions for which the card is valid.
22. (New) The system of claim 20, wherein the terminal identifies via a list of promotions accessible via the terminal.
23. (New) The system of claim 20, wherein the terminal validates the code stored on the card.

24. (New) The system of claim 20, wherein the attraction, responsive to the terminal validating the card, provides access to each visitor without the visitor paying at a time of the visit.
25. (New) The system of claim 20, wherein the terminal activates the card on first use of the card.
26. (New) The system of claim 20, wherein the terminal via the card reader stores on the card a location of the attraction.
27. (New) The system of claim 20, wherein the terminal via the card reader stores on the card a location of the attraction as which the card is first used.
28. (New) The system of claim 20, wherein the terminal via the card reader stores on the card a time of use of the card at the attraction.
29. (New) The system of claim 20, wherein the terminal via the card reader stores on the card a time of first use of the card.
30. (New) The system of claim 20, wherein the terminal validates the card based on one or more property fields stored on the card.
31. (New) The system of claim 20, wherein the card comprises a smart card.
32. (New) The system of claim 20, wherein the card has a type comprising one of the following: adult, child and senior.

33. (New) The system of claim 20, wherein the card is programmed with a period identifying a number of consecutive days the card is valid.
34. (New) The system of claim 20, wherein the attraction receives compensation based on a number of uses of the card at the attraction.
35. (New) The system of claim 20, wherein the attraction receives compensation based on times of use of the card at the attraction.
36. (New) The system of claim 20, wherein the attraction receives compensation based on a level of use of the card at the attraction.
37. (New) A method for compensating an attraction based on use of a card to access the attraction, the method comprising:
- (a) receiving, by a server after a plurality of visitors have accessed an attraction, data corresponding to use of a card by the plurality of visitors to access the attraction, the card presented by each visitor of the plurality of visitors of the attraction to access the attraction; and
 - (b) determining by the server, compensation to the attraction based on use of the card at the attraction identified via the data.
38. (New) The method of claim 37, wherein step (a) further comprises receiving data via a network from a device of the attraction.
39. (New) The method of claim 37, wherein step (a) further comprises receiving, by the server, data corresponding to use of the card validated by a terminal of the attraction.
40. (New) The method of claim 37, further comprising communicating by the server to a terminal device of the attraction configuration data associated with the card.

41. (New) The method of claim 37, further comprising communicating by the server to a terminal device of the attraction a code associated with the card, the card enabled with the code.
42. (New) The method of claim 37, wherein the card has a type comprising one of the following: adult, child and senior.
43. (New) The method of claim 37, wherein the card is programmed with a period identifying a number of consecutive days the card is valid.
44. (New) The method of claim 37, wherein the server determines compensation to the attraction based on a number of uses of the card at the attraction.
45. (New) The method of claim 37, wherein the server determines compensation to the attraction based on times of use of the card at the attraction.
46. (New) The method of claim 37, wherein the server determines compensation to the attraction based on a level of use of the card at the attraction.
47. (New) A system for compensating an attraction based on use of a card to access the attraction, the system comprising:
 - a server receiving, after a plurality of visitors have accessed an attraction, data corresponding to use of a card by the plurality of visitors to access the attraction, the card presented by each visitor of the plurality of visitors of the attraction to access the attraction; and
 - a controller determining compensation to the attraction based on use of the card at the attraction identified via the data.

- 48. (New) The system of claim 47, wherein the server receives data via a network from a device of the attraction.
- 49. (New) The system of claim 47, wherein the server receives data corresponding to use of the card validated by a terminal of the attraction.
- 50. (New) The system of claim 47, wherein the server communicates to a terminal device of the attraction configuration data associated with the card.
- 51. (New) The system of claim 47, wherein the server communicates to a terminal device of the attraction a code associated with the card, the card enabled with the code.
- 52. (New) The system of claim 47, wherein the card has a type comprising one of the following: adult, child and senior.
- 53. (New) The system of claim 47, wherein the card is programmed with a period identifying a number of consecutive days the card is valid.
- 54. (New) The system of claim 47, wherein the controller determines compensation to the attraction based on a number of uses of the card at the attraction identified via the data.
- 55. (New) The system of claim 47, wherein the controller determines compensation to the attraction based on times of use of the card at the attraction identified via the data.
- 56. (New) The system of claim 47, wherein the controller determines compensation to the attraction based on a level of use of the card at the attraction identified via the data.

REMARKS

Applicant respectfully requests that the foregoing amendments be made prior to examination of the present application.

Claim 1 is requested to be cancelled.

Claims 2-56 are being added.

This amendment cancels claim 1 and adds claims 2-56 in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 2-56 are now pending in this application. No new matter has been added.

Favorable consideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date July 28, 2011

By /Christopher J. McKenna/

FOLEY & LARDNER LLP
Customer Number: 48329
Telephone: (617) 342-4000
Facsimile: (617) 342-4001

Christopher J. McKenna
Attorney for Applicant
Registration No. 53,302

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BROOKS et al.
Title: PROGRAMMABLE
TICKETING SYSTEM
Appl. No.: 12/825183
Filing Date: 6/28/2010
Examiner: Davison, Kathleen G.
Art Unit: 3625
Confirmation 1230
Number:

AMENDMENT TRANSMITTAL

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

Sir:

Transmitted herewith is an amendment in the above-identified application.

[**X**] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

[] Assertion of Small Entity status is enclosed.

[**X**] The fee required for additional claims is calculated below:

Claims		Extra		Additional
As	Previously	Claims	Rate	
Amended	Paid For	Present		Claims Fee

Total Claims:	55	-	20	=	35	x	\$52.00	=	\$1820.00
Independent Claims:	4	-	3	=	1	x	\$220.00	=	\$220.00
First presentation of any Multiple Dependent Claims:		+					\$390.00	=	\$0.00
CLAIMS FEE TOTAL									\$2040.00

<input type="checkbox"/>	<input type="checkbox"/>	Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$140.00	
		CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:	\$2040.00	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):	\$1020.00	
		Extension Fees Previously Paid:	\$0.00	
TOTAL FEE:			\$1020.00	

The above-identified fees of \$1020.00 are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date July 28, 2011

By /Christopher J. McKenna/

FOLEY & LARDNER LLP
Customer Number: 48329
Telephone: (617) 342-4000
Facsimile: (617) 342-4001

Christopher J. McKenna
Attorney for Applicant
Registration No. 53,302

Electronic Patent Application Fee Transmittal				
Application Number:		12825183		
Filing Date:		28-Jun-2010		
Title of Invention:		PROGRAMMABLE TICKETING SYSTEM		
First Named Inventor/Applicant Name:		Tyler Brooks		
Filer:		Christopher J. McKenna/Julia Duran		
Attorney Docket Number:		096633-0106		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Claims in excess of 20	2202	35	26	910
Independent claims in excess of 3	2201	1	110	110
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1020

Electronic Acknowledgement Receipt	
EFS ID:	10619584
Application Number:	12825183
International Application Number:	
Confirmation Number:	1230
Title of Invention:	PROGRAMMABLE TICKETING SYSTEM
First Named Inventor/Applicant Name:	Tyler Brooks
Customer Number:	48329
Filer:	Christopher J. McKenna/Julia Duran
Filer Authorized By:	Christopher J. McKenna
Attorney Docket Number:	096633-0106
Receipt Date:	28-JUL-2011
Filing Date:	28-JUN-2010
Time Stamp:	17:24:35
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$1020
RAM confirmation Number	4264
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1	Transmittal Letter	IDSstatement.pdf	100163 fbba7027be38af23432e1f390dc574f2c4d1b6f0	no	2
Warnings:					
Information:					
2	Information Disclosure Statement (IDS) Form (SB08)	SB08.pdf	88901 e9ec05a60ac378031cc81de3ab3bfb751f4379fa	no	1
Warnings:					
Information:					
This is not an USPTO supplied IDS fillable form					
3	Preliminary Amendment	PreliminaryAmendment.pdf	98542 3b41b452ada8d641925a3c08d6a4d65964b4b201	no	10
Warnings:					
Information:					
4	Supplemental Response or Supplemental Amendment	transmittal.pdf	89855 2a317527c00509ce1899cb5a2b44d696cad1358d	no	3
Warnings:					
Information:					
5	Fee Worksheet (SB06)	fee-info.pdf	31743 ce1affb24e15c2ca4ce70010e8802a53f4aaa48f	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			409204		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BROOKS et al.
Title: PROGRAMMABLE
TICKETING SYSTEM
Appl. No.: 12/825183
Filing Date: 6/28/2010

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

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

Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. Applicants respectfully request that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom. A copy of the foreign patent document WO-01/17262 is attached in accordance with 37 CFR 1.98(a)(2).

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Although Applicant believes that no fee is required, the Commissioner is hereby authorized to charge any additional fees which may be due to Deposit Account No. 19-0741.

Respectfully submitted,

Date July 28, 2011

By /Christopher J. McKenna/

FOLEY & LARDNER LLP
Customer Number: 48329
Telephone: (617) 342-4000
Facsimile: (617) 342-4001

Christopher J. McKenna
Attorney for Applicant
Registration No. 53,302

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 12/825,183		Filing Date 06/28/2010		<input type="checkbox"/> To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)			SMALL ENTITY <input checked="" type="checkbox"/> OR		OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)		RATE (\$)	FEE (\$)			
<input checked="" type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A	82		N/A				
<input checked="" type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A	270		N/A				
<input checked="" type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A	110		N/A				
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =		OR	X \$ =				
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =			X \$ =				
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s)) If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).					OR					
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))			TOTAL			TOTAL				
* If the difference in column 1 is less than zero, enter "0" in column 2.										
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)			SMALL ENTITY OR		OTHER THAN SMALL ENTITY		
AMENDMENT	07/28/2011	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	* 55	Minus	** 20	= 35	X \$26 =	910	OR	X \$ =	
	Independent (37 CFR 1.16(h))	* 4	Minus	*** 3	= 1	X \$110 =	110	OR	X \$ =	
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))						OR			
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						OR			
					TOTAL ADD'L FEE	1020	OR	TOTAL ADD'L FEE		
AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	RATE (\$)	ADDITIONAL FEE (\$)			
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =		OR	X \$ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =		OR	X \$ =	
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))						OR			
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))						OR			
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE		
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.										

 Legal Instrument Examiner:
 /ROBERT SHERMAN/

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/825,183	06/28/2010	Tyler Brooks	096633-0106	1230
48329 7590 11/10/2011 FOLEY & LARDNER LLP 111 HUNTINGTON AVENUE 26TH FLOOR BOSTON, MA 02199-7610			EXAMINER PALAVECINO, KATHLEEN G	
			ART UNIT 3625	PAPER NUMBER
			MAIL DATE 11/10/2011	DELIVERY MODE PAPER

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

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

Office Action Summary	Application No.	Applicant(s)	
	12/825,183	BROOKS ET AL.	
	Examiner	Art Unit	
	KATHLEEN G. PALAVECINO	3625	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

1) ☒ Responsive to communication(s) filed on 28 June 2010.

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

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

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

Disposition of Claims

5) ☒ Claim(s) 2-56 is/are pending in the application.
 5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☒ Claim(s) 1-33,37-43 and 47-53 is/are rejected.

8) ☒ Claim(s) 34-36,44-46 and 54-56 is/are objected to.

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

Application Papers

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

11) ☒ The drawing(s) filed on 28 June 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

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

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date 06282010, 07282011.

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

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

The following is a non-final, first office action in response to the continuation application filed June 26, 2010. Claims 2-56 have been added. Claim 1 has been canceled. Claims 2-56 are currently pending and have been examined.

Priority

The applicant's claim for benefit of parent application 10/896,287 filed July 21, 2004 has been received and acknowledged.

Information Disclosure Statement

The information disclosure statements (IDS) submitted on June 28, 2010 and July 28, 2011, have been considered by the Examiner.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. **Claims 2-19** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 2-19 are directed to methods. One tool for assisting in determining whether the claimed invention is directed to a statutory process under 35 USC 101 is the "machine-or-transformation" test. If a claimed method meets the "machine-or-transformation" test, the method is likely patent-eligible under 35 USC 101 unless there is a clear indication that the method is directed to an abstract idea. If a claimed method does not meet the "machine-or-transformation" test, the claim will be considered directed to a non-statutory process unless there is a clear indication that the method is not directed to an abstract idea.

An analysis of method claims using the "machine-or-transformation" test seeks to determine whether the claimed method is (1) tied to a particular machine or apparatus, or (2) transforms a particular article to a different state or thing. In addition, mere field of use limitations or limitations reciting insignificant extra-solution activity will not transform an unpatentable process into a patentable one as the machine or transformation must impose meaningful limits on the method claim's scope.

In the instant case, claim 1 lack any recitation which creates a substantial tie so as to impose meaningful limitations on the claim scope. The steps of receiving and

reading are not tied to any machine nor do they transform an underlying article to a different state or thing. Accordingly, these claims fail to pass the "machine-or-transformation" test. Further to the analysis as to whether the claims recite a statutory process under 35 USC 101, there is nothing of record which clearly indicates that the method recited is not directed to an abstract idea. Accordingly, these claims fail to set forth a statutory process under 35 USC 101.

Dependent claims 3-19 do not act to cure the deficiencies of claim 2, and are thereby rejected for at least the same rationale.

Claim Rejections - 35 USC § 103

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

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 2-7, 13, 14, 16, 20-24, 30, 31, 33, 37-41, 43, 47-52, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hale et al (US 2005/0060173 A1) in view of Smart Cards (hereinafter Smart Cards).

Regarding claim 2, Hale discloses *a method for accessing an attraction, the method comprising:*

(a) receiving, by a terminal associated with an attraction of one or more attractions, a code that is associated with the one or more attractions (Hale: see at least: abstract, paragraph [0073] discloses where the access can be redeemable through a selected essentially automatic procedure. Such procedure can include any one or more of the reading of one of an RF identification, reading of a magnetic code or barcode allocated to the patron, paragraph [0114] – paragraph [0119]);

(b) reading, by the terminal, a card presented by each visitor of a plurality of visitors to access the attraction, the card enabled with the code, the terminal validating each card to grant access to the attraction (Hale: paragraph [0208] discloses where a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Hale does not expressly *(c) receiving, by the attraction, after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the card at the attraction*. Smart Card discloses *(c) receiving, by the attraction, after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the card at the attraction* (Smart Cards: the smart cards terminals have an application to monitor transaction processing, retrieval, and reconciliation for tourist attractions).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified the method and apparatus of Hale to have included (c) receiving, by the attraction, after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the card at the attraction, as taught by Smart Cards because it would be a way for the attraction to retain a commission for their services.

Regarding claim 3, Hale and Smart Cards teach or suggest all the limitations of claim 2 as noted above. Hale further discloses *wherein step (a) further comprises receiving, by the terminal, the code defining the one or more attractions for which the card is valid* (Hale: see at least: abstract, paragraph [0073] discloses where the access can be redeemable through a selected essentially automatic procedure. Such procedure can include any one or more of the reading of one of an RF identification, reading of a magnetic code or barcode allocated to the patron, paragraph [0114] – paragraph [0119]).

Regarding claim 4, Hale and Smart Cards teach or suggest all the limitations of claim 2 as noted above. Hale further discloses *wherein step (a) further comprises receiving, by the terminal, the code from a system manager* (Hale: paragraph [0208] discloses where the customer's ticket may be read by a ticket reader and the data thereon verified by the park admission controller (system manager) against the stored ticket information).

Regarding claim 5, Hale and Smart Cards teach or suggest all the limitations of claim 2 as noted above. Hale further discloses *step (a) further comprising identifying, by the terminal, a list of promotions accessible via the terminal* (Hale: paragraph [0251] discloses where accordingly, special promotions for Fastpass can be provided according to the season).

Regarding claim 6, Hale and Smart Cards teach or suggest all the limitations of claim 2 as noted above. Hale further discloses *wherein step (b) further comprises validating, by the terminal, the code stored on the card* (Hale: paragraph [0208] discloses where a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Regarding claim 7, Hale and Smart Cards teach or suggest all the limitations of claim 2 as noted above. Hale further discloses *wherein step (b) further comprises providing, by the attraction responsive to the terminal validating the card, access to each visitor without the visitor paying at a time of the visit* (Hale: paragraph [0017] discloses where the additional entry can be obtained by the patron at no additional cost).

Regarding claim 13, Hale and Smart Cards teach or suggest all the limitations of claim 2 as noted above. Hale further discloses *wherein step (b) further comprises*

validating, by the terminal, the card, based on one or more property fields stored on the card (Hale: paragraph [0012] discloses where the first validator may be arranged to communicate with a main database containing information regarding the customer(s), such as by ticket numbers (property field)).

Regarding claim 14, Hale and Smart Cards teach or suggest all the limitations of claim 2 as noted above. Hale further discloses *wherein the card comprises a smart card* (Hale: paragraph [0114] discloses where the media distributor may issue one or more of a wide variety of media as passes, such as magnetic-stripe encoded or "smart" cards).

Regarding claim 16, Hale and Smart Cards teach or suggest all the limitations of claim 2 as noted above. Hale further discloses *wherein the card is programmed with a period identifying a number of consecutive days the card is valid* (Hale: paragraph [0023] discloses where the priority basis is preferably available for a limited time).

Regarding claim 20, Hale discloses *a system for accessing an attraction, the system comprising:*

a terminal located at an attraction of one or more attractions, the terminal configured with a code that is associated with the one or more attractions (Hale: see at least: abstract, paragraph [0073] discloses where the access can be redeemable through a selected essentially automatic procedure. Such procedure can include any

one or more of the reading of one of an RF identification, reading of a magnetic code or barcode allocated to the patron, paragraph [0114] – paragraph [0119]);

a card reader configured to read a card presented by each visitor of a plurality of visitors to access the attraction, the card enabled with the code, the terminal validating each card to grant access to the attraction (Hale: paragraph [0208] discloses where a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Hale does not expressly *wherein the attraction receives from a system manager after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the card at the attraction*. Smart Card discloses *wherein the attraction receives from a system manager after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the card at the attraction* (Smart Cards: the smart cards terminals have an application to monitor transaction processing, retrieval, and reconciliation for tourist attractions).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified the method and apparatus of Hale to have included wherein the attraction receives from a system manager after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the card at the attraction, as taught by Smart Cards because it would be a way for the attraction to retain a commission for their services.

Regarding claim 21, Hale and Smart Cards teach or suggest all the limitations of claim 20 as noted above. Hale further discloses *wherein the terminal receives from the system manager the code defining the one or more attractions for which the card is valid* (Hale: see at least: abstract, paragraph [0073] discloses where the access can be redeemable through a selected essentially automatic procedure. Such procedure can include any one or more of the reading of one of an RF identification, reading of a magnetic code or barcode allocated to the patron, paragraph [0114] – paragraph [0119]).

Regarding claim 22, Hale and Smart Cards teach or suggest all the limitations of claim 20 as noted above. Hale further discloses *wherein the terminal identifies via a list of promotions accessible via the terminal* (Hale: paragraph [0251] discloses where accordingly, special promotions for Fastpass can be provided according to the season).

Regarding claim 23, Hale and Smart Cards teach or suggest all the limitations of claim 20 as noted above. Hale further *discloses wherein the terminal validates the code stored on the card* (Hale: paragraph [0208] discloses where a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Regarding claim 24, Hale and Smart Cards teach or suggest all the limitations of claim 20 as noted above. Hale further discloses *wherein the attraction, responsive to*

the terminal validating the card, provides access to each visitor without the visitor paying at a time of the visit (Hale: paragraph [0017] discloses where the additional entry can be obtained by the patron at no additional cost).

Regarding claim 30, Hale and Smart Cards teach or suggest all the limitations of claim 20 as noted above. Hale further discloses *wherein the terminal validates the card based on one or more property fields stored on the card* (Hale: paragraph [0012] discloses where the first validator may be arranged to communicate with a main database containing information regarding the customer(s), such as by ticket numbers (property field)).

Regarding claim 31, Hale and Smart Cards teach or suggest all the limitations of claim 20 as noted above. Hale further discloses *wherein the card comprises a smart card* (Hale: paragraph [0114] discloses where the media distributor may issue one or more of a wide variety of media as passes, such as magnetic-stripe encoded or "smart" cards).

Regarding claim 33, Hale and Smart Cards teach or suggest all the limitations of claim 20 as noted above. Hale further discloses *wherein the card is programmed with a period identifying a number of consecutive days the card is valid* (Hale: paragraph [0023] discloses where the priority basis is preferably available for a limited time).

Regarding claim 37, Hale discloses *a method for compensating an attraction based on use of a card to access the attraction, the method comprising: (a) receiving, by a server after a plurality of visitors have accessed an attraction, data corresponding to use of a card by the plurality of visitors to access the attraction, the card presented by each visitor of the plurality of visitors of the attraction to access the attraction* (Hale: see at least: abstract, paragraph [0073] discloses where the access can be redeemable through a selected essentially automatic procedure. Such procedure can include any one or more of the reading of one of an RF identification, reading of a magnetic code or barcode allocated to the patron, paragraph [0114] – paragraph [0119], paragraph [0208] discloses where a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Hale does not expressly *(b) determining by the server, compensation to the attraction based on use of the card at the attraction identified via the data*. Smart Card discloses *(b) determining by the server, compensation to the attraction based on use of the card at the attraction identified via the data* (Smart Cards: the smart cards terminals have an application to monitor transaction processing, retrieval, and reconciliation for tourist attractions).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified the method and apparatus of Hale to have included *(b) determining by the server, compensation to the attraction based on use of*

the card at the attraction identified via the data, as taught by Smart Cards because it would be a way for the attraction to retain a commission for their services.

Regarding claim 38, Hale and Smart Cards teach or suggest all the limitations of claim 37 as noted above. Hale further discloses *wherein step (a) further comprises receiving data via a network from a device of the attraction* (Hale: paragraph [0208] discloses where the customer's ticket may be read by a ticket reader and the data thereon verified by the park admission controller (network) against the stored ticket information).

