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J. Antio

ATTORNEY DOCKET NO. BARCODE/SCH  
Serial No.: 09/618,988

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: Scott C. Harris
Appl. No.	: 09/618,988
Filed	: July 18, 2000
For	: BAR CODE DATA ENTRY DEVICE
Examiner	: D. I Walsh

Group Art Unit 2876

Fax to  
703-872-9318

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APR 15 2003

TECHNOLOGY CENTER 2800

AMENDMENT

United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

In response to the official action dated, January 15, 2003, paper No. 2, kindly amend the above-referenced application as follows:

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all marked attachments are being facsimile transmitted to the Patent and Trademark Office on the date shown below:

4-15-03  
Date of Deposit \_\_\_\_\_  
Signature *Scott Harris* \_\_\_\_\_  
Typed or Printed Name of Person Scott Harris

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**AMENDMENTS TO THE CLAIMS**

Please cancel claim 9.

Please amend the claims as follows:

1. (Currently Amended) A bar code, comprising:

a first bar code portion, which represents a first format bar code, and is would be found as valid when scanned by a first bar code scanning process to provide first information, and a second bar code portion, formed in a second format which is different than said first format, but associated with said first format bar code portion, and said second bar code portion representing additional information beyond the first information provided by said first bar code portion, and wherein said additional information includes the same information as said first information, and also includes additional information that is different than said first information.

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2. (Original) A bar code as in claim 1 wherein said second bar code portion is a two dimensional bar code.

3. (Currently Amended) A bar code as in claim 1 wherein said second bar code portion includes a bar code which would be is found invalid by said first bar code scanning process which is used to decode said first bar code portion if said first bar code scanning process were used.

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4. (Original) A bar code as in claim 3 wherein said first bar code is a standard linear bar code which is one of a UPC type code, a Type 39 type code, or a Type 128 type code.

5. (Original) A bar code as in claim 1 wherein said second bar code portion includes information which is encoded in two separate directions.

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Cont.

6. (Currently Amended) A bar code as in claim 1 wherein said second bar code portion includes information that is encoded into ~~in one of a color or a gray scale of the bar code.~~

7. (Currently Amended) A bar code as in claim 1 wherein both of said first and second bar code portions represent personal identification information, wherein said first bar code portion represents a first part of personal identification information, and said second part represents the first part and additional information beyond said first information ~~a greater quantity of information than said first part.~~

8. (Original) A bar code as in claim 1, wherein said additional information defines information which is related to said first information.

9. Cancelled.

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<sup>9</sup>  
10. (Original) A bar code as in claim 8 wherein said additional information includes supplemental information to the information included in said first bar code portion.

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Cmt.

<sup>10</sup>  
11. (Currently Amended) A bar code, comprising a first part which is interpreted by a first bar code scanning process to obtain first abbreviated information, and a second part which is interpreted by a second bar code scanning process to obtain second information, which has more information than said first information, wherein said additional information includes the same information as said first information, and also includes additional information.

<sup>11</sup>  
12. (Original) A bar code as in claim <sup>10</sup>11 wherein said first information is in a linear bar code and said second information is in a two dimensional bar code.

<sup>12</sup>  
13. (Currently Amended) A bar code as in claim <sup>10</sup>11 wherein said second bar code portion is one which would be found invalid if scanned by a scanning process which is used to decode said first bar code portion, ~~so that said scanning process decodes only said first bar code portion and not said second bar code portion.~~

<sup>13</sup>  
14. (Original) A bar code as in claim <sup>10</sup>11 wherein said first bar code is one of a UPC code, a type 39 bar code or a type 128 bar code.

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<sup>14</sup>  
~~15~~. (Currently Amended) A bar code as in claim <sup>10</sup>~~11~~ wherein said second information is encoded in a gray scale of the bar code.

*AI  
Cont.*

<sup>15</sup>  
~~16~~. (Currently Amended) A bar code as in claim <sup>10</sup>~~11~~, wherein both of said first and second parts represent personal identification information, wherein said first part represents a first part of personal identification information, and said second part represents the same information that is in said first path, and also additional information of a greater quantity of information than said first part.

<sup>10</sup>  
~~17~~. (Original) A bar code as in claim <sup>10</sup>~~11~~ wherein said second information is in a color of the bar code.

18-23 cancelled.

*AI*

<sup>17</sup>  
~~24~~. (Currently Amended) A bar code comprising:  
a first part having first information encoded therein in a first bar code format; and  
a second part having second information encoded therein in a second format,  
different than said first format, said second information having both the first information and also second information therein.

<sup>18</sup>  
~~25~~. (Original) A bar code as in claim <sup>17</sup>~~24~~ wherein said second part has a greater quantity of information than said first part.

*25*

*AI*

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<sup>19</sup>  
~~26~~. (Original) A bar code as in claim <sup>17</sup>~~24~~ wherein said second part has related information to said first part.