Regarding claim 39, Hale and Smart Cards teach or suggest all the limitations of claim 37 as noted above. Hale further discloses *wherein step (a) further comprises receiving, by the server, data corresponding to use of the card validated by a terminal of the attraction* (Hale: paragraph [0208] discloses where the customer's ticket may be read by a ticket reader and the data thereon verified by the park admission controller (server) against the stored ticket information, a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Regarding claim 40, Hale and Smart Cards teach or suggest all the limitations of claim 37 as noted above. Hale further discloses *communicating by the server to a terminal device of the attraction configuration data associated with the card* (Hale: paragraph [0208] discloses where the customer's ticket may be read by a ticket reader

and the data thereon verified by the park admission controller (server) against the stored ticket information, a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Regarding claim 41, Hale and Smart Cards teach or suggest all the limitations of claim 37 as noted above. Hale further discloses *communicating by the server to a terminal device of the attraction a code associated with the card, the card enabled with the code* (Hale: paragraph [0208] discloses where the customer's ticket may be read by a ticket reader and the data thereon verified by the park admission controller (server) against the stored ticket information, a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Regarding claim 43, Hale and Smart Cards teach or suggest all the limitations of claim 37 as noted above. Hale further discloses *wherein the card is programmed with a period identifying a number of consecutive days the card is valid* (Hale: paragraph [0023] discloses where the priority basis is preferably available for a limited time).

Regarding claim 47, Hale discloses *a system for compensating an attraction based on use of a card to access the attraction, the system comprising: a server receiving, after a plurality of visitors have accessed an attraction, data corresponding to use of a card by the plurality of visitors to access the attraction, the card presented by*

each visitor of the plurality of visitors of the attraction to access the attraction (Hale: see at least: abstract, paragraph [0073] discloses where the access can be redeemable through a selected essentially automatic procedure. Such procedure can include any one or more of the reading of one of an RF identification, reading of a magnetic code or barcode allocated to the patron, paragraph [0114] – paragraph [0119], paragraph [0208] discloses where a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Hale does not expressly *a controller determining compensation to the attraction based on use of the card at the attraction identified via the data*. Smart Card discloses *a controller determining compensation to the attraction based on use of the card at the attraction identified via the data* (Smart Cards: the smart cards terminals have an application to monitor transaction processing, retrieval, and reconciliation for tourist attractions).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified the method and apparatus of Hale to have included a controller determining compensation to the attraction based on use of the card at the attraction identified via the data, as taught by Smart Cards because it would be a way for the attraction to retain a commission for their services.

Regarding claim 48, Hale and Smart Cards teach or suggest all the limitations of claim 47 as noted above. Hale further discloses *wherein the server receives data via a network from a device of the attraction* (Hale: paragraph [0208] discloses where the

customer's ticket may be read by a ticket reader and the data thereon verified by the park admission controller (network) against the stored ticket information).

Regarding claim 49, Hale and Smart Cards teach or suggest all the limitations of claim 47 as noted above. Hale further *wherein the server receives data corresponding to use of the card validated by a terminal of the attraction* (Hale: paragraph [0208] discloses where the customer's ticket may be read by a ticket reader and the data thereon verified by the park admission controller (server) against the stored ticket information, a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Regarding claim 50, Hale and Smart Cards teach or suggest all the limitations of claim 47 as noted above. Hale further discloses *wherein the server communicates to a terminal device of the attraction configuration data associated with the card* (Hale: paragraph [0208] discloses where the customer's ticket may be read by a ticket reader and the data thereon verified by the park admission controller (server) against the stored ticket information, a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Regarding claim 51, Hale and Smart Cards teach or suggest all the limitations of claim 47 as noted above. Hale further discloses *wherein the server communicates to a terminal device of the attraction a code associated with the card, the card enabled*

with the code (Hale: paragraph [0208] discloses where the customer's ticket may be read by a ticket reader and the data thereon verified by the park admission controller (server) against the stored ticket information, a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Regarding claim 53, Hale and Smart Cards teach or suggest all the limitations of claim 47 as noted above. Hale further discloses *wherein the card is programmed with a period identifying a number of consecutive days the card is valid* (Hale: paragraph [0023] discloses where the priority basis is preferably available for a limited time).

3. Claims 8, 11, 12, 25, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hale et al (US 2005/0060173 A1) in view of Smart Cards (hereinafter Smart Cards), and further in view of Kawan et al (US 2002/0065712 A1).

Regarding claim 8, Hale and Smart Cards teach or suggest all the limitations of claim 2 as noted above. The combination of Hale and Smart Cards does not disclose *wherein step (b) further comprises activating, by the terminal, the card on first use of the card*. However, Kawan teaches *wherein step (b) further comprises activating, by the terminal, the card on first use of the card* (Kawan: paragraph [0030] discloses where the stand alone terminal activates the smart card loyalty capability on first usage).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale and Smart Cards, in the method and system wherein step (b) further comprises activating, by the terminal, the card on first use of the card, as taught by Kawan since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would decrease lines, transaction times, and therefore result in higher efficiency (Kawan: paragraph [0005]).

Regarding claim 11, Hale and Smart Cards teach or suggest all the limitations of claim 2 as noted above. The combination of Hale and Smart Cards does not disclose *wherein step (b) further comprises storing on the card a time of use of the card at the attraction*. However, Kawan teaches *wherein step (b) further comprises storing on the card a time of use of the card at the attraction* (Kawan: see at least: abstract discloses where transaction information about transactions with the merchant is stored in a purchase log (time of use) likewise residing on the smart card microcomputer for the customer, Figure 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale and Smart Cards, in the method and system wherein step (b) further comprises storing on the card a time of use of the

card at the attraction, as taught by Kawan since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would decrease lines, transaction times, and therefore result in higher efficiency (Kawan: paragraph [0005]).

Regarding claim 12, Hale and Smart Cards teach or suggest all the limitations of claim 2 as noted above. The combination of Hale and Smart Cards does not disclose *wherein step (b) further comprises storing on the card a time of first use of the card.* However, Kawan teaches *wherein step (b) further comprises storing on the card a time of first use of the card* (Kawan: see at least: abstract discloses where transaction information about transactions with the merchant is stored in a purchase log (time of use) likewise residing on the smart card microcomputer for the customer, Figure 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale and Smart Cards, in the method and system wherein step (b) further comprises storing on the card a time of first use of the card, as taught by Kawan since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in

the art would have been motivated to do so because it would decrease lines, transaction times, and therefore result in higher efficiency (Kawan: paragraph [0005]).

Regarding claim 25, Hale and Smart Cards teach or suggest all the limitations of claim 20 as noted above. The combination of Hale and Smart Cards does not disclose *wherein the terminal activates the card on first use of the card*. However, Kawan teaches *wherein the terminal activates the card on first use of the card* (Kawan: paragraph [0030] discloses where the stand alone terminal activates the smart card loyalty capability on first usage).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale and Smart Cards, in the method and system wherein the terminal activates the card on first use of the card, as taught by Kawan since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would decrease lines, transaction times, and therefore result in higher efficiency (Kawan: paragraph [0005]).

Regarding claim 28, Hale and Smart Cards teach or suggest all the limitations of claim 20 as noted above. The combination of Hale and Smart Cards does not disclose *wherein the terminal via the card reader stores on the card a time of use of the*

card at the attraction. However, Kawan teaches *wherein the terminal via the card reader stores on the card a time of use of the card at the attraction* (Kawan: see at least: abstract discloses where transaction information about transactions with the merchant is stored in a purchase log (time of use) likewise residing on the smart card microcomputer for the customer, Figure 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale and Smart Cards, in the method and system wherein the terminal via the card reader stores on the card a time of use of the card at the attraction, as taught by Kawan since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would decrease lines, transaction times, and therefore result in higher efficiency (Kawan: paragraph [0005]).

Regarding claim 29, Hale and Smart Cards teach or suggest all the limitations of claim 20 as noted above. The combination of Hale and Smart Cards does not disclose *wherein the terminal via the card reader stores on the card a time of first use of the card.* However, Kawan teaches *wherein the terminal via the card reader stores on the card a time of first use of the card* (Kawan: see at least: abstract discloses where transaction information about transactions with the merchant is stored in a purchase log

(time of use) likewise residing on the smart card microcomputer for the customer, Figure 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale and Smart Cards, in the method and system wherein the terminal via the card reader stores on the card a time of first use of the card, as taught by Kawan since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would decrease lines, transaction times, and therefore result in higher efficiency (Kawan: paragraph [0005]).

4. Claims 9, 10, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hale et al (US 2005/0060173 A1) in view of Smart Cards (hereinafter Smart Cards), and further in view of Pulkkinen et al (US 2004/0143458 A1).

Regarding claim 9, Hale and Smart Cards teach or suggest all the limitations of claim 2 as noted above. The combination of Hale and Smart Cards does not disclose *wherein step (b) further comprises storing on the card a location of the attraction*. However, Pulkkinen teaches *wherein step (b) further comprises storing on the card a location of the attraction* (Pulkkinen: paragraph [0045], paragraph [0046], Figure 3A, and Figure 3B disclose location of interaction, location of description).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale and Smart Cards, in the method and system wherein step (b) further comprises storing on the card a location of the attraction, as taught by Pulkkinen since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would maintain interaction data or a history of attractions smart card was used at (Pulkkinen: paragraph [0010]).

Regarding claim 10, Hale and Smart Cards teach or suggest all the limitations of claim 2 as noted above. The combination of Hale and Smart Cards does not disclose *wherein step (b) further comprises storing on the card a location of the attraction as which the card is first used*. However, Pulkkinen teaches *wherein step (b) further comprises storing on the card a location of the attraction as which the card is first used* (Pulkkinen: paragraph [0045], paragraph [0046], Figure 3A, and Figure 3B disclose location of interaction, location of description).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale and Smart Cards, in the method and system wherein step (b) further comprises storing on the card a location of the attraction as which the card is first used, as taught by Pulkkinen since the claimed invention is just a combination of old elements, and in the combination each element

merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would maintain interaction data or a history of attractions smart card was used at (Pulkkinen: paragraph [0010]).

Regarding claim 26, Hale and Smart Cards teach or suggest all the limitations of claim 20 as noted above. The combination of Hale and Smart Cards does not disclose *wherein the terminal via the card reader stores on the card a location of the attraction*. However, Pulkkinen teaches *wherein the terminal via the card reader stores on the card a location of the attraction* (Pulkkinen: paragraph [0045], paragraph [0046], Figure 3A, and Figure 3B disclose location of interaction, location of description).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale and Smart Cards, in the method and system wherein the terminal via the card reader stores on the card a location of the attraction, as taught by Pulkkinen since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would maintain interaction data or a history of attractions smart card was used at (Pulkkinen: paragraph [0010]).

Regarding claim 27, Hale and Smart Cards teach or suggest all the limitations of claim 20 as noted above. The combination of Hale and Smart Cards does not disclose *wherein the terminal via the card reader stores on the card a location of the attraction as which the card is first used*. However, Pulkkinen teaches *wherein the terminal via the card reader stores on the card a location of the attraction as which the card is first used* (Pulkkinen: paragraph [0045], paragraph [0046], Figure 3A, and Figure 3B disclose location of interaction, location of description).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale and Smart Cards, in the method and system wherein the terminal via the card reader stores on the card a location of the attraction as which the card is first used, as taught by Pulkkinen since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would maintain interaction data or a history of attractions smart card was used at (Pulkkinen: paragraph [0010]).

5. Claims 15, 32, 42, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hale et al (US 2005/0060173 A1) in view of Smart Cards (hereinafter Smart Cards), and further in view of Ishibashi et al (US 7,409,554 B2).

Regarding claims 15, 32, 42, and 52, Hale and Smart Cards teach or suggest all the limitations of claims 2, 20, 37, and 47 as noted above. The combination of Hale and Smart Cards does not disclose *wherein the card has a type comprising one of the following: adult, child and senior*. However, Ishibashi teaches *wherein the card has a type comprising one of the following: adult, child and senior* (Ishibashi: Figure 1 illustrates types of cards: parent and child card).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale and Smart Cards, in the method and system wherein the card has a type comprising one of the following: adult, child and senior, as taught by Ishibashi since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would different levels of permissions (management, restrictions, etc) for different types of cards (Ishibashi: abstract).

Allowable Subject Matter

6. Claims 17-19, 34-36, 44-46, and 54-56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

In addition to the prior art cited above, the most pertinent prior art with regards to claims 17-19, 34-36, 44-46, and 54-56 includes Smart Cards. Smart Cards teaches *receiving, by the attraction, after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the card at the attraction* (Smart Cards: the smart cards terminals have an application to monitor transaction processing, retrieval, and reconciliation for tourist attractions). Smart Cards, however, lacks a teaching comprising wherein the attraction receives compensation based on one of: number of uses of the card at the attraction, times of use of the card at the attraction, and level of use of the card at the attraction.

Additionally, the Examiner notes that when read as a whole, the claims would not have been obvious over the evidence obtained throughout prosecution. Moreover, even assuming *arguendo* that such features are present in the prior art, the combination of elements as recited in would not have been obvious over the evidence at hand because any combination of the evidence at hand would only result from a substantial reconstruction of Applicant's claims using improper hindsight.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 2004/0249710A1, Smith et al discloses methods and apparatus for implementing loyalty programs using portable electronic data storage devices.
- US 2004/0138947 A1, McGee et al discloses discount-instrument methods and systems.
- US 6,959,873 B2, Kayanakis et al discloses electronic cash system for an electronic wallet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KATHLEEN G. PALAVECINO whose telephone number is (571)270-1355. The examiner can normally be reached on M-F 800-500 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/KATHLEEN G PALAVECINO/
Examiner, Art Unit 3625

Will Allen
/WILLIAM ALLEN/
Primary Examiner, Art Unit 3625

Notice of References Cited	Application/Control No. 12/825,183	Applicant(s)/Patent Under Reexamination BROOKS ET AL.	
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	H	US-			
	I	US-			
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Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



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SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
12/825,183	06/28/2010	705	3625	096633-0106		
RULE						
APPLICANTS Tyler Brooks, Seattle, WA; Kevin McLaughlin, Charlestown, MA; Helga Cecilia Dahl, Boston, MA; Edward Kim, Seattle, WA;						
** CONTINUING DATA ***** This application is a CON of 10/896,287 07/21/2004 PAT 7,765,128						
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Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and /KATHLEEN G PALAVECINO/ Acknowledged Examiner's Signature		<input type="checkbox"/> Met after Allowance Initials	STATE OR COUNTRY WA	SHEETS DRAWINGS 9	TOTAL CLAIMS 1	INDEPENDENT CLAIMS 1
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: July 28, 2011 <i>(use as many sheets as necessary)</i>				Application Number	12/825183
				Filing Date	6/28/2010
				First Named Inventor	Tyler Brooks
				Art Unit	3625
				Examiner Name	Davison, Kathleen G.
Sheet	1	of	1	Attorney Docket Number	096633-0106

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	Unknown
				Filing Date	Herewith
				First Named Inventor	Tyler Brooks
				Art Unit	Unknown
				Examiner Name	Unknown
Sheet	1	of	4	Attorney Docket Number	096633-0106

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/K.P./	A25	5,309,355	05-03-1994	LOCKWOOD	
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/K.P./	A29	6,003,014	12-14-1999	LEE ET AL.	
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Examiner Signature	/KATHLEEN PALAVECINO/	Date Considered	10/31/2011
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Receipt date: 06/28/2010

12825183 - GAU: 3625

PTO/SB/08 (09-06)

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Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	Unknown
				Filing Date	Herewith
				First Named Inventor	Tyler Brooks
				Art Unit	Unknown
				Examiner Name	Unknown
Sheet	2	of	4	Attorney Docket Number	096633-0106

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
/K.P./	A37	6,363,351	03-26-2002	MORO, PAOLO	
/K.P./	A38	6,386,451	05-14-2002	SEHR, RICHARD P.	
/K.P./	A39	6,565,000	05-20-2003	SEHR, RICHARD P.	
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/K.P./	A42	6,609,658	08-26-2003	SEHR, RICHARD P.	
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UNPUBLISHED U.S. PATENT APPLICATION DOCUMENTS					
Examiner Initials*	Cite No. ¹	U.S. Patent Application Document Serial Number-Kind Code ² (if known)	Filing Date of Cited Document MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
/K.P./	A49	WO-00/74300	12-07-2000	THE REGENTS OF THE UNIV. OF CALIFORNIA		
/K.P./	A50	WO-01/84474	11-08-2001	CMA BUSINESS CREDIT SERVICES		
/K.P./	A51	WO-01/86599	11-15-2001	SUPERCOM, LTD.		
/K.P./	A52	WO-02/01485	01-03-2002	SMARTCLIC CORPORATION		
/K.P./	A53	WO-02/082386	10-17-2002	FREEDOM CARD LIMITED		
/K.P./	A54	WO-03/034267	04-24-2003	360 DEGREE WEB, INC.		
/K.P./	A55	WO-03/067369	08-14-2003	HEMBLAD, KONRAD		

Examiner Signature	/KATHLEEN PALAVECINO/	Date Considered	10/31/2011
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	Unknown
				Filing Date	Herewith
				First Named Inventor	Tyler Brooks
				Art Unit	Unknown
				Examiner Name	Unknown
Sheet	3	of	4	Attorney Docket Number	096633-0106

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ² Number ³ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
/K.P./	A56	EP-1 039 402	09-27-2000	CITIBANK N.A.		
/K.P./	A57	EP-1 039 403	09-27-2000	CITICORP DEVELOPMENT CENTER		
/K.P./	A58	WO-2004/036515	04-29-2004	INTEL CORPORATION		
/K.P./	A59	GB-2 403 839	01-12-2005	APPLIED CARD TECHNOLOGIES, LTD.		
/K.P./	A60	EP-0 924 634	06-23-1999	AMPHENOL-TUCHEL ELECTRONICS		
/K.P./	A61	WO-98/59324	12-30-1998	SCHLUMBURGER INDUSTRIES, S.A.		
/K.P./	A62	WO-99/10824	03-04-1999	VISA INTERNATIONAL SERVICE ASSOCIATION		

NON PATENT LITERATURE DOCUMENTS						
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.				T ⁶
/K.P./	A63	Birmingham Sport and Leisure Leisure Card, 3 page document printed from http://web.archive.org/web/20030618051258/http://leisure.birmingham.gov.uk/_card/_card.htm , printed on February 29, 2008				
/K.P./	A64	International Search Report and the Written Opinion dated 11/28/2006 for PCT Application No. PCT/US05/25865				
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/K.P./	A66	The New York Pass - Attractions, 1 page printed from http://web.archive.org/web/20021119142524/www.newyorkpass.com/body/attractions.asp , printed on November 18, 2009.				
/K.P./	A67	The New York Pass - Making the most of your trip to New York, 1 page printed from http://web.archive.org/web/20020720081577/http://newyorkpass.com/ , printed on February 29, 2008				
/K.P./	A68	The New York Pass - Making the most of your trip to New York, 1 page printed from http://web.archive.org/web/20020720081557/http://www.newyorkpass.com/				

Examiner Signature	/KATHLEEN PALAVECINO/	Date Considered	10/31/2011
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	Unknown
				Filing Date	Herewith
				First Named Inventor	Tyler Brooks
				Art Unit	Unknown
				Examiner Name	Unknown
Sheet	4	of	4	Attorney Docket Number	096633-0106

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
/K.P./	A69	The New York Pass – Making the most of your trip to New York, 1 page printed from http://web.archive.org/web/20030217210729/http://www.newyorkpass.com/ , printed on November 18, 2009.	
/K.P./	A70	The New York Pass – Museums, 1 page printed from http://web.archive.org/web/20021013173733/www.newyorkpass.com/category_museums.asp , printed on November 18, 2009.	
/K.P./	A71	The New York Pass – Places of Interest, 1 page printed from http://web.archive.org/web/20021215054509/www.newyorkpass.com/category_poi.asp , printed on November 18, 2009.	
/K.P./	A72	The New York Pass – See the Best of New York for Under \$20 per day, 1 page printed from http://web.archive.org/web/20021103034458/www.newyorkpass.com/index.asp?ref= , printed on November 18, 2009.	
/K.P./	A73	The New York Pass – Sightseeing Cruises, 1 page printed from http://web.archive.org/web/20021215063437/www.newyorkpass.com/category_sightseeing.asp , printed on November 18, 2009.	
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EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	36	(attraction) same (card) near3 (code)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:40
S2	908	(attraction or admission or ticket) same (card) near3 (code)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:49
S3	6	((attraction or admission or ticket) same (card) near3 (code) same (valid or validate)) and (compensate or compensation)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:50
S4	30	((attraction or admission or ticket) same (smart near2 card) near3 (code)) and (compensate or compensation)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:51
S5	273	((attraction or admission or ticket) same (smart near2 card)) and (compensate or compensation)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:52
S6	28874044	@ad<"20040721"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:53
S7	95	S5 and S6	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:53
S8	8	((attraction or admission) same (smart near2 card)) and (compensate or compensation)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:54
S9	15	((attraction or admission or ticket) same (smart near2 card)).ab. and (compensate or compensation)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:55
S10	16	((attraction or admission or ticket or loyalty) same (smart near2 card)).ab. and (compensate or compensation)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:58

S11	18	((attraction or admission or ticket or loyalty or reward) same (smart near2 card)).ab. and (compensate or compensation)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:58
S12	3	"20050060173"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 16:01
S13	843	((activate or activation) near3 (first) same card)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 16:35
S14	5	((activate or activation) near3 (first) same card) and ((store or stored) near5 (time) near5 location same card)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 16:35
S15	96	((activate or activation) near3 (time) same card same location)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 16:37
S16	52	S6 and S15	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 16:37
S17	14	((activate or activation) near3 smart card same location)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 16:40
S18	9	((activate or activation) near3 card) same (attraction or admission)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 16:42
S19	30	((activate or activation) near3 card) same (first near3 (use or useage))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 08:49
S20	32	((activate or activation) near4 card) same (first near4 (use or useage))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 08:54
S21	32	((activate or activation) near4 card) same ((initial or first) near4 (use or useage))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 08:54
S22	710	((activate or activation or activating) near4 card) near5 ((initial or first))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 08:56

S23	39	((activate or activation or activating) near4 smart card) near5 ((initial or first))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 08:56
S24	2	(store or storing or save or saving) near4 location same (attraction) same card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:06
S25	4	(store or storing or save or saving) near6 (location) same (attraction) same card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:07
S26	224	(store or storing or save or saving) near6 (location) same (event or attraction) same card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:07
S27	28874218	@ad<"20040721"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:08
S28	81	S26 and S27	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:08
S29	838	(location) near4 (event or attraction) same card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:10
S30	60	(location) near4 (event or attraction) same smart card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:10
S31	80	(location) near4 (event or attraction or ticket or ticketing) same smart card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:16
S32	39	S27 and S31	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:16
S33	0	(compensation) near4 (number) near3 (use) same smart card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:20
S34	0	(compensation) near4 (number) near3 (use) same card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:20

S35	13	(compensation) near4 (use) same card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:20
S36	2258	((smart card) or card or (ticket or ticketing)).ab. and compensation	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:21
S37	8	((smart card) or card or (ticket or ticketing)).ab. and compensation same (number near4 use)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:21
S38	0	((smart card) or card or (ticket or ticketing)).ab. and (compensation near4 useage)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:22
S39	0	((smart card) or card or (ticket or ticketing)).ab. and (compensation same useage)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:22
S40	84	((smart card)).ab. and (compensation)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:23
S41	44	S27 and S40	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:23
S42	44	(compensation) near4 ((number near2 use) or useage)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:52
S43	26106	(compensation) near4 ((time) or useage)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:53
S44	5658	(compensation) near4 ((time) or useage) and (attraction or event or admission)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:53
S45	574	(compensation) near4 ((time) or useage) same (attraction or event or admission)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:53
S46	0	(compensation) near4 (useage) same (attraction or event or admission)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:53

S47	1024	(compensation) same (attraction or admission)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:54
S48	332	S27 and S47	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:54
S49	12431	705/26.1-27.2.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:55
S50	4	S47 and S49	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:55
S51	91	(compensation) same (attraction or admission) same (frequency or useage)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 10:00
S52	1421	(compensation) same (attraction or event or admission) same (frequency or useage)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 10:00
S53	69579	(compensation) same (frequency or useage)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 10:00
S54	22051	(compensation) near4 (frequency or useage)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 10:01
S55	8	S54 and S49	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 10:01
S56	39	(compensation) near4 (frequency or useage) same (card)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 10:02
S57	96	(compensation) near4 (time or useage) same (card)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 10:02
S58	57	(compensation) near4 (number) same (card)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 13:01


S59	34	(compensation) same (use near4 card)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 13:08
S60	13	(compensation) same (attraction or admission) same card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 13:10
S61	218	(compensation) same (location) same card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 13:14
S62	28874218	@ad<"20040721"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 13:14
S63	65	S61 and S62	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 13:14
S64	82	(compensate or compensation) near4 attraction	USPAT	OR	OFF	2011/11/01 13:18
S65	43	(compensate or compensation) near4 admission	USPAT	OR	OFF	2011/11/01 13:18
S66	242516	(compensate or compensation) near4 smart card	USPAT	OR	OFF	2011/11/01 13:18
S67	62	(compensate or compensation) near4 smart card near4 (useage)	USPAT	OR	OFF	2011/11/01 13:19
S68	59	(compensate or compensation) near4 smart card same (number near3 use)	USPAT	OR	OFF	2011/11/01 13:20
S69	67	(compensate or compensation) near4 smart card same (useage)	USPAT	OR	OFF	2011/11/01 13:21
S70	47	(compensation) near4 smart card same (useage)	USPAT	OR	OFF	2011/11/01 13:21
S71	14528	(compensation or reconciliation) near4 smart card same (useage or frequency)	USPAT	OR	OFF	2011/11/01 13:27
S72	52	(compensation or reconciliation) near4 smart card same (useage)	USPAT	OR	OFF	2011/11/01 13:27
S73	242498	(compensation or reconciliation) near4 smart card	USPAT	OR	OFF	2011/11/01 13:28
S74	12431	705/26.1-27.2.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 13:28
S75	2186	S73 and S74	USPAT	OR	OFF	2011/11/01 13:28

S76	242498	(compensation) near4 smart card	USPAT	OR	OFF	2011/11/01 13:28
S77	242482	(compensation) near3 smart card	USPAT	OR	OFF	2011/11/01 13:28
S78	1487	S77 and S62 and S74	USPAT	OR	OFF	2011/11/01 13:28
S79	30294	((compensation) near4 smart card).ab.	USPAT	OR	OFF	2011/11/01 13:29
S80	145	S79 and S62 and S74	USPAT	OR	OFF	2011/11/01 13:29
S81	0	((compensation) near4 smart card).ab.	USPAT	ADJ	OFF	2011/11/01 13:30
S82	3	((compensation) and smart card).ab.	USPAT	ADJ	OFF	2011/11/01 13:30
S83	0	((compensation) near4 smart card) same (useage)	USPAT	ADJ	OFF	2011/11/01 13:32
S84	0	((compensation) near4 smart card) same (use)	USPAT	ADJ	OFF	2011/11/01 13:32
S85	0	((compensation) near4 smart card)	USPAT	ADJ	OFF	2011/11/01 13:32
S86	0	((compensation or reconciliation) near4 smart card)	USPAT	ADJ	OFF	2011/11/01 13:32
S87	0	((compensation or reconciliation or compensate) near4 smart card)	USPAT	ADJ	OFF	2011/11/01 13:32
S88	457	((compensation or reconciliation or compensate) near4 card)	USPAT	ADJ	OFF	2011/11/01 13:32
S89	95	((compensation or reconciliation or compensate) and card).ab.	USPAT	ADJ	OFF	2011/11/01 13:33
S90	0	((compensation or reconciliation or compensate) same (number near4 use))	USPAT	ADJ	OFF	2011/11/01 13:36
S91	49617	(compensation or reconciliation or compensate) same (number or (frequency near4 use))	USPAT	ADJ	OFF	2011/11/01 13:37
S92	0	(compensation or reconciliation or compensate) same ((number or frequency) near4 use)	USPAT	ADJ	OFF	2011/11/01 13:37
S93	0	(compensation or reconciliation or compensate) same ((number or frequency or time) near4 use)	USPAT	ADJ	OFF	2011/11/01 13:37
S94	0	(compensation or reconciliation or compensate) same ((number or frequency or time or location) near4 use)	USPAT	ADJ	OFF	2011/11/01 13:37
S95	157667	(compensation or reconciliation or compensate) same ((number or frequency or time or location))	USPAT	ADJ	OFF	2011/11/01 13:38
S96	41849	(compensation or reconciliation or compensate) near4 ((number or frequency or time	USPAT	ADJ	OFF	2011/11/01 13:38

		or location))				
S97	164	(compensation or reconciliation or compensate) near4 ((number or frequency or time or location)) same card	USPAT	ADJ	OFF	2011/11/01 13:38
S98	718	(compensation or reconciliation) same ((number or frequency or time or location)) same card	USPAT	ADJ	OFF	2011/11/01 13:47
S99	27	S74 and S98	USPAT	ADJ	OFF	2011/11/01 13:47
S100	447	(compensation) same ((number or frequency or time or location)) same card	USPAT	ADJ	OFF	2011/11/01 13:48
S101	19	(compensation) same ((number or frequency or time or location)) same smart card	USPAT	ADJ	OFF	2011/11/01 13:48
S102	0	(compensation) same ((level near4 use))	USPAT	ADJ	OFF	2011/11/01 13:56
S103	0	(compensation) same ((location near4 use))	USPAT	ADJ	OFF	2011/11/01 13:56
S104	0	card near3 (adult same child same senior)	USPAT	ADJ	OFF	2011/11/01 14:11
S105	6	card same (adult same child same senior)	USPAT	ADJ	OFF	2011/11/01 14:12
S106	490	card near3 (adult or child or senior)	USPAT	ADJ	OFF	2011/11/01 14:12
S107	9	S106 and S74	USPAT	ADJ	OFF	2011/11/01 14:12
S108	29	card near3 (adult or child or senior) same (event or ticket or attraction or admission)	USPAT	ADJ	OFF	2011/11/01 14:12
S109	9	card near3 (adult or child or senior) same (ticket or attraction or admission)	USPAT	ADJ	OFF	2011/11/01 14:13

11/ 2/ 2011 3:18:13 PM

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<i>Search Notes</i> 	Application/Control No. 12825183	Applicant(s)/Patent Under Reexamination BROOKS ET AL.
	Examiner KATHLEEN G PALAVECINO	Art Unit 3625

SEARCHED			
Class	Subclass	Date	Examiner
705	26.1-27.2	11/1/2011	K.P.

SEARCH NOTES		
Search Notes	Date	Examiner
EAST search - sees search history	11/1/2011	K.P.
Inventor search	11/1/2011	K.P.

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

/K.G.P./ Examiner.Art Unit 3625	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Brooks *et al.*

Application number: 12/825,183

Filed: June 28, 2010

For: *PROGRAMMABLE TICKETING SYSTEM*

Attorney Docket No.: 096633-0106 (SDEST-001CON)

Art Unit: 3625

Confirmation No.: 1230

Examiner: Palavecino, Kathleen
G.

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

AMENDMENT AND RESPONSE TO NON-FINAL OFFICE ACTION

Dear Sir:

INTRODUCTORY COMMENTS

This paper is filed responsive to the non-final Office Action dated November 10, 2011. In view of the comments set forth below, Applicants respectfully urge reconsideration, withdrawal of the outstanding rejections and allowance of the claims.

Amendments to the Claims begin on page 2 of this paper

Remarks/Arguments begin on page 9 of this paper.

AMENDMENTS TO THE CLAIMS

Upon entry of this amendment, the following listing of claims will replace all prior versions and listings of claims in the pending application.

IN THE CLAIMS

Please amend claims 2, 18, 19, 20, 35, 36, 37, 45, 46, 47, 55, 56 and cancel claims 17, 34, 44 and 54 as follows:

1. (Cancelled)
2. (Currently Amended) A method for accessing an attraction, the method comprising:
 - (a) receiving, by a terminal associated with an attraction of one or more attractions, a code that is associated with the one or more attractions;
 - (b) reading, by the terminal, a card presented by each visitor of a plurality of visitors to access the attraction, the card enabled with the code, the terminal validating each card to grant access to the attraction; and
 - (c) receiving, by the attraction, after each visitor of the plurality of visitors have accessed the attraction, compensation based on a number of uses of the card at the attraction.
3. (Previously Presented) The method of claim 2, wherein step (a) further comprises receiving, by the terminal, the code defining the one or more attractions for which the card is valid.
4. (Previously Presented) The method of claim 2, wherein step (a) further comprises receiving, by the terminal, the code from a system manager.
5. (Previously Presented) The method of claim 2, wherein step (a) further comprising identifying, by the terminal, a list of promotions accessible via the terminal.
6. (Previously Presented) The method of claim 2, wherein step (b) further comprises validating, by the terminal, the code stored on the card.
7. (Previously Presented) The method of claim 2, wherein step (b) further comprises providing, by the attraction responsive to the terminal validating the card, access to each visitor without the visitor paying at a time of the visit.

8. (Previously Presented) The method of claim 2, wherein step (b) further comprises activating, by the terminal, the card on first use of the card.
9. (Previously Presented) The method of claim 2, wherein step (b) further comprises storing on the card a location of the attraction.
10. (Previously Presented) The method of claim 2, wherein step (b) further comprises storing on the card a location of the attraction as which the card is first used.
11. (Previously Presented) The method of claim 2, wherein step (b) further comprises storing on the card a time of use of the card at the attraction.
12. (Previously Presented) The method of claim 2, wherein step (b) further comprises storing on the card a time of first use of the card.
13. (Previously Presented) The method of claim 2, wherein step (b) further comprises validating, by the terminal, the card, based on one or more property fields stored on the card.
14. (Previously Presented) The method of claim 2, wherein the card comprises a smart card.
15. (Previously Presented) The method of claim 2, wherein the card has a type comprising one of the following: adult, child and senior.
16. (Previously Presented) The method of claim 2, wherein the card is programmed with a period identifying a number of consecutive days the card is valid.
17. (Cancelled).
18. (Currently Amended) ~~The method of claim 2, wherein step (e)~~ A method for accessing an attraction, the method comprising:
 - (a) receiving, by a terminal associated with an attraction of one or more attractions, a code that is associated with the one or more attractions;
 - (b) reading, by the terminal, a card presented by each visitor of a plurality of visitors to access the attraction, the card enabled with the code, the terminal validating each card to grant access to the attraction; and
 - (c) receiving, by the attraction, after each visitor of the plurality of visitors have accessed the attraction, further comprises receiving compensation based on time[[s]] of use of the card at the attraction.
19. (Currently Amended) ~~The method of claim 2, wherein step (e)~~ A method for accessing an attraction, the method comprising:

(a) receiving, by a terminal associated with an attraction of one or more attractions, a code that is associated with the one or more attractions;
(b) reading, by the terminal, a card presented by each visitor of a plurality of visitors to access the attraction, the card enabled with the code, the terminal validating each card to grant access to the attraction; and
(c) receiving, by the attraction, after each visitor of the plurality of visitors have accessed the attraction, further comprises receiving compensation based on a level of use of the card at the attraction.

20. (Currently Amended) A system for accessing an attraction, the system comprising:

a terminal located at an attraction of one or more attractions, the terminal configured with a code that is associated with the one or more attractions;

a card reader configured to read a card presented by each visitor of a plurality of visitors to access the attraction, the card enabled with the code, the terminal validating each card to grant access to the attraction; and

wherein the attraction receives from a system manager after each visitor of the plurality of visitors have accessed the attraction, compensation based on a number of uses of the card at the attraction.

21. (Previously Presented) The system of claim 20, wherein the terminal receives from the system manager the code defining the one or more attractions for which the card is valid.

22. (Previously Presented) The system of claim 20, wherein the terminal identifies via a list of promotions accessible via the terminal.

23. (Previously Presented) The system of claim 20, wherein the terminal validates the code stored on the card.

24. (Previously Presented) The system of claim 20, wherein the attraction, responsive to the terminal validating the card, provides access to each visitor without the visitor paying at a time of the visit.

25. (Previously Presented) The system of claim 20, wherein the terminal activates the card on first use of the card.

26. (Previously Presented) The system of claim 20, wherein the terminal via the card reader stores on the card a location of the attraction.

27. (Previously Presented) The system of claim 20, wherein the terminal via the card reader stores on the card a location of the attraction as which the card is first used.
28. (Previously Presented) The system of claim 20, wherein the terminal via the card reader stores on the card a time of use of the card at the attraction.
29. (Previously Presented) The system of claim 20, wherein the terminal via the card reader stores on the card a time of first use of the card.
30. (Previously Presented) The system of claim 20, wherein the terminal validates the card based on one or more property fields stored on the card.
31. (Previously Presented) The system of claim 20, wherein the card comprises a smart card.
32. (Previously Presented) The system of claim 20, wherein the card has a type comprising one of the following: adult, child and senior.
33. (Previously Presented) The system of claim 20, wherein the card is programmed with a period identifying a number of consecutive days the card is valid.
34. (Cancelled).
35. (Currently Amended) ~~The system of claim 20, wherein the attraction receives~~ A system for accessing an attraction, the system comprising:
a terminal located at an attraction of one or more attractions, the terminal configured with a code that is associated with the one or more attractions;
a card reader configured to read a card presented by each visitor of a plurality of visitors to access the attraction, the card enabled with the code, the terminal validating each card to grant access to the attraction; and
wherein the attraction receives from a system manager after each visitor of the plurality of visitors have accessed the attraction compensation based on time[[s]] of use of the card at the attraction.
36. (Currently Amended) ~~The system of claim 20, wherein the attraction receives~~ A system for accessing an attraction, the system comprising:
a terminal located at an attraction of one or more attractions, the terminal configured with a code that is associated with the one or more attractions;
a card reader configured to read a card presented by each visitor of a plurality of visitors to access the attraction, the card enabled with the code, the terminal validating each card to grant access to the attraction; and

- wherein the attraction receives from a system manager after each visitor of the plurality of visitors have accessed the attraction compensation based on a level of use of the card at the attraction.
37. (Currently Amended) A method for compensating an attraction based on use of a card to access the attraction, the method comprising:
- (a) receiving, by a server after a plurality of visitors have accessed an attraction, data corresponding to use of a card by the plurality of visitors to access the attraction, the card presented by each visitor of the plurality of visitors of the attraction to access the attraction; and
 - (b) determining, by the server, compensation to the attraction based on a number of uses of the card at the attraction identified via the data.
38. (Previously Presented) The method of claim 37, wherein step (a) further comprises receiving data via a network from a device of the attraction.
39. (Previously Presented) The method of claim 37, wherein step (a) further comprises receiving, by the server, data corresponding to use of the card validated by a terminal of the attraction.
40. (Previously Presented) The method of claim 37, further comprising communicating by the server to a terminal device of the attraction configuration data associated with the card.
41. (Previously Presented) The method of claim 37, further comprising communicating by the server to a terminal device of the attraction a code associated with the card, the card enabled with the code.
42. (Previously Presented) The method of claim 37, wherein the card has a type comprising one of the following: adult, child and senior.
43. (Previously Presented) The method of claim 37, wherein the card is programmed with a period identifying a number of consecutive days the card is valid.
44. (Cancelled)
45. (Currently Amended) ~~The method of claim 37, wherein the server determines~~ A method for compensating an attraction based on use of a card to access the attraction, the method comprising:

(a) receiving, by a server after a plurality of visitors have accessed an attraction, data corresponding to use of a card by the plurality of visitors to access the attraction, the card presented by each visitor of the plurality of visitors of the attraction to access the attraction; and

(b) determining, by the server, compensation to the attraction based on time[[s]] of use of the card at the attraction.

46. (Currently Amended) ~~The method of claim 37, wherein the server determines~~ A method for compensating an attraction based on use of a card to access the attraction, the method comprising:

(a) receiving, by a server after a plurality of visitors have accessed an attraction, data corresponding to use of a card by the plurality of visitors to access the attraction, the card presented by each visitor of the plurality of visitors of the attraction to access the attraction; and

(b) determining, by the server, compensation to the attraction based on a level of use of the card at the attraction.

47. (Currently Amended) A system for compensating an attraction based on use of a card to access the attraction, the system comprising:

a server receiving, after a plurality of visitors have accessed an attraction, data corresponding to use of a card by the plurality of visitors to access the attraction, the card presented by each visitor of the plurality of visitors of the attraction to access the attraction; and

a controller determining compensation to the attraction based on a number of uses of the card at the attraction identified via the data.

48. (Previously Presented) The system of claim 47, wherein the server receives data via a network from a device of the attraction.

49. (Previously Presented) The system of claim 47, wherein the server receives data corresponding to use of the card validated by a terminal of the attraction.

50. (Previously Presented) The system of claim 47, wherein the server communicates to a terminal device of the attraction configuration data associated with the card.
51. (Previously Presented) The system of claim 47, wherein the server communicates to a terminal device of the attraction a code associated with the card, the card enabled with the code.
52. (Previously Presented) The system of claim 47, wherein the card has a type comprising one of the following: adult, child and senior.
53. (Previously Presented) The system of claim 47, wherein the card is programmed with a period identifying a number of consecutive days the card is valid.
54. (Cancelled).
55. (Currently Amended) ~~The system of claim 47, wherein the controller determines~~ A system for compensating an attraction based on use of a card to access the attraction, the system comprising:
a server receiving, after a plurality of visitors have accessed an attraction, data corresponding to use of a card by the plurality of visitors to access the attraction, the card presented by each visitor of the plurality of visitors of the attraction to access the attraction; and
a controller determining compensation to the attraction based on times of use of the card at the attraction identified via the data.
56. (Currently Amended) ~~The system of claim 47, wherein the controller determines~~ A system for compensating an attraction based on use of a card to access the attraction, the system comprising:
a server receiving, after a plurality of visitors have accessed an attraction, data corresponding to use of a card by the plurality of visitors to access the attraction, the card presented by each visitor of the plurality of visitors of the attraction to access the attraction; and
a controller determining compensation to the attraction based on a level of use of the card at the attraction identified via the data.

REMARKS

Claims 2-56 were presented for examination and claims 1-33, 37-43 and 47-53 were rejected. Applicants thank the Examiner for identifying allowable subject matter in dependent claims 34-36, 44-46 and 54-56. Applicants hereby amend claims 2, 18, 19, 20, 35, 36, 37, 45, 46, 47, 55, 56 to incorporate the allowable subject matter and cancel claims 17, 34, and 44. No new matter has been introduced. Upon entry of the current amendment, claims 1-16, 18-33, 35-43 and 45-56 will be currently pending of which claims 1, 18, 19, 20, 35, 36, 37, 45, 46, 47, 55 and 56 are independent.

Applicants submit that claims 2-16, 18-33, 35-43 and 45-56 are patentable and in condition for allowance. The following comments address all stated grounds of rejection. Applicants traverse all rejections and urge the Examiner to pass the claims to allowance in view of the remarks set forth below.

CLAIM REJECTIONS UNDER 35 U.S.C. §101**I. Claims 2-19 Rejected As Non-Statutory Subject Matter Under 35 U.S.C. § 101**

Claims 2-19 are rejected under 35 U.S.C. § 101 because the Examiner contends the claimed invention is directed to non-statutory subject matter. As amended, claims 2, 18 and 19 are independent. Claim 17 is hereby cancelled, thereby mooted this rejection with respect to this claim. Applicants traverse the rejection and submit that claims 2-8 and 19 are directed to statutory subject matter.