*AI*  
*cancel.* <sup>20</sup>  
~~27~~. (Original) A bar code as in claim <sup>17</sup>~~24~~ wherein said first bar code format is a linear bar code format.

<sup>21</sup>  
~~28~~. (Original) A bar code as in claim <sup>20</sup>~~27~~ wherein said second bar code format is a matrix format.

<sup>22</sup>  
~~29~~. (Currently Amended) A bar code as in claim <sup>17</sup>~~24~~ wherein said second format is a ~~code~~ bar code format which has information encoded by an amount of density of a grey scale of the bar code.

30-60 cancelled.

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**REMARKS**

Reconsideration and allowance of the above-referenced application are respectfully requested.

Initially, each of the elected independent claims; specifically claims 1, 11 and 24; have been amended to include the limitations of claim 9 therein. These limitations recite that the "additional information" includes not only the additional information, but also the same information as the first information. This makes it completely patentable, and distinguishes over the cited prior art, for reasons set forth herein.

Claim 9 was rejected under 35 U.S.C. Section 103 based on Williams. The rejection alleges that it would have been obvious to one of ordinary skill in the art to place the same information into the separate bar code portion. The rejection alleges that "simply specifying what information is encoded in a label would have been well within the ordinary skill in the art". However, this contention is respectfully traversed. In fact, the ordinary expectation in the art is that if two different bar codes are provided, that the two different bar codes include different information. Why would two bar codes be provided that included the same information? This is quite simply not obvious based on the prior art. In fact, it is the present inventors recognition that using two bar codes with overlapping information may produce a significant advantage in the subject matter of the claims.

Specifically, the present system defines two different bar codes in two different formats. The second bar code includes additional information, but also duplicates the information that is in the first bar code. This system enables the user to scan either of

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the two bar codes and still obtain a complete version of the information that is encoded in the bar code. For example, if the system and teaching of Williams were used, the second bar code includes only the additional information that is supplemental to the information in the first bar code. If one has a scanner that scanned only the second bar code, one would not obtain the first information. For example, many products are formatted with UPC bar codes. You can scan these UPC bar codes to get certain information used for pricing and inventory. According to the present system, an additional bar code can also be added, for example a two-dimensional bar code as defined by claim 2. If this two-dimensional bar code is added, according to the present system, a scanner can scan only that two-dimensional bar code. That single scan will get the information that was included within the UPC, as well as the additional information. This additional information could be any kind of information which simply would not fit within the UPC. Therefore, duplicating the information produces a significant advantage: specifically, it allows one to scan only the additional bar code instead of the original bar code as well as the additional bar code. Only a single kind of scanner is required in any case. In one case, you scan the original bar code; any other case, you scan only the additional bar code. In both cases, you get the core information which is duplicated between the bar codes. Nothing in the prior art teaches or suggests this, and in fact this goes against ordinary expectation which would not duplicate the information.

The reference to Williams does not teach that the same information is duplicated in both the first and second bar code portions. In fact, Williams discusses the first bar code portion as being primary product information, and the second bar code portion as

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being "supplemental product information data", see the summary of the invention, fifth paragraph from the end. Clearly this indicates Williams intends that that there be primary and supplemental information, and not that the second bar code includes the same information as the first as well as some additional information. The contention made in rejecting claim 9 is based entirely on hindsight, and not on William's teaching. In fact, Williams teaches away from having the second bar code represent "the same information as said first information and also includes additional information", as claimed. Therefore, amended claim 1 should be allowable along with the claims which depend therefrom.

Claims 3 and 4 were rejected based on lack of disclosure. These claims have been amended to better describe their intention. The intention of these claims was that the second bar code is a type code that would be found invalid by the scanner for the first type of code. This has been clarified in the claims.

Claims 6 has been amended to recite only grayscale. The rejection alleges that the prior art teaches encoding into grayscale of a bar code. However, this is respectfully traversed. The prior art teaches adjusting the grayscale to enhance contrast when both first and second bar codes are simultaneously printed. It teaches nothing about the encoding being into the grayscale of the bar code. Therefore, claim 6 should be additionally allowable on its own merits.

Claims 7 specifies that the bar code represents personal identification information. This produces specific advantages. The statement in the rejection that bar codes could be used for personal information is understood; however nothing in the

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prior art teaches or suggests the dual bar code with duplicate information, as now claimed.

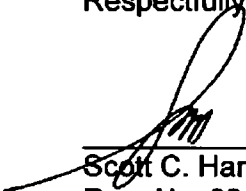
The remaining claims should be allowable for similar reasons to those discussed above.


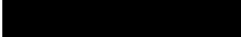
For all of these reasons, it is respectfully suggested that all of the claims should be in condition for allowance. A formal notice of allowance is hence respectfully requested.

Please charge any fees due in connection with this response to Deposit Account No. 50-1387.

Respectfully submitted,

Date: 4/15/03

  
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