The Examiner contends that claim 2 lacks any limitations to satisfy the “machine-or-transformation” test. Applicants respectfully disagree. Each of independent claims 2, 18 and 19 recite a machine, namely a “terminal”. Steps of the method are substantially tied to this machine to impose meaningful limitations on the claim scope. In each of these independent claims, the

terminal machine receives a code associated with the one or more attractions, the terminal machine reads cards enabled with the code and the terminal machine validates each card. As such, these independent claims recite limitations tied to a machine and thus, pass the “machine-or-transformation” test.

Furthermore, the Examiner also contends that these claims do not recite a statutory process under 35 U.S.C. § 101. Applicants also respectfully disagree with the Examiner. 35 U.S.C. § 101 defines four categories of inventions that Congress deemed to be the appropriate subject matter of a patent: processes, machines, manufactures and compositions of matter. The subject matter courts have found to be outside of, or exceptions to, the four statutory categories of invention is limited to abstract ideas, laws of nature and natural phenomena. These three exclusions recognize that subject matter that is not a practical application or use of an idea, a law of nature or a natural phenomenon is not patentable. See, e.g., *Rubber-Tip Pencil Co. v. Howard*, 87 U.S. (20 Wall.) 498, 507 (1874) (“idea of itself is not patentable, but a new device by which it may be made practically useful is”); *Mackay Radio & Telegraph Co. v. Radio Corp. of America*, 306 U.S. 86, 94, 40 USPQ 199, 202 (1939) (“While a scientific truth, or the mathematical expression of it, is not patentable invention, a novel and useful structure created with the aid of knowledge of scientific truth may be.”); *Warmerdam*, 33 F.3d at 1360, 31 USPQ2d at 1759 (“steps of ‘locating’ a medial axis, and ‘creating’ a bubble hierarchy . . . describe nothing more than the manipulation of basic mathematical constructs, the paradigmatic ‘abstract idea’”). For claims including such excluded subject matter to be eligible for patent protection, the claim must be for a practical application of the abstract idea, law of nature, or natural phenomenon. *Diehr*, 450 U.S. at 187, 209 USPQ at 8 (“application of a law of nature or mathematical formula to a known structure or process may well be deserving of patent protection.”); *Benson*, 409 U.S. at

71, 175 USPQ at 676 (rejecting formula claim because it "has no substantial practical application").

Claims 2, 18 and 19 are directed to a statutory category of a process and not to an abstract idea and are thus patent eligible under Section 101. First, claims 2, 18 and 19 recite a process and thus fall into one of the four statutory categories for inventions. Furthermore, the subject matter of claims 2, 18 and 19 do not fall into any of the judicial exceptions of an abstract idea, law of nature or natural phenomenon. Although the Examiner contends that there is nothing of record which clearly indicates that the method recited is not directed to an abstract idea, the claim as a whole is not directed to any abstract ideas. Claims 2, 18 and 19 recite a terminal receiving a code, reading a card enabled with the code and validating the card which clearly associates the limitations of the claims with a tangible and non-abstract component. Even if one were to deem some components of the process as not tangible or abstract, the processes of claims 2, 18 and 19 are still directed to a practical, functional and palpable application of accessing an attraction using a card that is read and validated by a terminal. (see *In Research Corp. Technologies v. Microsoft Corp.*, No. 2010-1037 (Fed. Cir. Dec. 8, 2010) - the Federal Circuit describing the invention as presenting "functional and palpable applications in the field of computer technology." and "inventions with specific applications or improvements to technologies in the marketplace are not likely to be so abstract that they override the statutory language and framework of the Patent Act." *Id.* (emphasis added).) As the subject matter of claims 2, 18 and 19 are a specific application of technology not directed to an abstract idea and thus does not fall into any judicially created exception, the subject matter of claims 2, 18 and 19 are directed to statutory subject matter.

For at least the above discussed reasons, Applicants submit that claims 2, 18 and 19 is directed to patent eligible subject matter under 35 U.S.C. §101. Claims 3-16 depend on and incorporate all of the patent eligible subject matter of claim 2. Thus, Applicants submit that claims 3-16 are also patentable under 35 U.S.C. §101. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claims 2-16 and 19 under 35 U.S.C. § 101.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

II. Claims Rejected As Unpatentable over Hale and Smart Cards

Claims 2-7, 13, 14, 16, 20-24, 30, 31, 33, 37-41, 43, 47-52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Publication No. 2005/0060173 to Hale et al. (“Hale”) in view of Smart Cards (“Smart Cards”). As amended, claims 1, 18, 19, 20, 35, 36, 37, 45, 46, 47, 55 and 56 are independent claims. Claims 2-7, 13, 14 and 16 depend on and incorporate all the patentable subject matter of independent claim 1. Claims 20-24, 30, 31 and 33 depend on and incorporate all the patentable subject matter of independent claim 20. Claims 38-41 and 43 depend on and incorporate all the patentable subject matter of independent claim 37. Claims 48-52 and 53 depend on and incorporate all the patentable subject matter of independent claim 47. Applicants respectfully traverse this rejection and submit that any combination of Hale and Smart Cards fails to teach or suggest each and every element of any of the claims as originally presented.

However, to expedite prosecution, Applicants have incorporated the allowable subject matter in the dependent claims identified by the Examiner into the currently pending independent claims 1, 18, 19, 20, 35, 36, 37, 45, 46, 47, 55 and 56. Claim 1 has been amended to incorporate the allowable subject matter of dependent claim 17. Claim 18 has been rewritten to include all

the limitations of the base claim with the allowable subject matter of dependent claim 18. Claim 19 has been rewritten to include all the limitations of the base claim with the allowable subject matter of dependent claim 19. Claim 20 has been amended to incorporate the allowable subject matter of dependent claim 34. Claim 35 has been rewritten to include all the limitations of the base claim with the allowable subject matter of dependent claim 35. Claim 36 has been rewritten to include all the limitations of the base claim with the allowable subject matter of dependent claim 36. Claim 37 has been amended to incorporate the allowable subject matter of dependent claim 44. Claim 45 has been rewritten to include all the limitations of the base claim with the allowable subject matter of dependent claim 45. Claim 46 has been rewritten to include all the limitations of the base claim with the allowable subject matter of dependent claim 46. Claim 47 has been amended to incorporate the allowable subject matter of dependent claim 54. Claim 55 has been rewritten to include all the limitations of the base claim with the allowable subject matter of dependent claim 55. Claim 56 has been rewritten to include all the limitations of the base claim with the allowable subject matter of dependent claim 56. As all the independent claims 1, 18, 19, 20, 35, 36, 37, 45, 46, 47, 55 and 56 incorporate subject matter identified as allowable by the Examiner, independent claims 1, 18, 19, 20, 35, 36, 37, 45, 46, 47, 55 and 56 are in condition for allowance.

For the reasons discussed above, Applicants submit that independent claims 1, 18, 19, 20, 35, 36, 37, 45, 46, 47, 55 and 56 are patentable and in condition for allowance. Because claims 2-10 depend on and incorporate all the patentable subject matter of independent claim 1, Applicants submit that claims 2-10 are also patentable and in condition for allowance. Therefore, Applicants request the Examiner to withdraw the rejection of all claims under 35 U.S.C. §103 and pass all the claim to allowance.

CONCLUSION

In light of the aforementioned amendments and arguments, Applicants contend that each of the Examiners rejections has been adequately addressed and all of the pending claims are in condition for allowance. Accordingly, Applicants respectfully request reconsideration, withdrawal of all grounds of rejection, and allowance of all of the pending claims.

Should the Examiner feel that a telephone conference with Applicants' attorney would expedite prosecution of this application, the Examiner is urged to contact the Applicants' attorney at the telephone number identified below.

Respectfully submitted,

FOLEY AND LARDNER LLP

Dated: February 10, 2012

/Christopher McKenna/
Christopher J. McKenna
Registration No. 53,302
Attorney for Applicants

Foley and Lardner LLP
111 Huntington Avenue
Boston, MA 02199
(617) 342-4057

Electronic Patent Application Fee Transmittal				
Application Number:		12825183		
Filing Date:		28-Jun-2010		
Title of Invention:		PROGRAMMABLE TICKETING SYSTEM		
First Named Inventor/Applicant Name:		Tyler Brooks		
Filer:		Christopher J. McKenna/Julia Duran		
Attorney Docket Number:		096633-0106		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Independent claims in excess of 3	2201	8	125	1000
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				1000

Electronic Acknowledgement Receipt	
EFS ID:	12047495
Application Number:	12825183
International Application Number:	
Confirmation Number:	1230
Title of Invention:	PROGRAMMABLE TICKETING SYSTEM
First Named Inventor/Applicant Name:	Tyler Brooks
Customer Number:	48329
Filer:	Christopher J. McKenna/Julia Duran
Filer Authorized By:	Christopher J. McKenna
Attorney Docket Number:	096633-0106
Receipt Date:	10-FEB-2012
Filing Date:	28-JUN-2010
Time Stamp:	17:44:02
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$1000
RAM confirmation Number	4825
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1	Miscellaneous Incoming Letter	Transmittal.pdf	79648 2d7d157b27a014d6be11078f5c03f6dae7698e00	no	3
Warnings:					
Information:					
2		Amendment.pdf	128428 bf0822f4c50a378ff02b9b5d33e8b76a8d0da50f	yes	14
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Amendment/Req. Reconsideration-After Non-Final Reject		1	1	
	Claims		2	8	
	Applicant Arguments/Remarks Made in an Amendment		9	14	
Warnings:					
Information:					
3	Fee Worksheet (SB06)	fee-info.pdf	30213 c87445698d5023a1f699272bcf43e3cc6ba82d30	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			238289		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BROOKS et al.
 Title: PROGRAMMABLE
 TICKETING SYSTEM
 Appl. No.: 12/825183
 Filing Date: 6/28/2010
 Examiner: Kathleen G. Palavecino
 Art Unit: 3625
 Confirmation 1230
 Number:

AMENDMENT TRANSMITTAL

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

Commissioner:

Transmitted herewith is an amendment in the above-identified application.

[**X**] The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	51	-	55	=	0	x	\$60.00	=	\$0.00
Independent Claims:	12	-	4	=	8	x	\$250.00	=	\$2000.00

First presentation of any Multiple Dependent Claims:	+	\$450.00	=	\$0.00
CLAIMS FEE TOTAL				= \$2000.00

☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/> Extension for response filed within the first month:	\$150.00	\$0.00
<input type="checkbox"/> Extension for response filed within the second month:	\$560.00	\$0.00
<input type="checkbox"/> Extension for response filed within the third month:	\$1,270.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,980.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$2,690.00	\$0.00
EXTENSION FEE TOTAL:		\$0.00
<input type="checkbox"/> Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$160.00	\$0.00
CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$2000.00
<input checked="" type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$1,000.00
Extension Fees Previously Paid:		\$0.00
TOTAL FEE:		\$1,000.00

The above-identified fees of \$1,000.00 are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date February 10, 2012

By /Christopher McKenna/

FOLEY & LARDNER LLP
Customer Number: 48329
Telephone: (617) 342-4057
Facsimile: (617) 342-4001

Christopher J. McKenna
Attorney for Applicants
Registration No. 53,302

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 12/825,183		Filing Date 06/28/2010		<input checked="" type="checkbox"/> To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)			SMALL ENTITY <input checked="" type="checkbox"/> OR		OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
<input type="checkbox"/> BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> SEARCH FEE (37 CFR 1.16(k), (i), or (m))	N/A	N/A	N/A			N/A				
<input type="checkbox"/> EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =		OR	X \$ =				
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =			X \$ =				
<input type="checkbox"/> APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL				
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)			(Column 3)		SMALL ENTITY OR OTHER THAN SMALL ENTITY		
AMENDMENT	02/10/2012	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 51	Minus	** 20	= 31	X \$30 =	930	OR	X \$ =	
	Independent (37 CFR 1.16(h))	* 4	Minus	*** 3	= 1	X \$125 =	125	OR	X \$ =	
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))							OR		
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE	1055	OR	TOTAL ADD'L FEE	
AMENDMENT	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)		
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =	OR	X \$ =		
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =	OR	X \$ =		
	<input type="checkbox"/> Application Size Fee (37 CFR 1.16(s))							OR		
	<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))							OR		
						TOTAL ADD'L FEE	OR	TOTAL ADD'L FEE		
<p>* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.</p> <p>** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".</p> <p>*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".</p> <p>The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.</p>										

Legal Instrument Examiner:
/MONICA FRANCIS/

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

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



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/825,183	06/28/2010	Tyler Brooks	096633-0106	1230
48329	7590	04/12/2012		
FOLEY & LARDNER LLP 111 HUNTINGTON AVENUE 26TH FLOOR BOSTON, MA 02199-7610			EXAMINER PALAVECINO, KATHLEEN GAGE	
			ART UNIT 3625	PAPER NUMBER
			MAIL DATE 04/12/2012	DELIVERY MODE PAPER

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

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

Office Action Summary	Application No. 12/825,183		Applicant(s) BROOKS ET AL.	
	Examiner KATHLEEN G. PALAVECINO		Art Unit 3625	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 10 February 2012.

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

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

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

Disposition of Claims

5) ☒ Claim(s) 2-16, 18-33, 35-43, 45-56 is/are pending in the application.

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

6) ☐ Claim(s) ____ is/are allowed.

7) ☒ Claim(s) 2-16, 18-33, 35-43, 45-56 is/are rejected.

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

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

Application Papers

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

11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

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

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date ____.

4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. ____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: ____.

DETAILED ACTION

Prosecution History Summary

The following is a final office action in response to the applicant's amendment filed February 10, 2012. Claims 2, 18-20, 35-37, 45-47, 55, and 56 have been amended. Claims 17, 34, 44, and 54 have been canceled. Claims 2-16, 18-33, 35-43, and 45-56 are currently pending and have been examined.

Response to Arguments

The rejection of claims 2-19 under 35 USC 101 has been withdrawn. Applicant's amendment has overcome the noted rejections.

Applicant's arguments with respect to claims 2-16, 18-33, 35-43, and 45-56 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

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

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 2-7, 13, 14, 16, 18-24, 30, 31, 33, 35-41, 43, 45-51, 53, 55, and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hale et al (US

2005/0060173 A1) in view of Smart Cards (hereinafter Smart Cards), and further in view of Universal (hereinafter Universal).

Regarding claim 2, Hale discloses *a method for accessing an attraction, the method comprising:*

(a) receiving, by a terminal associated with an attraction of one or more attractions, a code that is associated with the one or more attractions (Hale: see at least: abstract, paragraph [0073] discloses where the access can be redeemable through a selected essentially automatic procedure. Such procedure can include any one or more of the reading of one of an RF identification, reading of a magnetic code or barcode allocated to the patron, paragraph [0114] – paragraph [0119]);

(b) reading, by the terminal, a card presented by each visitor of a plurality of visitors to access the attraction, the card enabled with the code, the terminal validating each card to grant access to the attraction (Hale: paragraph [0208] discloses where a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Hale does not expressly disclose *(c) receiving, by the attraction, after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the card at the attraction*. Smart Card discloses *(c) receiving, by the attraction, after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the card at the attraction* (Smart Cards: the smart cards terminals have an

application to monitor transaction processing, retrieval, and reconciliation for tourist attractions).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified the method and apparatus of Hale to have included (c) receiving, by the attraction, after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the card at the attraction, as taught by Smart Cards because it would be a way for the attraction to retain a commission for their services.

The combination of Hale and Smart Cards does not disclose *compensation based on a number of uses of the card at the attraction*. However, Universal teaches *compensation based on a number of uses of the card at the attraction* (Universal: Universal Studios Vacations' sales incentives for agents include: a 2 percent commission bonus for the sale of a two-day theme park pass with a hotel package, and a 3 percent bonus for selling a three-day park pass (number of uses - two or three); \$15 to \$25 bonuses for the sale of land-only or air-inclusive packages; and an opportunity through a qualifying sales level of 10 packages sold to join Universal's "Producer's Club" for more agent earnings.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale and Smart Cards, in the apparatus and method for compensation based on a number of uses of the card at the attraction, as taught by Universal since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that

same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would be a sales incentive for agents (Universal), thereby increasing sales to the attraction.

Regarding claim 3, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 2 as noted above. Hale further discloses *wherein step (a) further comprises receiving, by the terminal, the code defining the one or more attractions for which the card is valid* (Hale: see at least: abstract, paragraph [0073] discloses where the access can be redeemable through a selected essentially automatic procedure. Such procedure can include any one or more of the reading of one of an RF identification, reading of a magnetic code or barcode allocated to the patron, paragraph [0114] – paragraph [0119]).

Regarding claim 4, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 2 as noted above. Hale further discloses *wherein step (a) further comprises receiving, by the terminal, the code from a system manager* (Hale: paragraph [0208] discloses where the customer's ticket may be read by a ticket reader and the data thereon verified by the park admission controller (system manager) against the stored ticket information).

Regarding claim 5, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 2 as noted above. Hale further discloses *step (a) further comprising identifying, by the terminal, a list of promotions accessible via the terminal* (Hale: paragraph [0251] discloses where accordingly, special promotions for Fastpass can be provided according to the season).

Regarding claim 6, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 2 as noted above. Hale further discloses *wherein step (b) further comprises validating, by the terminal, the code stored on the card* (Hale: paragraph [0208] discloses where a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Regarding claim 7, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 2 as noted above. Hale further discloses *wherein step (b) further comprises providing, by the attraction responsive to the terminal validating the card, access to each visitor without the visitor paying at a time of the visit* (Hale: paragraph [0017] discloses where the additional entry can be obtained by the patron at no additional cost).

Regarding claim 13, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 2 as noted above. Hale further discloses *wherein step (b) further comprises validating, by the terminal, the card, based on one or more property fields*

stored on the card (Hale: paragraph [0012] discloses where the first validator may be arranged to communicate with a main database containing information regarding the customer(s), such as by ticket numbers (property field)).

Regarding claim 14, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 2 as noted above. Hale further discloses *wherein the card comprises a smart card* (Hale: paragraph [0114] discloses where the media distributor may issue one or more of a wide variety of media as passes, such as magnetic-stripe encoded or "smart" cards).

Regarding claim 16, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 2 as noted above. Hale further discloses *wherein the card is programmed with a period identifying a number of consecutive days the card is valid* (Hale: paragraph [0023] discloses where the priority basis is preferably available for a limited time).

Regarding claim 18, Hale discloses *a method for accessing an attraction, the method comprising:*

(a) *receiving, by a terminal associated with an attraction of one or more attractions, a code that is associated with the one or more attractions* (Hale: see at least: abstract, paragraph [0073] discloses where the access can be redeemable through a selected essentially automatic procedure. Such procedure can include any

one or more of the reading of one of an RF identification, reading of a magnetic code or barcode allocated to the patron, paragraph [0114] – paragraph [0119]);

(b) reading, by the terminal, a card presented by each visitor of a plurality of visitors to access the attraction, the card enabled with the code, the terminal validating each card to grant access to the attraction (Hale: paragraph [0208] discloses where a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Hale does not expressly disclose *(c) receiving, by the attraction, after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the card at the attraction*. Smart Card discloses *(c) receiving, by the attraction, after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the card at the attraction* (Smart Cards: the smart cards terminals have an application to monitor transaction processing, retrieval, and reconciliation for tourist attractions).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified the method and apparatus of Hale to have included *(c) receiving, by the attraction, after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the card at the attraction*, as taught by Smart Cards because it would be a way for the attraction to retain a commission for their services.

The combination of Hale and Smart Cards does not disclose *compensation based on time of use of the card at the attraction*. However, Universal teaches

compensation based on time of use of the card at the attraction (Universal: Universal Studios Vacations' sales incentives for agents include: a 2 percent commission bonus for the sale of a two-day theme park pass with a hotel package, and a 3 percent bonus for selling a three-day park pass (time of use - two or three days); \$15 to \$25 bonuses for the sale of land-only or air-inclusive packages; and an opportunity through a qualifying sales level of 10 packages sold to join Universal's "Producer's Club" for more agent earnings).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale and Smart Cards, in the apparatus and method for compensation based on time of use of the card at the attraction, as taught by Universal since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would be a sales incentive for agents (Universal), thereby increasing sales to the attraction.

Regarding claim 19, Hale discloses *a method for accessing an attraction, the method comprising:*

(a) receiving, by a terminal associated with an attraction of one or more attractions, a code that is associated with the one or more attractions (Hale: see at least: abstract, paragraph [0073] discloses where the access can be redeemable

through a selected essentially automatic procedure. Such procedure can include any one or more of the reading of one of an RF identification, reading of a magnetic code or barcode allocated to the patron, paragraph [0114] – paragraph [0119]);

(b) reading, by the terminal, a card presented by each visitor of a plurality of visitors to access the attraction, the card enabled with the code, the terminal validating each card to grant access to the attraction (Hale: paragraph [0208] discloses where a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Hale does not expressly disclose *(c) receiving, by the attraction, after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the card at the attraction*. Smart Card discloses *(c) receiving, by the attraction, after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the card at the attraction* (Smart Cards: the smart cards terminals have an application to monitor transaction processing, retrieval, and reconciliation for tourist attractions).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified the method and apparatus of Hale to have included *(c) receiving, by the attraction, after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the card at the attraction*, as taught by Smart Cards because it would be a way for the attraction to retain a commission for their services.

The combination of Hale and Smart Cards does not disclose *compensation based on a level of use of the card at the attraction*. However, Universal teaches *compensation based on a level of use of the card at the attraction* (Universal: Universal Studios Vacations' sales incentives for agents include: a 2 percent commission bonus for the sale of a two-day theme park pass with a hotel package, and a 3 percent bonus for selling a three-day park pass; \$15 to \$25 bonuses for the sale of land-only or air-inclusive packages (level of use – land-only, air-inclusive); and an opportunity through a qualifying sales level of 10 packages sold to join Universal's "Producer's Club" (level of use) for more agent earnings).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale and Smart Cards, in the apparatus and method for compensation based on a level of use of the card at the attraction, as taught by Universal since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would be a sales incentive for agents (Universal), thereby increasing sales to the attraction.

Regarding claim 20, Hale discloses *a system for accessing an attraction, the system comprising:*

a terminal located at an attraction of one or more attractions, the terminal configured with a code that is associated with the one or more attractions (Hale: see at least: abstract, paragraph [0073] discloses where the access can be redeemable through a selected essentially automatic procedure. Such procedure can include any one or more of the reading of one of an RF identification, reading of a magnetic code or barcode allocated to the patron, paragraph [0114] – paragraph [0119]);

a card reader configured to read a card presented by each visitor of a plurality of visitors to access the attraction, the card enabled with the code, the terminal validating each card to grant access to the attraction (Hale: paragraph [0208] discloses where a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Hale does not expressly disclose *wherein the attraction receives from a system manager after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the card at the attraction*. Smart Card discloses *wherein the attraction receives from a system manager after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the card at the attraction* (Smart Cards: the smart cards terminals have an application to monitor transaction processing, retrieval, and reconciliation for tourist attractions).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified the method and apparatus of Hale to have included wherein the attraction receives from a system manager after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the

card at the attraction, as taught by Smart Cards because it would be a way for the attraction to retain a commission for their services.

The combination of Hale and Smart Cards does not disclose *compensation based on a number of uses of the card at the attraction*. However, Universal teaches *compensation based on a number of uses of the card at the attraction* (Universal: Universal Studios Vacations' sales incentives for agents include: a 2 percent commission bonus for the sale of a two-day theme park pass with a hotel package, and a 3 percent bonus for selling a three-day park pass (number of uses - two or three); \$15 to \$25 bonuses for the sale of land-only or air-inclusive packages; and an opportunity through a qualifying sales level of 10 packages sold to join Universal's "Producer's Club" for more agent earnings.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale and Smart Cards, in the apparatus and method for compensation based on a number of uses of the card at the attraction, as taught by Universal since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would be a sales incentive for agents (Universal), thereby increasing sales to the attraction.

Regarding claim 21, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 20 as noted above. Hale further discloses *wherein the terminal receives from the system manager the code defining the one or more attractions for which the card is valid* (Hale: see at least: abstract, paragraph [0073] discloses where the access can be redeemable through a selected essentially automatic procedure. Such procedure can include any one or more of the reading of one of an RF identification, reading of a magnetic code or barcode allocated to the patron, paragraph [0114] – paragraph [0119]).

Regarding claim 22, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 20 as noted above. Hale further discloses *wherein the terminal identifies via a list of promotions accessible via the terminal* (Hale: paragraph [0251] discloses where accordingly, special promotions for Fastpass can be provided according to the season).

Regarding claim 23, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 20 as noted above. Hale further *discloses wherein the terminal validates the code stored on the card* (Hale: paragraph [0208] discloses where a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Regarding claim 24, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 20 as noted above. Hale further discloses *wherein the attraction, responsive to the terminal validating the card, provides access to each visitor without the visitor paying at a time of the visit* (Hale: paragraph [0017] discloses where the additional entry can be obtained by the patron at no additional cost).

Regarding claim 30, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 20 as noted above. Hale further discloses *wherein the terminal validates the card based on one or more property fields stored on the card* (Hale: paragraph [0012] discloses where the first validator may be arranged to communicate with a main database containing information regarding the customer(s), such as by ticket numbers (property field)).

Regarding claim 31, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 20 as noted above. Hale further discloses *wherein the card comprises a smart card* (Hale: paragraph [0114] discloses where the media distributor may issue one or more of a wide variety of media as passes, such as magnetic-stripe encoded or "smart" cards).

Regarding claim 33, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 20 as noted above. Hale further discloses *wherein the card is programmed with a period identifying a number of consecutive days the card is valid*

(Hale: paragraph [0023] discloses where the priority basis is preferably available for a limited time).

Regarding claim 35, Hale discloses *a system for accessing an attraction, the system comprising:*

a terminal located at an attraction of one or more attractions, the terminal configured with a code that is associated with the one or more attractions (Hale: see at least: abstract, paragraph [0073] discloses where the access can be redeemable through a selected essentially automatic procedure. Such procedure can include any one or more of the reading of one of an RF identification, reading of a magnetic code or barcode allocated to the patron, paragraph [0114] – paragraph [0119]);

a card reader configured to read a card presented by each visitor of a plurality of visitors to access the attraction, the card enabled with the code, the terminal validating each card to grant access to the attraction (Hale: paragraph [0208] discloses where a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Hale does not expressly disclose *wherein the attraction receives from a system manager after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the card at the attraction*. Smart Card discloses *wherein the attraction receives from a system manager after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the card at the*

attraction (Smart Cards: the smart cards terminals have an application to monitor transaction processing, retrieval, and reconciliation for tourist attractions).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified the method and apparatus of Hale to have included wherein the attraction receives from a system manager after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the card at the attraction, as taught by Smart Cards because it would be a way for the attraction to retain a commission for their services.

The combination of Hale and Smart Cards does not disclose *compensation based on time of use of the card at the attraction*. However, Universal teaches *compensation based on time of use of the card at the attraction* (Universal: Universal Studios Vacations' sales incentives for agents include: a 2 percent commission bonus for the sale of a two-day theme park pass with a hotel package, and a 3 percent bonus for selling a three-day park pass (time of use - two or three days); \$15 to \$25 bonuses for the sale of land-only or air-inclusive packages; and an opportunity through a qualifying sales level of 10 packages sold to join Universal's "Producer's Club" for more agent earnings).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale and Smart Cards, in the apparatus and method for compensation based on time of use of the card at the attraction, as taught by Universal since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that

same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would be a sales incentive for agents (Universal), thereby increasing sales to the attraction.

Regarding claim 36, Hale discloses *a system for accessing an attraction, the system comprising:*

a terminal located at an attraction of one or more attractions, the terminal configured with a code that is associated with the one or more attractions (Hale: see at least: abstract, paragraph [0073] discloses where the access can be redeemable through a selected essentially automatic procedure. Such procedure can include any one or more of the reading of one of an RF identification, reading of a magnetic code or barcode allocated to the patron, paragraph [0114] – paragraph [0119]);

a card reader configured to read a card presented by each visitor of a plurality of visitors to access the attraction, the card enabled with the code, the terminal validating each card to grant access to the attraction (Hale: paragraph [0208] discloses where a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Hale does not expressly disclose *wherein the attraction receives from a system manager after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the card at the attraction*. Smart Card discloses *wherein the attraction receives from a system manager after each visitor of the plurality of*

visitors have accessed the attraction, compensation based on use of the card at the attraction (Smart Cards: the smart cards terminals have an application to monitor transaction processing, retrieval, and reconciliation for tourist attractions).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified the method and apparatus of Hale to have included wherein the attraction receives from a system manager after each visitor of the plurality of visitors have accessed the attraction, compensation based on use of the card at the attraction, as taught by Smart Cards because it would be a way for the attraction to retain a commission for their services.

The combination of Hale and Smart Cards does not disclose *compensation based on a level of use of the card at the attraction*. However, Universal teaches *compensation based on a level of use of the card at the attraction* (Universal: Universal Studios Vacations' sales incentives for agents include: a 2 percent commission bonus for the sale of a two-day theme park pass with a hotel package, and a 3 percent bonus for selling a three-day park pass; \$15 to \$25 bonuses for the sale of land-only or air-inclusive packages (level of use – land-only, air-inclusive); and an opportunity through a qualifying sales level of 10 packages sold to join Universal's "Producer's Club" (level of use) for more agent earnings).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale and Smart Cards, in the apparatus and method for compensation based on a level of use of the card at the attraction, as taught by Universal since the claimed invention is just a combination of old

elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would be a sales incentive for agents (Universal), thereby increasing sales to the attraction.

Regarding claim 37, Hale discloses *a method for compensating an attraction based on use of a card to access the attraction, the method comprising: (a) receiving, by a server after a plurality of visitors have accessed an attraction, data corresponding to use of a card by the plurality of visitors to access the attraction, the card presented by each visitor of the plurality of visitors of the attraction to access the attraction* (Hale: see at least: abstract, paragraph [0073] discloses where the access can be redeemable through a selected essentially automatic procedure. Such procedure can include any one or more of the reading of one of an RF identification, reading of a magnetic code or barcode allocated to the patron, paragraph [0114] – paragraph [0119], paragraph [0208] discloses where a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Hale does not expressly disclose *(b) determining by the server, compensation to the attraction based on use of the card at the attraction identified via the data*. Smart Card discloses *(b) determining by the server, compensation to the attraction based on use of the card at the attraction identified via the data* (Smart Cards: the smart cards

terminals have an application to monitor transaction processing, retrieval, and reconciliation for tourist attractions).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified the method and apparatus of Hale to have included (b) determining by the server, compensation to the attraction based on use of the card at the attraction identified via the data, as taught by Smart Cards because it would be a way for the attraction to retain a commission for their services.

The combination of Hale and Smart Cards does not disclose *compensation based on a number of uses of the card at the attraction identified via the data*. However, Universal teaches *compensation based on a number of uses of the card at the attraction identified via the data* (Universal: Universal Studios Vacations' sales incentives for agents include: a 2 percent commission bonus for the sale of a two-day theme park pass with a hotel package, and a 3 percent bonus for selling a three-day park pass (number of uses - two or three); \$15 to \$25 bonuses for the sale of land-only or air-inclusive packages; and an opportunity through a qualifying sales level of 10 packages sold to join Universal's "Producer's Club" for more agent earnings.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale and Smart Cards, in the apparatus and method compensation based on a number of uses of the card at the attraction identified via the data, as taught by Universal since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the

art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would be a sales incentive for agents (Universal), thereby increasing sales to the attraction.

Regarding claim 38, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 37 as noted above. Hale further discloses *wherein step (a) further comprises receiving data via a network from a device of the attraction* (Hale: paragraph [0208] discloses where the customer's ticket may be read by a ticket reader and the data thereon verified by the park admission controller (network) against the stored ticket information).

Regarding claim 39, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 37 as noted above. Hale further discloses *wherein step (a) further comprises receiving, by the server, data corresponding to use of the card validated by a terminal of the attraction* (Hale: paragraph [0208] discloses where the customer's ticket may be read by a ticket reader and the data thereon verified by the park admission controller (server) against the stored ticket information, a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Regarding claim 40, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 37 as noted above. Hale further discloses *communicating by the server to a terminal device of the attraction configuration data associated with the card*

(Hale: paragraph [0208] discloses where the customer's ticket may be read by a ticket reader and the data thereon verified by the park admission controller (server) against the stored ticket information, a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Regarding claim 41, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 37 as noted above. Hale further discloses *communicating by the server to a terminal device of the attraction a code associated with the card, the card enabled with the code* (Hale: paragraph [0208] discloses where the customer's ticket may be read by a ticket reader and the data thereon verified by the park admission controller (server) against the stored ticket information, a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Regarding claim 43, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 37 as noted above. Hale further discloses *wherein the card is programmed with a period identifying a number of consecutive days the card is valid* (Hale: paragraph [0023] discloses where the priority basis is preferably available for a limited time).

Regarding claim 45, Hale discloses *a method for compensating an attraction based on use of a card to access the attraction, the method comprising: (a) receiving, by a server after a plurality of visitors have accessed an attraction, data corresponding*

to use of a card by the plurality of visitors to access the attraction, the card presented by each visitor of the plurality of visitors of the attraction to access the attraction (Hale: see at least: abstract, paragraph [0073] discloses where the access can be redeemable through a selected essentially automatic procedure. Such procedure can include any one or more of the reading of one of an RF identification, reading of a magnetic code or barcode allocated to the patron, paragraph [0114] – paragraph [0119], paragraph [0208] discloses where a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Hale does not expressly disclose *(b) determining by the server, compensation to the attraction based on use of the card at the attraction identified via the data*. Smart Card discloses *(b) determining by the server, compensation to the attraction based on use of the card at the attraction identified via the data* (Smart Cards: the smart cards terminals have an application to monitor transaction processing, retrieval, and reconciliation for tourist attractions).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified the method and apparatus of Hale to have included *(b) determining by the server, compensation to the attraction based on use of the card at the attraction identified via the data*, as taught by Smart Cards because it would be a way for the attraction to retain a commission for their services.

The combination of Hale and Smart Cards does not disclose *compensation based on time of use of the card at the attraction*. However, Universal teaches *compensation based on time of use of the card at the attraction* (Universal: Universal

Studios Vacations' sales incentives for agents include: a 2 percent commission bonus for the sale of a two-day theme park pass with a hotel package, and a 3 percent bonus for selling a three-day park pass (time of use - two or three days); \$15 to \$25 bonuses for the sale of land-only or air-inclusive packages; and an opportunity through a qualifying sales level of 10 packages sold to join Universal's "Producer's Club" for more agent earnings).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale and Smart Cards, in the apparatus and method for compensation based on time of use of the card at the attraction, as taught by Universal since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would be a sales incentive for agents (Universal), thereby increasing sales to the attraction.

Regarding claim 46, Hale discloses *a method for compensating an attraction based on use of a card to access the attraction, the method comprising: (a) receiving, by a server after a plurality of visitors have accessed an attraction, data corresponding to use of a card by the plurality of visitors to access the attraction, the card presented by each visitor of the plurality of visitors of the attraction to access the attraction* (Hale: see at least: abstract, paragraph [0073] discloses where the access can be redeemable

through a selected essentially automatic procedure. Such procedure can include any one or more of the reading of one of an RF identification, reading of a magnetic code or barcode allocated to the patron, paragraph [0114] – paragraph [0119], paragraph [0208] discloses where a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Hale does not expressly disclose *(b) determining by the server, compensation to the attraction based on use of the card at the attraction identified via the data*. Smart Card discloses *(b) determining by the server, compensation to the attraction based on use of the card at the attraction identified via the data* (Smart Cards: the smart cards terminals have an application to monitor transaction processing, retrieval, and reconciliation for tourist attractions).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified the method and apparatus of Hale to have included *(b) determining by the server, compensation to the attraction based on use of the card at the attraction identified via the data*, as taught by Smart Cards because it would be a way for the attraction to retain a commission for their services.

The combination of Hale and Smart Cards does not disclose *compensation based on a level of use of the card at the attraction*. However, Universal teaches *compensation based on a level of use of the card at the attraction* (Universal: Universal Studios Vacations' sales incentives for agents include: a 2 percent commission bonus for the sale of a two-day theme park pass with a hotel package, and a 3 percent bonus for selling a three-day park pass; \$15 to \$25 bonuses for the sale of land-only or air-

inclusive packages (level of use – land-only, air-inclusive); and an opportunity through a qualifying sales level of 10 packages sold to join Universal's "Producer's Club" (level of use) for more agent earnings).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale and Smart Cards, in the apparatus and method for compensation based on a level of use of the card at the attraction, as taught by Universal since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would be a sales incentive for agents (Universal), thereby increasing sales to the attraction.

Regarding claim 47, Hale discloses *a system for compensating an attraction based on use of a card to access the attraction, the system comprising: a server receiving, after a plurality of visitors have accessed an attraction, data corresponding to use of a card by the plurality of visitors to access the attraction, the card presented by each visitor of the plurality of visitors of the attraction to access the attraction* (Hale: see at least: abstract, paragraph [0073] discloses where the access can be redeemable through a selected essentially automatic procedure. Such procedure can include any one or more of the reading of one of an RF identification, reading of a magnetic code or barcode allocated to the patron, paragraph [0114] – paragraph [0119], paragraph [0208]

discloses where a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Hale does not expressly *a controller determining compensation to the attraction based on use of the card at the attraction identified via the data*. Smart Card discloses *a controller determining compensation to the attraction based on use of the card at the attraction identified via the data* (Smart Cards: the smart cards terminals have an application to monitor transaction processing, retrieval, and reconciliation for tourist attractions).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified the method and apparatus of Hale to have included a controller determining compensation to the attraction based on use of the card at the attraction identified via the data, as taught by Smart Cards because it would be a way for the attraction to retain a commission for their services.

The combination of Hale and Smart Cards does not disclose *compensation based on a number of uses of the card at the attraction identified via the data*. However, Universal teaches *compensation based on a number of uses of the card at the attraction identified via the data* (Universal: Universal Studios Vacations' sales incentives for agents include: a 2 percent commission bonus for the sale of a two-day theme park pass with a hotel package, and a 3 percent bonus for selling a three-day park pass (number of uses - two or three); \$15 to \$25 bonuses for the sale of land-only or air-inclusive packages; and an opportunity through a qualifying sales level of 10 packages sold to join Universal's "Producer's Club" for more agent earnings.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale and Smart Cards, in the apparatus and method for compensation based on a number of uses of the card at the attraction identified via the data, as taught by Universal since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would be a sales incentive for agents (Universal), thereby increasing sales to the attraction.

Regarding claim 48, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 47 as noted above. Hale further discloses *wherein the server receives data via a network from a device of the attraction* (Hale: paragraph [0208] discloses where the customer's ticket may be read by a ticket reader and the data thereon verified by the park admission controller (network) against the stored ticket information).

Regarding claim 49, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 47 as noted above. Hale further *wherein the server receives data corresponding to use of the card validated by a terminal of the attraction* (Hale: paragraph [0208] discloses where the customer's ticket may be read by a ticket reader and the data thereon verified by the park admission controller (server) against the

stored ticket information, a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Regarding claim 50, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 47 as noted above. Hale further discloses *wherein the server communicates to a terminal device of the attraction configuration data associated with the card* (Hale: paragraph [0208] discloses where the customer's ticket may be read by a ticket reader and the data thereon verified by the park admission controller (server) against the stored ticket information, a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Regarding claim 51, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 47 as noted above. Hale further discloses *wherein the server communicates to a terminal device of the attraction a code associated with the card, the card enabled with the code* (Hale: paragraph [0208] discloses where the customer's ticket may be read by a ticket reader and the data thereon verified by the park admission controller (server) against the stored ticket information, a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Regarding claim 53, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 47 as noted above. Hale further discloses *wherein the card is*

programmed with a period identifying a number of consecutive days the card is valid
(Hale: paragraph [0023] discloses where the priority basis is preferably available for a limited time).

Regarding claim 55, Hale discloses *a system for compensating an attraction based on use of a card to access the attraction, the system comprising: a server receiving, after a plurality of visitors have accessed an attraction, data corresponding to use of a card by the plurality of visitors to access the attraction, the card presented by each visitor of the plurality of visitors of the attraction to access the attraction* (Hale: see at least: abstract, paragraph [0073] discloses where the access can be redeemable through a selected essentially automatic procedure. Such procedure can include any one or more of the reading of one of an RF identification, reading of a magnetic code or barcode allocated to the patron, paragraph [0114] – paragraph [0119], paragraph [0208] discloses where a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Hale does not expressly *a controller determining compensation to the attraction based on use of the card at the attraction identified via the data*. Smart Card discloses *a controller determining compensation to the attraction based on use of the card at the attraction identified via the data* (Smart Cards: the smart cards terminals have an application to monitor transaction processing, retrieval, and reconciliation for tourist attractions).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified the method and apparatus of Hale to have included a controller determining compensation to the attraction based on use of the card at the attraction identified via the data, as taught by Smart Cards because it would be a way for the attraction to retain a commission for their services.

The combination of Hale and Smart Cards does not disclose *compensation based on times of use of the card at the attraction identified via the data*. However, Universal teaches *compensation based on times of use of the card at the attraction identified via the data* (Universal: Universal Studios Vacations' sales incentives for agents include: a 2 percent commission bonus for the sale of a two-day theme park pass with a hotel package, and a 3 percent bonus for selling a three-day park pass (time of use - two or three days); \$15 to \$25 bonuses for the sale of land-only or air-inclusive packages; and an opportunity through a qualifying sales level of 10 packages sold to join Universal's "Producer's Club" for more agent earnings).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale and Smart Cards, in the apparatus and method for *compensation based on times of use of the card at the attraction identified via the data*, as taught by Universal since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of

ordinary skill in the art would have been motivated to do so because it would be a sales incentive for agents (Universal), thereby increasing sales to the attraction.

Regarding claim 56, Hale discloses *a system for compensating an attraction based on use of a card to access the attraction, the system comprising: a server receiving, after a plurality of visitors have accessed an attraction, data corresponding to use of a card by the plurality of visitors to access the attraction, the card presented by each visitor of the plurality of visitors of the attraction to access the attraction* (Hale: see at least: abstract, paragraph [0073] discloses where the access can be redeemable through a selected essentially automatic procedure. Such procedure can include any one or more of the reading of one of an RF identification, reading of a magnetic code or barcode allocated to the patron, paragraph [0114] – paragraph [0119], paragraph [0208] discloses where a customer is permitted to enter the park via a turnstile or other monitored entry when the customer's ticket is validated).

Hale does not expressly *a controller determining compensation to the attraction based on use of the card at the attraction identified via the data*. Smart Card discloses *a controller determining compensation to the attraction based on use of the card at the attraction identified via the data* (Smart Cards: the smart cards terminals have an application to monitor transaction processing, retrieval, and reconciliation for tourist attractions).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have modified the method and apparatus of Hale to have

included a controller determining compensation to the attraction based on use of the card at the attraction identified via the data, as taught by Smart Cards because it would be a way for the attraction to retain a commission for their services.

The combination of Hale and Smart Cards does not disclose *compensation based on a level of use of the card at the attraction identified via the data*. However, Universal teaches *compensation based on a level of use of the card at the attraction identified via the data* (Universal: Universal Studios Vacations' sales incentives for agents include: a 2 percent commission bonus for the sale of a two-day theme park pass with a hotel package, and a 3 percent bonus for selling a three-day park pass; \$15 to \$25 bonuses for the sale of land-only or air-inclusive packages (level of use – land-only, air-inclusive); and an opportunity through a qualifying sales level of 10 packages sold to join Universal's "Producer's Club" (level of use) for more agent earnings).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale and Smart Cards, in the apparatus and method for compensation based on a level of use of the card at the attraction identified via the data, as taught by Universal since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would be a sales incentive for agents (Universal), thereby increasing sales to the attraction.

2. Claims 8, 11, 12, 25, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hale et al (US 2005/0060173 A1), in view of Smart Cards (hereinafter Smart Cards), in view of Universal (hereinafter Universal), and further in view of Kawan et al (US 2002/0065712 A1).

Regarding claim 8, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 2 as noted above. The combination of Hale, Smart Cards, and Universal does not disclose *wherein step (b) further comprises activating, by the terminal, the card on first use of the card*. However, Kawan teaches *wherein step (b) further comprises activating, by the terminal, the card on first use of the card* (Kawan: paragraph [0030] discloses where the stand alone terminal activates the smart card loyalty capability on first usage).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale, Smart Cards, and Universal, in the method and system wherein step (b) further comprises activating, by the terminal, the card on first use of the card, as taught by Kawan since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would decrease lines, transaction times, and therefore result in higher efficiency (Kawan: paragraph [0005]).

Regarding claim 11, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 2 as noted above. The combination of Hale, Smart Cards, and Universal does not disclose *wherein step (b) further comprises storing on the card a time of use of the card at the attraction*. However, Kawan teaches *wherein step (b) further comprises storing on the card a time of use of the card at the attraction* (Kawan: see at least: abstract discloses where transaction information about transactions with the merchant is stored in a purchase log (time of use) likewise residing on the smart card microcomputer for the customer, Figure 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale, Smart Cards, and Universal, in the method and system wherein step (b) further comprises storing on the card a time of use of the card at the attraction, as taught by Kawan since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would decrease lines, transaction times, and therefore result in higher efficiency (Kawan: paragraph [0005]).

Regarding claim 12, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 2 as noted above. The combination of Hale, Smart Cards, and

Universal does not disclose *wherein step (b) further comprises storing on the card a time of first use of the card*. However, Kawan teaches *wherein step (b) further comprises storing on the card a time of first use of the card* (Kawan: see at least: abstract discloses where transaction information about transactions with the merchant is stored in a purchase log (time of use) likewise residing on the smart card microcomputer for the customer, Figure 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale, Smart Cards, and Universal, in the method and system wherein step (b) further comprises storing on the card a time of first use of the card, as taught by Kawan since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would decrease lines, transaction times, and therefore result in higher efficiency (Kawan: paragraph [0005]).

Regarding claim 25, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 20 as noted above. The combination of Hale, Smart Cards, and Universal does not disclose *wherein the terminal activates the card on first use of the card*. However, Kawan teaches *wherein the terminal activates the card on first use of*

the card (Kawan: paragraph [0030] discloses where the stand alone terminal activates the smart card loyalty capability on first usage).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale, Smart Cards, and Universal, in the method and system wherein the terminal activates the card on first use of the card, as taught by Kawan since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would decrease lines, transaction times, and therefore result in higher efficiency (Kawan: paragraph [0005]).

Regarding claim 28, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 20 as noted above. The combination of Hale, Smart Cards, and Universal does not disclose *wherein the terminal via the card reader stores on the card a time of use of the card at the attraction*. However, Kawan teaches *wherein the terminal via the card reader stores on the card a time of use of the card at the attraction* (Kawan: see at least: abstract discloses where transaction information about transactions with the merchant is stored in a purchase log (time of use) likewise residing on the smart card microcomputer for the customer, Figure 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale, Smart Cards, and Universal, in

the method and system wherein the terminal via the card reader stores on the card a time of use of the card at the attraction, as taught by Kawan since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would decrease lines, transaction times, and therefore result in higher efficiency (Kawan: paragraph [0005]).

Regarding claim 29, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 20 as noted above. The combination of Hale, Smart Cards, and Universal does not disclose *wherein the terminal via the card reader stores on the card a time of first use of the card*. However, Kawan teaches *wherein the terminal via the card reader stores on the card a time of first use of the card* (Kawan: see at least: abstract discloses where transaction information about transactions with the merchant is stored in a purchase log (time of use) likewise residing on the smart card microcomputer for the customer, Figure 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale, Smart Cards, and Universal, in the method and system wherein the terminal via the card reader stores on the card a time of first use of the card, as taught by Kawan since the claimed invention is just a combination of old elements, and in the combination each element merely would have

performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would decrease lines, transaction times, and therefore result in higher efficiency (Kawan: paragraph [0005]).

3. Claims 9, 10, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hale et al (US 2005/0060173 A1), in view of Smart Cards (hereinafter Smart Cards), in view of Universal (hereinafter Universal), and further in view of Pulkkinen et al (US 2004/0143458 A1).

Regarding claim 9, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 2 as noted above. The combination of Hale, Smart Cards, and Universal does not disclose *wherein step (b) further comprises storing on the card a location of the attraction*. However, Pulkkinen teaches *wherein step (b) further comprises storing on the card a location of the attraction* (Pulkkinen: paragraph [0045], paragraph [0046], Figure 3A, and Figure 3B disclose location of interaction, location of description).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale, Smart Cards, and Universal, in the method and system wherein step (b) further comprises storing on the card a location of the attraction, as taught by Pulkkinen since the claimed invention is just a

combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would maintain interaction data or a history of attractions smart card was used at (Pulkkinen: paragraph [0010]).

Regarding claim 10, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 2 as noted above. The combination of Hale, Smart Cards, and Universal does not disclose *wherein step (b) further comprises storing on the card a location of the attraction as which the card is first used*. However, Pulkkinen teaches *wherein step (b) further comprises storing on the card a location of the attraction as which the card is first used* (Pulkkinen: paragraph [0045], paragraph [0046], Figure 3A, and Figure 3B disclose location of interaction, location of description).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale, Smart Cards, and Universal, in the method and system wherein step (b) further comprises storing on the card a location of the attraction as which the card is first used, as taught by Pulkkinen since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so

because it would maintain interaction data or a history of attractions smart card was used at (Pulkkinen: paragraph [0010]).

Regarding claim 26, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 20 as noted above. The combination of Hale, Smart Cards, and Universal does not disclose *wherein the terminal via the card reader stores on the card a location of the attraction*. However, Pulkkinen teaches *wherein the terminal via the card reader stores on the card a location of the attraction* (Pulkkinen: paragraph [0045], paragraph [0046], Figure 3A, and Figure 3B disclose location of interaction, location of description).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale, Smart Cards, and Universal, in the method and system wherein the terminal via the card reader stores on the card a location of the attraction, as taught by Pulkkinen since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would maintain interaction data or a history of attractions smart card was used at (Pulkkinen: paragraph [0010]).

Regarding claim 27, Hale, Smart Cards, and Universal teach or suggest all the limitations of claim 20 as noted above. The combination of Hale, Smart Cards, and Universal does not disclose *wherein the terminal via the card reader stores on the card a location of the attraction as which the card is first used*. However, Pulkkinen teaches *wherein the terminal via the card reader stores on the card a location of the attraction as which the card is first used* (Pulkkinen: paragraph [0045], paragraph [0046], Figure 3A, and Figure 3B disclose location of interaction, location of description).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale, Smart Cards, and Universal, in the method and system wherein the terminal via the card reader stores on the card a location of the attraction as which the card is first used, as taught by Pulkkinen since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would maintain interaction data or a history of attractions smart card was used at (Pulkkinen: paragraph [0010]).

4. Claims 15, 32, 42, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hale et al (US 2005/0060173 A1) in view of Smart Cards (hereinafter Smart Cards), in view of Universal (hereinafter Universal), and further in view of Ishibashi et al (US 7,409,554 B2).

Regarding claims 15, 32, 42, and 52, Hale, Smart Cards, and Universal teach or suggest all the limitations of claims 2, 20, 37, and 47 as noted above. The combination of Hale, Smart Cards, and Universal does not disclose *wherein the card has a type comprising one of the following: adult, child and senior*. However, Ishibashi teaches *wherein the card has a type comprising one of the following: adult, child and senior* (Ishibashi: Figure 1 illustrates types of cards: parent and child card).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the combination of Hale, Smart Cards, and Universal, in the method and system wherein the card has a type comprising one of the following: adult, child and senior, as taught by Ishibashi since the claimed invention is just a combination of old elements, and in the combination each element merely would have performed that same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. One of ordinary skill in the art would have been motivated to do so because it would different levels of permissions (management, restrictions, etc) for different types of cards (Ishibashi: abstract).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- PTO 892 Reference U discloses a system with a passport that is commissionable to tour operators.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KATHLEEN G. PALAVECINO whose telephone number is (571)270-1355. The examiner can normally be reached on M-F 800-500 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/KATHLEEN G PALAVECINO/
Examiner, Art Unit 3625

Will Allen /WILLIAM ALLEN/
Primary Examiner, Art Unit 3625

Notice of References Cited	Application/Control No. 12/825,183	Applicant(s)/Patent Under Reexamination BROOKS ET AL.	
	Examiner KATHLEEN G. PALAVECINO	Art Unit 3625	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	"Universal Takes on Orlando. " Leisure Travel News. May 24, 1999. volume 15. number 20. [recovered from Dialog on 4/8/2012]
	V	"Universal Studios Promoting World Cup Special. " Tour & Travel News. July 19, 1993. volume 0. number 0. page 22. [recovered from Dialog on 4/8/2012]
	W	
	X	

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

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	24	(compensation) near4 ((number or frequency or time)) near4 card	US-PGPUB; USPAT	ADJ	OFF	2012/04/09 09:26
L2	18	(commission) near4 ((number or frequency or time)) near4 card	US-PGPUB; USPAT	ADJ	OFF	2012/04/09 09:47
L3	18	(commission) near4 ((number or frequency or time)) near4 (card or pass)	US-PGPUB; USPAT	ADJ	OFF	2012/04/09 09:47
S1	36	(attraction) same (card) near3 (code)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:40
S2	908	(attraction or admission or ticket) same (card) near3 (code)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:49
S3	6	((attraction or admission or ticket) same (card) near3 (code) same (valid or validate)) and (compenasate or compensation)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:50
S4	30	((attraction or admission or ticket) same (smart near2 card) near3 (code)) and (compenasate or compensation)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:51
S5	273	((attraction or admission or ticket) same (smart near2 card)) and (compenasate or compensation)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:52
S6	28874044	@ad<"20040721"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:53
S7	95	S5 and S6	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:53
S8	8	((attraction or admission) same (smart near2 card)) and (compenasate or compensation)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:54

S9	15	((attraction or admission or ticket) same (smart near2 card)).ab. and (compensate or compensation)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:55
S10	16	((attraction or admission or ticket or loyalty) same (smart near2 card)).ab. and (compensate or compensation)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:58
S11	18	((attraction or admission or ticket or loyalty or reward) same (smart near2 card)).ab. and (compensate or compensation)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:58
S12	3	"20050060173"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 16:01
S13	843	((activate or activation) near3 (first) same card)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 16:35
S14	5	((activate or activation) near3 (first) same card) and ((store or stored) near5 (time) near5 location same card)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 16:35
S15	96	((activate or activation) near3 (time) same card same location)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 16:37
S16	52	S6 and S15	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 16:37
S17	14	((activate or activation) near3 smart card same location)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 16:40
S18	9	((activate or activation) near3 card) same (attraction or admission)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 16:42
S19	30	((activate or activation) near3 card) same (first near3 (use or useage))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 08:49
S20	32	((activate or activation) near4 card) same (first near4 (use or useage))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 08:54

S21	32	((activate or activation) near4 card) same ((initial or first) near4 (use or useage))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 08:54
S22	710	((activate or activation or activating) near4 card) near5 ((initial or first))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 08:56
S23	39	((activate or activation or activating) near4 smart card) near5 ((initial or first))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 08:56
S24	2	(store or storing or save or saving) near4 location same (attraction) same card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:06
S25	4	(store or storing or save or saving) near6 (location) same (attraction) same card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:07
S26	224	(store or storing or save or saving) near6 (location) same (event or attraction) same card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:07
S27	28874218	@ad<"20040721"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:08
S28	81	S26 and S27	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:08
S29	838	(location) near4 (event or attraction) same card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:10
S30	60	(location) near4 (event or attraction) same smart card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:10
S31	80	(location) near4 (event or attraction or ticket or ticketing) same smart card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:16
S32	39	S27 and S31	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:16

S33	0	(compensation) near4 (number) near3 (use) same smart card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:20
S34	0	(compensation) near4 (number) near3 (use) same card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:20
S35	13	(compensation) near4 (use) same card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:20
S36	2258	((smart card) or card or (ticket or ticketing)).ab. and compensation	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:21
S37	8	((smart card) or card or (ticket or ticketing)).ab. and compensation same (number near4 use)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:21
S38	0	((smart card) or card or (ticket or ticketing)).ab. and (compensation near4 useage)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:22
S39	0	((smart card) or card or (ticket or ticketing)).ab. and (compensation same useage)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:22
S40	84	((smart card)).ab. and (compensation)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:23
S41	44	S27 and S40	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:23
S42	44	(compensation) near4 ((number near2 use) or useage)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:52
S43	26106	(compensation) near4 ((time) or useage)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:53
S44	5658	(compensation) near4 ((time) or useage) and (attraction or event or admission)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:53

S45	574	(compensation) near4 ((time) or useage) same (attraction or event or admission)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:53
S46	0	(compensation) near4 (useage) same (attraction or event or admission)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:53
S47	1024	(compensation) same (attraction or admission)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:54
S48	332	S27 and S47	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:54
S49	12431	705/26.1-27.2.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:55
S50	4	S47 and S49	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:55
S51	91	(compensation) same (attraction or admission) same (frequency or useage)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 10:00
S52	1421	(compensation) same (attraction or event or admission) same (frequency or useage)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 10:00
S53	69579	(compensation) same (frequency or useage)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 10:00
S54	22051	(compensation) near4 (frequency or useage)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 10:01
S55	8	S54 and S49	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 10:01
S56	39	(compensation) near4 (frequency or useage) same (card)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 10:02



S57	96	(compensation) near4 (time or useage) same (card)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 10:02
S58	57	(compensation) near4 (number) same (card)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 13:01
S59	34	(compensation) same (use near4 card)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 13:08
S60	13	(compensation) same (attraction or admission) same card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 13:10
S61	218	(compensation) same (location) same card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 13:14
S62	28874218	@ad<"20040721"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 13:14
S63	65	S61 and S62	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 13:14
S64	82	(compensate or compensation) near4 attraction	USPAT	OR	OFF	2011/11/01 13:18
S65	43	(compensate or compensation) near4 admission	USPAT	OR	OFF	2011/11/01 13:18
S66	242516	(compensate or compensation) near4 smart card	USPAT	OR	OFF	2011/11/01 13:18
S67	62	(compensate or compensation) near4 smart card near4 (useage)	USPAT	OR	OFF	2011/11/01 13:19
S68	59	(compensate or compensation) near4 smart card same (number near3 use)	USPAT	OR	OFF	2011/11/01 13:20
S69	67	(compensate or compensation) near4 smart card same (useage)	USPAT	OR	OFF	2011/11/01 13:21
S70	47	(compensation) near4 smart card same (useage)	USPAT	OR	OFF	2011/11/01 13:21
S71	14528	(compensation or reconciliation) near4 smart card same (useage or frequency)	USPAT	OR	OFF	2011/11/01 13:27
S72	52	(compensation or reconciliation) near4 smart card same (useage)	USPAT	OR	OFF	2011/11/01 13:27

S73	242498	(compensation or reconciliation) near4 smart card	USPAT	OR	OFF	2011/11/01 13:28
S74	12431	705/26.1-27.2.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 13:28
S75	2186	S73 and S74	USPAT	OR	OFF	2011/11/01 13:28
S76	242498	(compensation) near4 smart card	USPAT	OR	OFF	2011/11/01 13:28
S77	242482	(compensation) near3 smart card	USPAT	OR	OFF	2011/11/01 13:28
S78	1487	S77 and S62 and S74	USPAT	OR	OFF	2011/11/01 13:28
S79	30294	((compensation) near4 smart card).ab.	USPAT	OR	OFF	2011/11/01 13:29
S80	145	S79 and S62 and S74	USPAT	OR	OFF	2011/11/01 13:29
S81	0	((compensation) near4 smart card).ab.	USPAT	ADJ	OFF	2011/11/01 13:30
S82	3	((compensation) and smart card).ab.	USPAT	ADJ	OFF	2011/11/01 13:30
S83	0	((compensation) near4 smart card) same (useage)	USPAT	ADJ	OFF	2011/11/01 13:32
S84	0	((compensation) near4 smart card) same (use)	USPAT	ADJ	OFF	2011/11/01 13:32
S85	0	((compensation) near4 smart card)	USPAT	ADJ	OFF	2011/11/01 13:32
S86	0	((compensation or reconciliation) near4 smart card)	USPAT	ADJ	OFF	2011/11/01 13:32
S87	0	((compensation or reconciliation or compensate) near4 smart card)	USPAT	ADJ	OFF	2011/11/01 13:32
S88	457	((compensation or reconciliation or compensate) near4 card)	USPAT	ADJ	OFF	2011/11/01 13:32
S89	95	((compensation or reconciliation or compensate) and card).ab.	USPAT	ADJ	OFF	2011/11/01 13:33
S90	0	((compensation or reconciliation or compensate) same (number near4 use))	USPAT	ADJ	OFF	2011/11/01 13:36
S91	49617	(compensation or reconciliation or compensate) same (number or (frequency near4 use))	USPAT	ADJ	OFF	2011/11/01 13:37
S92	0	(compensation or reconciliation or compensate) same ((number or frequency) near4 use)	USPAT	ADJ	OFF	2011/11/01 13:37
S93	0	(compensation or reconciliation or compensate) same ((number or frequency or time) near4 use)	USPAT	ADJ	OFF	2011/11/01 13:37
S94	0	(compensation or reconciliation	USPAT	ADJ	OFF	2011/11/01

		or compensate) same ((number or frequency or time or location) near4 use)				13:37
S95	157667	(compensation or reconciliation or compensate) same ((number or frequency or time or location))	USPAT	ADJ	OFF	2011/11/01 13:38
S96	41849	(compensation or reconciliation or compensate) near4 ((number or frequency or time or location))	USPAT	ADJ	OFF	2011/11/01 13:38
S97	164	(compensation or reconciliation or compensate) near4 ((number or frequency or time or location)) same card	USPAT	ADJ	OFF	2011/11/01 13:38
S98	718	(compensation or reconciliation) same ((number or frequency or time or location)) same card	USPAT	ADJ	OFF	2011/11/01 13:47
S99	27	S74 and S98	USPAT	ADJ	OFF	2011/11/01 13:47
S100	447	(compensation) same ((number or frequency or time or location)) same card	USPAT	ADJ	OFF	2011/11/01 13:48
S101	19	(compensation) same ((number or frequency or time or location)) same smart card	USPAT	ADJ	OFF	2011/11/01 13:48
S102	0	(compensation) same ((level near4 use))	USPAT	ADJ	OFF	2011/11/01 13:56
S103	0	(compensation) same ((location near4 use))	USPAT	ADJ	OFF	2011/11/01 13:56
S104	0	card near3 (adult same child same senior)	USPAT	ADJ	OFF	2011/11/01 14:11
S105	6	card same (adult same child same senior)	USPAT	ADJ	OFF	2011/11/01 14:12
S106	490	card near3 (adult or child or senior)	USPAT	ADJ	OFF	2011/11/01 14:12
S107	9	S106 and S74	USPAT	ADJ	OFF	2011/11/01 14:12
S108	29	card near3 (adult or child or senior) same (event or ticket or attraction or admission)	USPAT	ADJ	OFF	2011/11/01 14:12
S109	9	card near3 (adult or child or senior) same (ticket or attraction or admission)	USPAT	ADJ	OFF	2011/11/01 14:13

4/ 9/ 2012 10:28:11 AM

C:\Users\kpalavecino\Documents\EAST\Workspaces\12825183.wsp

Search results: 0 titles

Search Report

Database Name	Database Number
ABI/INFORM	15
PROMT (90- PRESENT)	16
PROMT (1972-1989)	160
COMPUTER DATABASE	275
TRADE&INDUSTRY	148
Set	Description
S1	((compensate OR compensation)(n5)(amusement OR park OR attraction)(n5)(card OR pass))
S2	S1 (compensate or compensation)(n5)(amusement or park or attraction)(n5)(card or pass)
S3	SORT /ALL/pd,a

Help Tips for 'Zero Records' - How To Get More Records

- Don't over-specify: use only the search options you really need -- leave the others blank.
- Exclude "implied concepts": leave out words like 'research' or 'effects.'
- Use more wildcards to search different word endings: use COMPUTER? in place of COMPUTER.
- Check the format of your entry. Follow the Search Tips examples shown on the search page.
- Check for misspelled words.
- Check that you are using parentheses correctly when you combine words with AND, OR, NOT.

For more tips on searching, see the [Help page](#).

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Search results: 7 titles



Titles on this page:

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[Display All](#)

Search Report

Database Name	Database Number
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BUSINESS & INDUS	9
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BUSINESS WIRE	610
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BUSINESS WIRE	810
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MCGRAW-HILL PUBS	624
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NEW PRODUCT ANNMNT	621
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NEWSLETTER DB	636
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PR NEWSWIRE	613
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PR NEWSWIRE	813
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SAN JOSE MERCURY	634
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GLOBAL REPORTER	20
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MAGAZINE DBASE	47
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BUSINESS DATELINE	635
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MKT&ADV REF SERV	570
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Set	Description
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S1	((compensate OR compensation)(n5)(amusement OR park OR attraction)(n5)(card OR pass))
----	---

S2	S1
----	----

S3	SORT /ALL/pd,a
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-
- ☐ **1** MOBILE HOME OWNERS HAPPY - Thursday, September 28, 1989 - Word Count: 695 - San Jose Mercury News
 - ☐ **2** If you can't beat 'em.... (Hollywood Park Inc.'s plans to open a casino) - May 9 - 1994 - Gale Group Magazine Database™
 - ☐ **3** Oakdale, Mimm., Law Sought to Protect Mobile Home Owners - July 22, 2000 - World Reporter
 - ☐ **4** The Orlando Sentinel, Fla., Susan Strother Clarke Column - May 30, 2003 - World Reporter
 - ☐ **5** Racing News: George's Girl to go one better - February 14, 2004 - World Reporter
 - ☐ **6** GO BIG ON MIKE - July 24, 2010 - World Reporter
 - ☐ **7** ANNUAL FAMILY SEA LIFE PASS - PLUS A TURTLE'S TALE: SAMMY'S

ADVENTURES ON BLU-RAY DOUBLE PLAY - July 16, 2011 - World Reporter





Titles on this page:

Display Checked

Display All

To display full records, click a title or use the checkboxes and display buttons

Search
results: 0 titles

Search Report

Database Name	Database Number
---------------	-----------------


BUSINESS & INDUS	9
BUSINESS WIRE	610
BUSINESS WIRE	810
MCGRAW-HILL	624
PUBS	
NEW PRODUCT	621
ANNMNT	
NEWSLETTER DB	636
PR NEWSWIRE	613
PR NEWSWIRE	813
SAN JOSE	634
MERCURY	
GLOBAL	20
REPORTER	
MAGAZINE DBASE	47
BUSINESS	635
DATELINE	
MKT&ADV REF	570
SERV	

Set	Description
S1	((card OR pass)(w)(compensate OR compensation) (n5)(amusement OR park OR attraction))
S2	S1
S3	SORT /ALL/pd,a

Help Tips for 'Zero Records' - How To Get More Records

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- Exclude "implied concepts": leave out words like 'research' or 'effects.'
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For more tips on searching, see the [Help page](#).

Search results: 0 titles

Search Report

Database Name	Database Number
ABI/INFORM	15
PROMT (90-PRESENT)	16
PROMT (1972-1989)	160
COMPUTER DATABASE	275
TRADE&INDUSTRY	148
Set	Description
S1	((card OR pass)(w)(compensate OR compensation)(n5)(amusement OR park OR attraction))
S2	S1 (card or pass)(w)(compensate or compensation)(n5)(amusement or park or attraction)
S3	SORT /ALL/pd,a

Help Tips for 'Zero Records' - How To Get More Records

- Don't over-specify: use only the search options you really need -- leave the others blank.
- Exclude "implied concepts": leave out words like 'research' or 'effects.'
- Use more wildcards to search different word endings: use COMPUTER? in place of COMPUTER.
- Check the format of your entry. Follow the Search Tips examples shown on the search page.
- Check for misspelled words.
- Check that you are using parentheses correctly when you combine words with AND, OR, NOT.

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Search results: **16** titles



Titles on this page:

Search Report

Database Name Database Number

ABI/INFORM 15
 PROMT (90-PRESENT) 16
 PROMT (1972-1989) 160
 COMPUTER DATABASE 275
 TRADE&INDUSTRY 148

Set Description

S1 ((card OR pass)(n5)(commission)(n5)(amusement OR park OR attraction))
 S2 S1
 S3 SORT /ALL/pd,a

- ☐ **1** Counting countering. (We Are Systems 21 Inc.) (company profile) - Nov - 1989 - Gale Group Trade and Industry Database™
- ☐ **2** Universal Studios Promoting World Cup Special - July 19 - 1993 - Word Count: 423 - Gale Group PROMT®
- ☐ **3** Centreville Hoping Promos Will Help Park Meet 1.1 Mil Attendance Goal - August 9 - 1993 - Word Count: 834 - Gale Group PROMT®
- ☐ **4** Universal Takes On Orlando. - May 24 - 1999 - Word Count: 643 - Gale Group PROMT®
- ☐ **5** Canterbury Park Pleased With New Gaming Authority; New Law Should Boost Purses For Horse Racing. - May 25 - 1999 - Gale Group Trade and Industry Database™
- ☐ **6** Canterbury Park Pleased With New Gaming Authority; New Law Should Boost Purses For Horse Racing. - May 25 - 1999 - Word Count: 427 - Gale Group PROMT®
- ☐ **7** Canterbury Park Holding Corporation Announces 2008 First Quarter Results.(Financial report) - May 13 - 2008 - Gale Group Trade and Industry Database™
- ☐ **8** Canterbury Park Holding Corporation Announces 2008 First Quarter Results.(Financial report) - May 13 - 2008 - Word Count: 721 - Gale Group PROMT®
- ☐ **9** BLACK HILLS CUSTOMERS MAY SEE GAS BILLS FALL \$58; Officials say natural gas prices have fallen lately.(Business) - Feb 7 - 2009 - Word Count: 205 - Gale Group PROMT®
- ☐ **10** What's in your wallet?(Cover story) - Dec 15 - 2010 - Gale Group Trade and Industry Database™
- ☐ **11** DiscountVouchers Releases Sneaky Extras Charges Report - Sep 21, 2011 - Word Count: 215 - ABI/INFORM®
- ☐ **12** DiscountVouchers Releases Sneaky Extras Charges Report. - Sept 21 - 2011 - Gale Group


Computer Database™

- ☐ **13** DiscountVouchers Releases Sneaky Extras Charges Report. - Sept 21 - 2011 - Gale Group Trade and Industry Database™
 - ☐ **14** DiscountVouchers.co.uk: Brits Reveal Hospital Parking Charges Top Chart of Sneaky Extras. - Sep 24, 2011 - Word Count: 218 - ABI/INFORM®
 - ☐ **15** DiscountVouchers.co.uk: Brits Reveal Hospital Parking Charges Top Chart of Sneaky Extras. - Sept 24 - 2011 - Gale Group Computer Database™
 - ☐ **16** DiscountVouchers.co.uk: Brits Reveal Hospital Parking Charges Top Chart of Sneaky Extras. - Sept 24 - 2011 - Gale Group Trade and Industry Database™
-



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To display full records, click a title or use the checkboxes and display buttons

<i>Search Notes</i> 	Application/Control No. 12825183	Applicant(s)/Patent Under Reexamination BROOKS ET AL.
	Examiner KATHLEEN G PALAVECINO	Art Unit 3625

SEARCHED			
Class	Subclass	Date	Examiner
705	26.1-27.2	11/1/2011	K.P.

SEARCH NOTES		
Search Notes	Date	Examiner
EAST search - sees search history	11/1/2011	K.P.
Inventor search	11/1/2011	K.P.
updated EAST search - see search history	4/9/2012	KGP
Dialog search - see search history	4/9/2012	KGP

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

/K.G.P./ Examiner.Art Unit 3625	
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/825,183	06/28/2010	Tyler Brooks	096633-0106	1230
48329 7590 07/09/2012 FOLEY & LARDNER LLP 111 HUNTINGTON AVENUE 26TH FLOOR BOSTON, MA 02199-7610			EXAMINER PALAVECINO, KATHLEEN GAGE	
			ART UNIT 3625	PAPER NUMBER
			MAIL DATE 07/09/2012	DELIVERY MODE PAPER

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

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

<i>Applicant-Initiated Interview Summary</i>	Application No.	Applicant(s)	
	12/825,183	BROOKS ET AL.	
	Examiner	Art Unit	
	Kathleen Palavecino	3625	

All participants (applicant, applicant's representative, PTO personnel):

(1) Jeffrey A. Smith. (3) _____.

(2) Dan Rose. (4) _____.

Date of Interview: 05 July 2012.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☒ No.
If Yes, brief description: _____.

Issues Discussed ☐ 101 ☐ 112 ☐ 102 ☐ 103 ☒ Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: None.

Identification of prior art discussed: None.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Mr. Rose argued that the finality of the last Office action was premature. Mr. Smith agreed. The finality of the Office action mailed 4/12/2012 is vacated. The period for reply continues to run three months from 4/12/2012.

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

	/Jeffrey A. Smith/ Supervisory Patent Examiner, Art Unit 3625
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Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Brooks *et al.*

Application number: 12/825,183

Filed: June 28, 2010

For: *PROGRAMMABLE TICKET SYSTEM*

Attorney Docket No.: 096633-0106 (SMD-001CON)

Art Unit: 3625

Conf: 1230

Examiner: Palavecino, Kathleen
G.

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

RESPONSE TO FINAL OFFICE ACTION

Dear Sir:

INTRODUCTORY COMMENTS

This paper is filed responsive to the final Office Action dated April 12, 2012. In view of the comments set forth below, Applicants respectfully urge reconsideration, withdrawal of the outstanding rejections and allowance of the claims.

Remarks/Arguments begin on page 2 of this paper.

REMARKS

Claims 2-16, 18-33, 35-43 and 45-56 were presented for examination and all Claims were rejected. Claims 2-16, 18-33, 35-43 and 45-56 are currently pending, of which Claims 2, 18, 19, 20, 35, 36, 37, 45, 46, 47, 55 and 56 are independent.

Applicants submit that Claims 2-16, 18-33, 35-43 and 45-56 are patentable and in condition for allowance. The following comments address all stated grounds of rejection. Applicants traverse all rejections and urge the Examiner to pass the Claims to allowance in view of the remarks set forth below.

EXAMINER INTERVIEW AND FINALITY OF THE OFFICE ACTION

Applicants wish to thank the Examiner's supervisor, SPE Smith, for taking the time to conduct a brief telephonic interview with Applicants' representative on July 5, 2012¹. During the interview, SPE Smith and Applicants' representative discussed finality of the Office Action. In the previous Office Action dated November 10, 2011, the Examiner indicated allowable subject matter in several dependent Claims. In the previous reply dated February 10, 2012, Applicants amended the independent Claims to include the identified allowable subject matter. In the present Office Action, the Examiner has raised a new ground of rejection of all Claims in view of an additional, previously un-cited reference. SPE Smith agreed that finality of the Office Action was improper, and indicated that Applicants should respond without filing a Request for Continued Examination, and that any subsequent Office Action would be a Notice of Allowance or final Office Action, as appropriate.

¹ The Examiner was on maternity leave, and Applicants wish her the best.

CLAIM REJECTIONS UNDER 35 U.S.C. §103**I. Claims 2-16, 18-33, 35-43 and 45-56 Rejected As Unpatentable under 35 U.S.C. §103**

Claims 2-7, 13, 14, 16, 18-24, 30, 31, 33, 35-41, 43, 45-51, 53, 55, and 56 were rejected under 35 U.S.C. 103(a) as being unpatentable over US Publication No. 2005/0060173 to Hale et al. (“Hale”) in view of “Smart Cards Take Flight” by Phillips Business Information Corp. (“Smart Cards”) and “Universal Takes on Orlando” by Stone (“Universal”). Claims 8, 11, 12, 25, 28, and 29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hale, Smart Cards, and Universal in view of U.S. Publication No. 2002/0065712 to Kawan *et al.* (“Kawan”). Claims 9, 10, 26, and 27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hale, Smart Cards, and Universal in view of U.S. Publication No. 2004/0143458 to Pulkkinen *et al.* (“Pulkkinen”). Claims 15, 32, 42, and 52 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hale, Smart Cards, and Universal in view of U.S. Patent No. 7,409,554 to Ishibashi *et al.* (“Ishibashi”). Claims 2, 18, 19, 20, 35, 36, 37, 45, 46, 47, 55 and 56 are independent Claims. Claims 2-16 depend on and incorporate all the patentable subject matter of independent Claim 1. Claims 20-33 depend on and incorporate all the patentable subject matter of independent Claim 20. Claims 38-43 depend on and incorporate all the patentable subject matter of independent Claim 37. Claims 48-53 depend on and incorporate all the patentable subject matter of independent Claim 47. Applicants respectfully traverse this rejection and submit that any combination of Hale, Smart Cards, Universal, Kawan, Pulkkinen, and Ishibashi fails to teach or suggest each and every element of the claimed invention.

A. Independent Claims 2, 20, 37, and 47 Patentable over Hale, Smart Cards, Universal, Kawan, Pulkkinen, and Ishibashi

To establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. Claims 2 and 20 are directed to a method and

system, respectively, for accessing an attraction. Claims 37 and 47 are directed to a method and system, respectively, for compensating an attraction based on use of a card to access the attraction. Each of these Claims recite an attraction receiving compensation “based on a number of uses of the card at the attraction.”

The Examiner admits on page 5 of the Office Action that neither Hale nor Smart Cards describe compensation based on a number of uses of the card at the attraction, and instead cites Universal. As noted by the Examiner, Universal describes commission bonuses paid to sales of travel packages by travel agents. Specifically, Universal states that:

Universal Studios Vacations' sales incentives for agents include: a 2 percent commission bonus for the sale of a two-day theme park pass with a hotel package, and a 3 percent bonus for selling a three-day park pass; \$15 to \$25 bonuses for the sale of land-only or air-inclusive packages; and an opportunity through a qualifying sales level of 10 packages sold to join Universal's "Producer's Club" for more agent earnings.

The Examiner contends that one of ordinary skill in the art would be motivated to combine these teachings of Universal with Hale and Smart Cards “because it would be a sales incentive for agents, thereby increasing sales to the attraction.” (Page 6, emphasis added)

The Examiner’s contention may be true, but it has no relationship to the Claim element missing from Hale and Smart Cards. The Claims recite an attraction receiving compensation based on a number of uses of the card at the attraction. At best, Universal describes a travel agent receiving a commission based on a type of package sold. Universal’s travel agents receive their commission regardless of whether the package is used, and may well be paid long before any associated card is used at an attraction.

Rather, as with Hale and Smart Cards, Universal is silent regarding cards being used a number of times at an attraction, or basing compensation to the attraction on the number of uses

of the card at the attraction. In fact, Universal is entirely silent regarding any compensation to the attraction at all, instead focusing on travel agent commissions. Thus, one of skill in the art reading the teachings of Universal in combination with Hale and Smart Cards would at most be led to a method for paying wholesalers incentives for sales of access passes, and not the claimed invention. Accordingly, Applicants respectfully submit that independent Claims 2, 20, 37, and 47 are patentable over Hale, Smart Cards, and Universal,² and thus request the Examiner to withdraw the rejection of Claims 2, 20, 37, and 47 under 35 U.S.C. §103.

B. Independent Claims 18, 35, 45, and 55 Patentable over Hale, Smart Cards, Universal, Kawan, Pulkkinen, and Ishibashi

Claims 18 and 35 are directed to a method and system, respectively, for accessing an attraction. Claims 45 and 55 are directed to a method and system, respectively, for compensating an attraction based on use of a card to access the attraction. Each of these Claims recite an attraction receiving compensation “based on a time of use of the card at the attraction.”

At page 9 of the Office Action, the Examiner admits that neither Hale nor Smart cards describes compensation based on time of use of the card at the attraction, and instead cites Universal. As noted by the Examiner and as discussed above in connection with the rejection of Claims 2, 20, 37, and 47, Universal describes commission bonuses paid to sales of travel packages by travel agents. However, also as noted above, Universal is entirely silent regarding compensation paid to attractions based on a number of uses of a card at the attraction. Moreover, Universal is also entirely silent regarding compensation paid to attractions based on a time of use of a card at the attraction. Thus, one of skill in the art reading the teachings of Universal in combination with Hale and Smart Cards would at most be led to a method for paying wholesalers

² Kawan, Pulkkinen, and Ishibashi are cited against dependent Claims. However, neither Kawan, Pulkkinen, nor Ishibashi teach or suggest an attraction receiving compensation based on a number of uses of a card at the attraction, and thus fail to bridge the factual deficiencies of Hale, Smart Cards, and Universal.

incentives for sales of access passes, and not the claimed invention. Accordingly, Applicants respectfully submit that independent Claims 18, 35, 45, and 55 are patentable over Hale, Smart Cards, and Universal,³ and thus request the Examiner to withdraw the rejection of Claims 18, 35, 36, and 55 under 35 U.S.C. §103.

C. Independent Claims 19, 36, 46, and 56 Patentable over Hale, Smart Cards, Universal, Kawan, Pulkkinen, and Ishibashi

Claims 19 and 36 are directed to a method and system, respectively, for accessing an attraction. Claims 46 and 56 are directed to a method and system, respectively, for compensating an attraction based on use of a card to access the attraction. Each of these Claims recite an attraction receiving compensation “based on a level of use of the card at the attraction.”

At page 12 of the Office Action, the Examiner admits that neither Hale nor Smart cards describes compensation based on level of use of the card at the attraction, and instead cites Universal. As noted by the Examiner and as discussed above in connection with the rejection of Claims 2, 20, 37, and 47, Universal describes commission bonuses paid to sales of travel packages by travel agents. However, also as noted above, Universal is entirely silent regarding compensation paid to attractions based on a number of uses of a card at the attraction. Moreover, Universal is also entirely silent regarding compensation paid to attractions based on a level of use of a card at the attraction. Thus, one of skill in the art reading the teachings of Universal in combination with Hale and Smart Cards would at most be led to a method for paying wholesalers incentives for sales of access passes, and not the claimed invention. Accordingly, Applicants respectfully submit that independent Claims 19, 36, 46, and 56 are patentable over Hale, Smart

³ Kawan, Pulkkinen, and Ishibashi are cited against dependent Claims. However, neither Kawan, Pulkkinen, nor Ishibashi teach or suggest an attraction receiving compensation based on a time of use of a card at the attraction, and thus fail to bridge the factual deficiencies of Hale, Smart Cards, and Universal.

Cards, and Universal,⁴ and thus request the Examiner to withdraw the rejection of Claims 19, 36, 46, and 56 under 35 U.S.C. §103.

D. Dependent Claims Patentable over Hale, Smart Cards, Universal, Kawan, Pulkkinen, and Ishibashi

As discussed above, Applicants submit that independent Claims 2, 18, 19, 20, 35, 36, 37, 45, 46, 47, 55, and 56 are patentable over Hale, Smart Cards, and Universal. Claims 2-16 depend on and incorporate all the patentable subject matter of independent Claim 1. Claims 20-33 depend on and incorporate all the patentable subject matter of independent Claim 20. Claims 38-43 depend on and incorporate all the patentable subject matter of independent Claim 37. Claims 48-53 depend on and incorporate all the patentable subject matter of independent Claim 47. Therefore, Claims 2-16, 20-33, 38-43, and 48-53 are also patentable and in condition for allowance. Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of Claims 2-16, 20-33, 38-43 and 48-53 under 35 U.S.C. §103.

CONCLUSION

In light of the arguments, Applicants contend that each of the Examiners rejections has been adequately addressed and all of the pending claims are in condition for allowance. Accordingly, Applicants respectfully request reconsideration, withdrawal of all grounds of rejection, and allowance of all of the pending Claims.

⁴ Kawan, Pulkkinen, and Ishibashi are cited against dependent Claims. However, neither Kawan, Pulkkinen, nor Ishibashi teach or suggest an attraction receiving compensation based on a level of use of a card at the attraction, and thus fail to bridge the factual deficiencies of Hale, Smart Cards, and Universal.

Should the Examiner feel that a telephone conference with Applicants' attorney would expedite prosecution of this application, the Examiner is urged to contact the Applicants' attorney at the telephone number identified below.

Respectfully submitted,

FOLEY AND LARDNER LLP

Dated: July 12, 2012

/Daniel E. Rose/

Daniel E. Rose

Registration No. 63,214

Attorney for Applicants

Foley and Lardner LLP
111 Huntington Avenue
Boston, MA 02199
(617) 342-4057

Electronic Acknowledgement Receipt	
EFS ID:	13241681
Application Number:	12825183
International Application Number:	
Confirmation Number:	1230
Title of Invention:	PROGRAMMABLE TICKETING SYSTEM
First Named Inventor/Applicant Name:	Tyler Brooks
Customer Number:	48329
Filer:	Daniel Rose/Jennifer Robins
Filer Authorized By:	Daniel Rose
Attorney Docket Number:	096633-0106 (SMD-001CON)
Receipt Date:	12-JUL-2012
Filing Date:	28-JUN-2010
Time Stamp:	18:45:39
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		096633-0106amendment.pdf	115819 2095d6a27f053b731c91a335d837a9061e6e7a2b	yes	8

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Applicant Arguments/Remarks Made in an Amendment	2	8
Warnings:			
Information:			
Total Files Size (in bytes):		115819	
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>			



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NOTICE OF ALLOWANCE AND FEE(S) DUE

48329 7590 08/31/2012
FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON, MA 02199-7610

EXAMINER

PALAVECINO, KATHLEEN GAGE

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 08/31/2012

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/825,183	06/28/2010	Tyler Brooks	096633-0106 (SMD-001CON)	1230
TITLE OF INVENTION: PROGRAMMABLE TICKETING SYSTEM				

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$870	\$300	\$0	\$1170	11/30/2012

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

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

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

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

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

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885**

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

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

48329 7590 08/31/2012
FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

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

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/825,183	06/28/2010	Tyler Brooks	096633-0106 (SMD-001CON)	1230
TITLE OF INVENTION: PROGRAMMABLE TICKETING SYSTEM				

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$870	\$300	\$0	\$1170	11/30/2012

EXAMINER	ART UNIT	CLASS-SUBCLASS
PALAVECINO, KATHLEEN GAGE	3625	705-026000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). <input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached. <input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.	2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____ (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____ 3 _____
---	---

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

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

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

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

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

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

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/825,183	06/28/2010	Tyler Brooks	096633-0106 (SMD-001CON)	1230
48329 7590 08/31/2012 FOLEY & LARDNER LLP 111 HUNTINGTON AVENUE 26TH FLOOR BOSTON, MA 02199-7610			EXAMINER PALAVECINO, KATHLEEN GAGE	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 08/31/2012

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

The Patent Term Adjustment to date is 74 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 74 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

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

Privacy Act Statement

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

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

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

Notice of Allowability	Application No.	Applicant(s)	
	12/825,183	BROOKS ET AL.	
	Examiner	Art Unit	
	KATHLEEN G. PALAVECINO	3625	

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

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

1. ☒ This communication is responsive to the remarks received 7/12/2012.

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

3. ☒ The allowed claim(s) is/are 2-16, 18-33, 35-43, and 45-56.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 * Certified copies not received: _____.

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

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

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

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

Attachment(s)

1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ 7. <input type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____.
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/WILLIAM ALLEN/ Primary Examiner, Art Unit 3625	
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DETAILED ACTION

Prosecution History Summary

Claims 20-33 are pending and allowable as set forth below.

Response to Arguments

Applicant's amendments in the amendment after final response (July 12, 2012) have been fully considered and place this application in condition for allowance.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

Upon review of the evidence at hand, it is hereby concluded that the evidence obtained and made of record, alone or in combination, neither anticipates, reasonably teaches, nor renders obvious the below noted features of applicant's invention as the noted features amount to more than a predictable use of elements in the prior art. The allowable features are as follows:

“...receiving, by the attraction, after each visitor of the plurality of visitors have accessed the attraction, compensation based on a number of uses of the card at the attraction ...”

Universal teaches *compensation based on a number of uses of the card at the attraction* (Universal: Universal Studios Vacations' sales incentives for agents include: a 2 percent commission bonus for the sale of a two-day theme park pass with a hotel package, and a 3 percent bonus for selling a three-day park pass (number of uses - two or three); \$15 to \$25 bonuses for the sale of land-only or air-inclusive packages; and an opportunity through a qualifying sales level of 10 packages sold to join Universal's "Producer's Club" for more agent earnings.). Neither Universal nor any of the other cited references teach, suggest, or otherwise render obvious receiving, by the attraction, compensation based on a number of uses of the card at the attraction.

None of the evidence at hand teaches or suggests the combination of features claimed, nor does there exist an appropriate rationale for further modification of the evidence at hand. It is hereby asserted by the Examiner that, in light of the above and in further deliberation over all the evidence at hand, that the claims are allowable as the evidence at hand does not anticipate the claims and does not render obvious any further modification of the references to a person of ordinary skill in the art.

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

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to KATHLEEN G. PALAVECINO whose telephone number is (571)270-1355. The examiner can normally be reached on M-F 800-500 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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

/KATHLEEN G PALAVECINO/
Examiner, Art Unit 3625

Will Allen /WILLIAM ALLEN/
Primary Examiner, Art Unit 3625


<i>Search Notes</i> 	Application/Control No. 12825183	Applicant(s)/Patent Under Reexamination BROOKS ET AL.
	Examiner KATHLEEN G PALAVECINO	Art Unit 3625

SEARCHED			
Class	Subclass	Date	Examiner
705	26.1-27.2	11/1/2011	K.P.

SEARCH NOTES		
Search Notes	Date	Examiner
EAST search - sees search history	11/1/2011	K.P.
Inventor search	11/1/2011	K.P.
updated EAST search - see search history	4/9/2012	KGP
Dialog search - see search history	4/9/2012	KGP
updated EAST search - see search history	8/28/2012	KGP

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner
705	26.1-27.2	8/28/2012	KGP

/K.G.P./ Examiner.Art Unit 3625	
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Issue Classification 	Application/Control No. 12825183	Applicant(s)/Patent Under Reexamination BROOKS ET AL.
	Examiner KATHLEEN G PALAVECINO	Art Unit 3625

ORIGINAL						INTERNATIONAL CLASSIFICATION												
CLASS		SUBCLASS				CLAIMED					NON-CLAIMED							
705		26.1				G	0	6	Q	30 / 00 (2012.0)								
CROSS REFERENCE(S)						G	0	6	F	17 / 30 (2006.0)								
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)																	
705	27.1																	

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant <input type="checkbox"/> CPA <input type="checkbox"/> T.D. <input type="checkbox"/> R.1.47															
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
	1		17	31	33	45	49								
1	2	16	18		34	46	50								
2	3	17	19	32	35	47	51								
3	4	18	20	33	36	48	52								
4	5	19	21	34	37	49	53								
5	6	20	22	35	38		54								
6	7	21	23	36	39	50	55								
7	8	22	24	37	40	51	56								
8	9	23	25	38	41										
9	10	24	26	39	42										
10	11	25	27	40	43										
11	12	26	28		44										
12	13	27	29	41	45										
13	14	28	30	42	46										
14	15	29	31	43	47										
15	16	30	32	44	48										

/KATHLEEN G PALAVECINO/ Examiner.Art Unit 3625 (Assistant Examiner)	8/28/2012 (Date)	Total Claims Allowed: 51	
/WILLIAM ALLEN/ Primary Examiner.Art Unit 3625 (Primary Examiner)	08/29/2012 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 2



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BIB DATA SHEET

CONFIRMATION NO. 1230

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
12/825,183	06/28/2010	705	3625	096633-0106 (SMD-001CON)		
APPLICANTS Tyler Brooks, Seattle, WA; Kevin McLaughlin, Charlestown, MA; Helga Cecilia Dahl, Boston, MA; Edward Kim, Seattle, WA; ** CONTINUING DATA ***** This application is a CON of 10/896,287 07/21/2004 PAT 7,765,128 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 07/07/2010						
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and /KATHLEEN G PALAVECINO/ Acknowledged Examiner's Signature		<input type="checkbox"/> Met after Allowance Initials	STATE OR COUNTRY WA	SHEETS DRAWINGS 9	TOTAL CLAIMS 1	INDEPENDENT CLAIMS 1
ADDRESS FOLEY & LARDNER LLP 111 HUNTINGTON AVENUE 26TH FLOOR BOSTON, MA 02199-7610 UNITED STATES						
TITLE PROGRAMMABLE TICKETING SYSTEM						
FILING FEE RECEIVED 2547	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:			<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit		

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	8	(attraction) same (card) same (compensation)	US-PGPUB; USPAT; USOCR	ADJ	ON	2012/08/28 07:58
L2	223	(smart card) same (compensation)	US-PGPUB; USPAT; USOCR	ADJ	ON	2012/08/28 07:59
L3	4925666	@ad<"20040721"	US-PGPUB; USPAT; USOCR	ADJ	ON	2012/08/28 08:00
L4	59	l2 and l3	US-PGPUB; USPAT; USOCR	ADJ	ON	2012/08/28 08:00
L5	12	(smart card) near5 (compensation)	US-PGPUB; USPAT; USOCR	ADJ	ON	2012/08/28 08:00
S1	36	(attraction) same (card) near3 (code)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:40
S2	908	(attraction or admission or ticket) same (card) near3 (code)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:49
S3	6	((attraction or admission or ticket) same (card) near3 (code) same (valid or validate)) and (compensate or compensation)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:50
S4	30	((attraction or admission or ticket) same (smart near2 card) near3 (code)) and (compensate or compensation)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:51
S5	273	((attraction or admission or ticket) same (smart near2 card)) and (compensate or compensation)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:52
S6	28874044	@ad<"20040721"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:53
S7	95	S5 and S6	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:53
S8	8	((attraction or admission) same (smart near2 card)) and (compensate or	US-PGPUB; USPAT; USOCR; EPO; JPO;	ADJ	ON	2011/10/31 15:54

		compensation)	DERWENT; IBM_TDB			
S9	15	((attraction or admission or ticket) same (smart near2 card)).ab. and (compensate or compensation)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:55
S10	16	((attraction or admission or ticket or loyalty) same (smart near2 card)).ab. and (compensate or compensation)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:58
S11	18	((attraction or admission or ticket or loyalty or reward) same (smart near2 card)).ab. and (compensate or compensation)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 15:58
S12	3	"20050060173"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 16:01
S13	843	((activate or activation) near3 (first) same card)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 16:35
S14	5	((activate or activation) near3 (first) same card) and ((store or stored) near5 (time) near5 location same card)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 16:35
S15	96	((activate or activation) near3 (time) same card same location)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 16:37
S16	52	S6 and S15	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 16:37
S17	14	((activate or activation) near3 smart card same location)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 16:40
S18	9	((activate or activation) near3 card) same (attraction or admission)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/10/31 16:42
S19	30	((activate or activation) near3 card) same (first near3 (use or useage))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 08:49
S20	32	((activate or activation) near4 card) same (first near4 (use or useage))	US-PGPUB; USPAT; USOCR; EPO; JPO;	ADJ	ON	2011/11/01 08:54

			DERWENT; IBM_TDB			
S21	32	((activate or activation) near4 card) same ((initial or first) near4 (use or useage))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 08:54
S22	710	((activate or activation or activating) near4 card) near5 ((initial or first))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 08:56
S23	39	((activate or activation or activating) near4 smart card) near5 ((initial or first))	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 08:56
S24	2	(store or storing or save or saving) near4 location same (attraction) same card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:06
S25	4	(store or storing or save or saving) near6 (location) same (attraction) same card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:07
S26	224	(store or storing or save or saving) near6 (location) same (event or attraction) same card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:07
S27	28874218	@ad<"20040721"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:08
S28	81	S26 and S27	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:08
S29	838	(location) near4 (event or attraction) same card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:10
S30	60	(location) near4 (event or attraction) same smart card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:10
S31	80	(location) near4 (event or attraction or ticket or ticketing) same smart card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:16
S32	39	S27 and S31	US-PGPUB; USPAT; USOCR; EPO; JPO;	ADJ	ON	2011/11/01 09:16

			DERWENT; IBM_TDB			
S33	0	(compensation) near4 (number) near3 (use) same smart card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:20
S34	0	(compensation) near4 (number) near3 (use) same card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:20
S35	13	(compensation) near4 (use) same card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:20
S36	2258	((smart card) or card or (ticket or ticketing)).ab. and compensation	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:21
S37	8	((smart card) or card or (ticket or ticketing)).ab. and compensation same (number near4 use)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:21
S38	0	((smart card) or card or (ticket or ticketing)).ab. and (compensation near4 useage)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:22
S39	0	((smart card) or card or (ticket or ticketing)).ab. and (compensation same useage)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:22
S40	84	((smart card)).ab. and (compensation)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:23
S41	44	S27 and S40	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:23
S42	44	(compensation) near4 ((number near2 use) or useage)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:52
S43	26106	(compensation) near4 ((time) or useage)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:53
S44	5658	(compensation) near4 ((time) or useage) and (attraction or event or admission)	US-PGPUB; USPAT; USOCR; EPO; JPO;	ADJ	ON	2011/11/01 09:53

			DERWENT; IBM_TDB			
S45	574	(compensation) near4 ((time) or useage) same (attraction or event or admission)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:53
S46	0	(compensation) near4 (useage) same (attraction or event or admission)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:53
S47	1024	(compensation) same (attraction or admission)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:54
S48	332	S27 and S47	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:54
S49	12431	705/26.1-27.2.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:55
S50	4	S47 and S49	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 09:55
S51	91	(compensation) same (attraction or admission) same (frequency or useage)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 10:00
S52	1421	(compensation) same (attraction or event or admission) same (frequency or useage)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 10:00
S53	69579	(compensation) same (frequency or useage)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 10:00
S54	22051	(compensation) near4 (frequency or useage)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 10:01
S55	8	S54 and S49	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 10:01
S56	39	(compensation) near4 (frequency or useage) same (card)	US-PGPUB; USPAT; USOCR; EPO; JPO;	ADJ	ON	2011/11/01 10:02

			DERWENT; IBM_TDB			
S57	96	(compensation) near4 (time or useage) same (card)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 10:02
S58	57	(compensation) near4 (number) same (card)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 13:01
S59	34	(compensation) same (use near4 card)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 13:08
S60	13	(compensation) same (attraction or admission) same card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 13:10
S61	218	(compensation) same (location) same card	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 13:14
S62	28874218	@ad<"20040721"	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 13:14
S63	65	S61 and S62	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 13:14
S64	82	(compensate or compensation) near4 attraction	USPAT	OR	OFF	2011/11/01 13:18
S65	43	(compensate or compensation) near4 admission	USPAT	OR	OFF	2011/11/01 13:18
S66	242516	(compensate or compensation) near4 smart card	USPAT	OR	OFF	2011/11/01 13:18
S67	62	(compensate or compensation) near4 smart card near4 (useage)	USPAT	OR	OFF	2011/11/01 13:19
S68	59	(compensate or compensation) near4 smart card same (number near3 use)	USPAT	OR	OFF	2011/11/01 13:20
S69	67	(compensate or compensation) near4 smart card same (useage)	USPAT	OR	OFF	2011/11/01 13:21
S70	47	(compensation) near4 smart card same (useage)	USPAT	OR	OFF	2011/11/01 13:21
S71	14528	(compensation or reconciliation) near4 smart card same (useage or frequency)	USPAT	OR	OFF	2011/11/01 13:27
S72	52	(compensation or	USPAT	OR	OFF	2011/11/01

		reconciliation) near4 smart card same (useage)				13:27
S73	242498	(compensation or reconciliation) near4 smart card	USPAT	OR	OFF	2011/11/01 13:28
S74	12431	705/26.1-27.2.ccls.	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT; IBM_TDB	ADJ	ON	2011/11/01 13:28
S75	2186	S73 and S74	USPAT	OR	OFF	2011/11/01 13:28
S76	242498	(compensation) near4 smart card	USPAT	OR	OFF	2011/11/01 13:28
S77	242482	(compensation) near3 smart card	USPAT	OR	OFF	2011/11/01 13:28
S78	1487	S77 and S62 and S74	USPAT	OR	OFF	2011/11/01 13:28
S79	30294	((compensation) near4 smart card).ab.	USPAT	OR	OFF	2011/11/01 13:29
S80	145	S79 and S62 and S74	USPAT	OR	OFF	2011/11/01 13:29
S81	0	((compensation) near4 smart card).ab.	USPAT	ADJ	OFF	2011/11/01 13:30
S82	3	((compensation) and smart card).ab.	USPAT	ADJ	OFF	2011/11/01 13:30
S83	0	((compensation) near4 smart card) same (useage)	USPAT	ADJ	OFF	2011/11/01 13:32
S84	0	((compensation) near4 smart card) same (use)	USPAT	ADJ	OFF	2011/11/01 13:32
S85	0	((compensation) near4 smart card)	USPAT	ADJ	OFF	2011/11/01 13:32
S86	0	((compensation or reconciliation) near4 smart card)	USPAT	ADJ	OFF	2011/11/01 13:32
S87	0	((compensation or reconciliation or compensate) near4 smart card)	USPAT	ADJ	OFF	2011/11/01 13:32
S88	457	((compensation or reconciliation or compensate) near4 card)	USPAT	ADJ	OFF	2011/11/01 13:32
S89	95	((compensation or reconciliation or compensate) and card).ab.	USPAT	ADJ	OFF	2011/11/01 13:33
S90	0	((compensation or reconciliation or compensate) same (number near4 use))	USPAT	ADJ	OFF	2011/11/01 13:36
S91	49617	(compensation or reconciliation or compensate) same (number or (frequency near4 use))	USPAT	ADJ	OFF	2011/11/01 13:37
S92	0	(compensation or reconciliation or compensate) same ((number or frequency) near4 use)	USPAT	ADJ	OFF	2011/11/01 13:37
S93	0	(compensation or reconciliation or compensate) same ((number or frequency or time) near4	USPAT	ADJ	OFF	2011/11/01 13:37

		use)				
S94	0	(compensation or reconciliation or compensate) same ((number or frequency or time or location) near4 use)	USPAT	ADJ	OFF	2011/11/01 13:37
S95	157667	(compensation or reconciliation or compensate) same ((number or frequency or time or location))	USPAT	ADJ	OFF	2011/11/01 13:38
S96	41849	(compensation or reconciliation or compensate) near4 ((number or frequency or time or location))	USPAT	ADJ	OFF	2011/11/01 13:38
S97	164	(compensation or reconciliation or compensate) near4 ((number or frequency or time or location)) same card	USPAT	ADJ	OFF	2011/11/01 13:38
S98	718	(compensation or reconciliation) same ((number or frequency or time or location)) same card	USPAT	ADJ	OFF	2011/11/01 13:47
S99	27	S74 and S98	USPAT	ADJ	OFF	2011/11/01 13:47
S100	447	(compensation) same ((number or frequency or time or location)) same card	USPAT	ADJ	OFF	2011/11/01 13:48
S101	19	(compensation) same ((number or frequency or time or location)) same smart card	USPAT	ADJ	OFF	2011/11/01 13:48
S102	0	(compensation) same ((level near4 use))	USPAT	ADJ	OFF	2011/11/01 13:56
S103	0	(compensation) same ((location near4 use))	USPAT	ADJ	OFF	2011/11/01 13:56
S104	0	card near3 (adult same child same senior)	USPAT	ADJ	OFF	2011/11/01 14:11
S105	6	card same (adult same child same senior)	USPAT	ADJ	OFF	2011/11/01 14:12
S106	490	card near3 (adult or child or senior)	USPAT	ADJ	OFF	2011/11/01 14:12
S107	9	S106 and S74	USPAT	ADJ	OFF	2011/11/01 14:12
S108	29	card near3 (adult or child or senior) same (event or ticket or attraction or admission)	USPAT	ADJ	OFF	2011/11/01 14:12
S109	9	card near3 (adult or child or senior) same (ticket or attraction or admission)	USPAT	ADJ	OFF	2011/11/01 14:13
S110	24	(compensation) near4 ((number or frequency or time)) near4 card	US-PGPUB; USPAT	ADJ	OFF	2012/04/09 09:26
S111	18	(commission) near4 ((number or frequency or time)) near4 card	US-PGPUB; USPAT	ADJ	OFF	2012/04/09 09:47
S112	18	(commission) near4 ((number or frequency or time)) near4 (card or pass)	US-PGPUB; USPAT	ADJ	OFF	2012/04/09 09:47

8/28/2012 8:53:47 AM

C:\Users\kpalavecino\Documents\EAST\Workspaces\12825183.wsp

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

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

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

48329 7590 08/31/2012
FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON, MA 02199-7610

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

Certificate of Mailing or Transmission

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

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/825,183	06/28/2010	Tyler Brooks	096633-0106 (SMD-001CON)	1230
TITLE OF INVENTION: PROGRAMMABLE TICKETING SYSTEM				

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	-\$870 \$885	\$300	\$0	-\$1170 \$1185	11/30/2012
EXAMINER	ART UNIT	CLASS-SUBCLASS				
PALAVECINO, KATHLEEN GAGE	3625	705-026000				

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

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

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

- 1 Foley & Lardner LLP
2 Matthew B. Lowrie
3 Daniel E. Rose

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

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

(A) NAME OF ASSIGNEE

SMART DESTINATIONS INC.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

BOSTON, MA

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

4a. The following fee(s) are submitted:

- ☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☒ Payment by credit card. ~~Form PTO-2038 is attached.~~
☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 19-0741 (enclose an extra copy of this form).

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

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature /Daniel Rose/
Typed or printed name Daniel Rose

Date November 28, 2012
Registration No. 63,214

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Electronic Patent Application Fee Transmittal				
Application Number:		12825183		
Filing Date:		28-Jun-2010		
Title of Invention:		PROGRAMMABLE TICKETING SYSTEM		
First Named Inventor/Applicant Name:		Tyler Brooks		
Filer:		Daniel Rose/Jennifer Robins		
Attorney Docket Number:		096633-0106 (SMD-001CON)		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl issue fee	2501	1	885	885
Publ. Fee- early, voluntary, or normal	1504	1	300	300

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1185

Electronic Acknowledgement Receipt	
EFS ID:	14327956
Application Number:	12825183
International Application Number:	
Confirmation Number:	1230
Title of Invention:	PROGRAMMABLE TICKETING SYSTEM
First Named Inventor/Applicant Name:	Tyler Brooks
Customer Number:	48329
Filer:	Daniel Rose/Jennifer Robins
Filer Authorized By:	Daniel Rose
Attorney Docket Number:	096633-0106 (SMD-001CON)
Receipt Date:	28-NOV-2012
Filing Date:	28-JUN-2010
Time Stamp:	15:50:46
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$1185
RAM confirmation Number	2795
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1	Issue Fee Payment (PTO-85B)	096633-0106issuefee.pdf	91912 0e0ad1093a17c75ac28c9bc66d406062800ff0ba	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	31931 49aac3745597b1e50ddd6567667718ab2858a6f7	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			123843		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					

Receipt date: 07/28/2011

12825183 - GAU: 3625

PTO/SB/08 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: July 28, 2011 <i>(use as many sheets as necessary)</i>				Application Number	12/825183
				Filing Date	6/28/2010
				First Named Inventor	Tyler Brooks
				Art Unit	3625
				Examiner Name	Davison, Kathleen G.
Sheet	1	of	1	Attorney Docket Number	096633-0106

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

UNPUBLISHED U.S. PATENT APPLICATION DOCUMENTS					
Examiner Initials*	Cite No. ¹	U.S. Patent Application Document Serial Number-Kind Code ² (if known)	Filing Date of Cited Document MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Documents	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
/K.P./		WO-01/17262	3-8-2001			

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶

Change(s) applied
to document,

/L.A.S./

10/4/2012

Examiner Signature	/KATHLEEN PALAVECINO/	Date Considered	10/31/2011
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

BOST_2011901.1

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /K.P./



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UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/825,183	01/01/2013	8346618	096633-0106 (SMD-001CON)	1230

48329 7590 12/12/2012
FOLEY & LARDNER LLP
3000 K STREET N.W.
SUITE 600
WASHINGTON, DC 20007-5109

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

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

The Patent Term Adjustment is 74 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Tyler Brooks, Seattle, WA;
Kevin McLaughlin, Charlestown, MA;
Helga Cecilia Dahl, Boston, MA;
Edward Kim, Seattle, WA;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Southern District of New York on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.);

DOCKET NO. <u>14cv05128</u>	DATE FILED <u>8/15/2014</u>	U.S. DISTRICT COURT <u>500 Pearl Street New York, NY 10007</u>
PLAINTIFF <u>Lydia</u>		DEFENDANT <u>CBS Corporation et al.</u>
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
<u>1 7765128</u>	<u>7/27/2010</u>	<u>BROOKS et al.</u>
<u>2 8346618</u>	<u>1/1/2013</u>	<u>BROOKS et al.</u>
<u>3</u>		
<u>4</u>		
<u>5</u>		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
<u>1</u>			
<u>2</u>			
<u>3</u>			
<u>4</u>			
<u>5</u>			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT <u>N/A.</u>

CLERK <u>Ruby J. Krajick</u>	(BY) DEPUTY CLERK <u>[Signature]</u>	DATE <u>8/15/2014</u>
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy