

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Label\$Dollars, Corp.,)
)
 Plaintiff,)
)
 v.)
)
 Premark FEG L.L.C.,)
)
 Defendants.)

C.A. No. 06-06-594

FILED
U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2006 SEP 25 PM 4:25

COMPLAINT

Plaintiff Label\$Dollars, Corp. (“Label Dollars”), hereby demands a trial by jury on all issues so triable and, for its complaint against Defendant Premark FEG, LLC (“Premark”), through its attorneys, states the following:

NATURE OF THE ACTION

1. In this action, Label Dollars seeks a declaratory judgment that U.S. Patent No. 7,099,038 (“the ‘038 Patent” or “patent-in-suit”) is invalid and not infringed, and in the event it is found to be valid, it is owned by Label Dollars, either solely or jointly with the defendant.

PARTIES

2. Label Dollars is a corporation organized and existing under the laws of the State of Delaware and maintains its principal place of business at 870 Post Road East, Westport, CT 06880. Label Dollars is a promotion company that offers manufacturers and retailers in-store redeemable coupons for supermarket, meat, deli and bakery products. Label Dollars has conducted and is conducting business in interstate commerce and in this judicial district.

3. On information and belief, defendant Premark FEG L.L.C. (“Premark”) is a corporation organized and existing under the laws of the State of Delaware and maintains its principal place of business at 1300 Market St., Wilmington DE 19801. On information and belief, Premark has conducted and is conducting business in interstate commerce and in this judicial district. On information and belief, Premark is a patent holding company subsidiary of Illinois Tool Works, Inc. (“ITW”).

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, Title 35 of the United States Code. This Court has original jurisdiction over the parties and over the subject matter under 28 U.S.C. §§ 1331, 1338, 2201 and 2202 and under the doctrines of pendent and supplemental jurisdiction.

5. Venue is proper in this district under 28 U.S.C. §§ 1391 (b) and (c).

EXISTENCE OF AN ACTUAL AND JUDICIAL CONTROVERSY

6. There is an actual controversy between the parties within the jurisdiction of this Court under 28 U.S.C. §§2201 and 2202 concerning the validity, infringement, inventorship and ownership of the ‘038 Patent.

FACTS COMMON TO ALL CLAIMS

7. On September 15, 2000, Robert J. Schuller (“Schuller”) filed a patent application in the United States Patent and Trademark Office (“Patent Office”) that matured into U.S. Patent No. 7,026,556 (“the ‘556 Patent”) on April 11, 2006, entitled, “Method and System for Controlling Messages Printed by an In Store Label Printer and Related Label Structure.” Schuller was and is the General Manager of Hobart Corporation (“Hobart”). On information and belief, Hobart also is a subsidiary of ITW. The ‘556 Patent was assigned by Schuller to Premark. The specification of the

'556 Patent describes the invention as "a method for selectively printing different messages on labels printed by an in-store scale [that] involves providing an in-store scale including a label printing mechanism with a supply of labels and a communications link for receiving information from a site external to the store." Column 2, lines 33-38. Attached hereto as Exhibit A is a copy of the '556 Patent.

8. Before May 21, 2002, Lawrence Mortimer ("Mortimer") conceived of a method and system for providing pre-point-of-sale incentive marketing with pre-printed coupons and on that date filed a provisional application with the Patent Office relating thereto. Specifically, the system and method relates to label coupons that include a product selection information portion and one or more pre-printed coupons implementing incentive offers for selected products. On December 24, 2002, Mortimer filed a complete application, Serial No. 10/328,928 ("the '928 Application") claiming priority on the provisional application. The '928 Application was published on November 27, 2003 under Pub. No. 2003/0218330. Mortimer has assigned his rights in the '928 Application to Label Dollars. Attached hereto as Exhibit B is a copy of the published '928 Application.

9. In late 2002, Mortimer on behalf of his company Label Dollars approached Safeway, Inc. ("Safeway"), a large supermarket chain, inquiring about testing his system in the Safeway supermarkets. Label Dollars could not test its system as a standalone product and needed to use weighing scales, supplied by Hobart, at the Safeway supermarkets in order to conduct its testing. As a result, Mortimer and Label Dollars contacted Schuller and Hobart and entered into a Nondisclosure Agreement with Hobart on January 28, 2003, by which Label Dollars disclosed to Hobart confidential information relating to Label Dollars' invention. Attached hereto as Exhibit C is a copy of the Nondisclosure Agreement.

10. After learning about Label Dollars' invention, Schuller filed a continuation application on March 14, 2003 -- Serial No. 10/389,474 ("the '474 Application") -- claiming priority on the '556 Patent and adding claims having no support in the specification, but rather, purporting to cover the invention conceived by Mortimer and Label Dollars and disclosed in confidence to Schuller and Hobart. The '474 Application still is pending in the Patent Office. Schuller similarly assigned the '474 Application to Premark.

11. On October 18, 2004, Schuller filed another continuation application, which issued as the '038 Patent. As was the case with the '474 Application, the '038 Patent claims priority on the '556 Patent and also adds claims having no support in the specification but rather claims directed to the invention conceived by Mortimer and Label Dollars and disclosed in confidence to Schuller and Hobart. Once again, Schuller assigned the '038 Patent to Premark. Attached hereto as Exhibit D is a copy of the '038 Patent.

12. On November 18, 2004, Schuller and Premark petitioned the Patent Office to make the application of the '038 Patent "special" on the ground of an actual infringement by a system implemented in a "Dominick's" grocery store located on Dundee Road in Northbrook, Illinois. This system was a Label Dollars system. Based on statements in the petition, Premark has created in Label Dollars a reasonable apprehension that it will initiate a patent infringement suit against Label Dollars, alleging that Label Dollars infringes the patent-in-suit. Attached hereto as Exhibit E is a copy of the November 18, 2004 Petition To Make Special.

13. An actual and justiciable controversy exists between Label Dollars and Premark as to whether the patent-in-suit is invalid and/or non-infringed and, if the patent-in-suit is determined to be valid, whether Mortimer of Label Dollars should be added as a named inventor to the patent-in-suit,

and/or whether Schuller of Hobart should be removed as a named inventor, and whether Label Dollars is the true owner of the patent-in-suit.

COUNT I
(DECLARATORY JUDGMENT OF INVALIDITY)

14. Label Dollars repeats and reasserts all allegations in paragraph 1-13 above as if they are stated in full herein.

15. Schuller is not the inventor of the subject matter claimed in the '038 Patent, but rather, derived the invention from Mortimer.

16. The '038 Patent is invalid and void as a result of Schuller's failure to comply with one or more provisions of Title 35 of the United States Code related to patentability of an invention, including but not limited to §§ 102, 103, 112, and 132.

17. Label Dollars is entitled to a declaratory judgment that the '038 Patent is invalid and void.

18. Absent a declaration by this Court, Premark has and will continue to wrongfully assert the '038 Patent against Label Dollars and thereby cause Label Dollars irreparable injury and damage.

COUNT II
(DECLARATORY JUDGMENT OF NON-INFRINGEMENT)

19. Label Dollars repeats and reasserts all allegations in paragraph 1-18 above as if they are stated in full herein.

20. Label Dollars has not infringed any valid claim of the '038 Patent.

21. Label Dollars has not induced, nor does it now induce, infringement of any valid claim of the '038 Patent.

22. Label Dollars has not contributorily infringed, nor does it now contributorily infringe, any valid claim of the '038 Patent.

23. Label Dollars is entitled to a declaratory judgment that it has not directly, contributorily, or by inducement, infringed any valid claim of the '038 Patent.

24. Absent a declaration by this Court, Premark has and will continue to wrongfully assert the '038 Patent against Label Dollars and thereby cause Label Dollars irreparable injury and damage.

COUNT III
(DECLARATORY JUDGMENT OF SOLE INVENTORSHIP)

25. Label Dollars repeats and reasserts all allegations in paragraph 1-24 above as if they are stated in full herein.

26. Mortimer was the first to conceive and reduce to practice all of the subject matter of the claims issued in the '038 Patent.

27. Schuller, the named inventor, did not conceive of the subject matter of the claims issued in the '038 Patent, but rather derived the claimed invention from Mortimer.

28. Inventorship of the '038 Patent should be corrected, pursuant to 35 U.S.C. §256, to show Mortimer as inventor of the '038 Patent and to delete Schuller as a named inventor.

29. Label Dollars is entitled to a declaratory judgment that the named inventor, Schuller, of the '038 Patent should be removed and that Mortimer should be added as the sole inventor of the '038 Patent.

30. As a direct and proximate result of the wrongful acts of Schuller and Premark alleged above, Label Dollars has suffered and will continue to suffer injury to its business, including but not limited to monetary damage in an amount that cannot presently be ascertained.

COUNT IV
(DECLARATORY JUDGMENT OF JOINT INVENTORSHIP)

31. Label Dollars repeats and reasserts all allegations in paragraph 1-30 above as if they are stated in full herein.

32. Mortimer was the first to conceive and reduce to practice the subject matter of one or more of the claims issued in the '038 Patent.

33. Inventorship of the '038 Patent should be corrected pursuant to 35 U.S.C. §256, to show Mortimer as an inventor of the '038 Patent.

34. Alternatively, Label Dollars is entitled to a declaratory judgment that Mortimer should be added as a named joint inventor of the '038 Patent.

35. As a direct and proximate result of the wrongful acts of Schuller and Premark alleged above, Label Dollars has suffered and will continue to suffer injury to its business, including but not limited to monetary damage in an amount that cannot presently be ascertained.

COUNT V
(CONSTRUCTIVE TRUST)

36. Label Dollars repeats and reasserts all allegations in paragraph 1-35 above as if they are stated in full herein.

37. Mortimer of Label Dollars was the first to conceive and reduce to practice all of the subject matter of the claims issued in the '038 Patent. As a result, Label Dollars is the owner of all rights in and to the '038 Patent.

38. Schuller of Hobart, the named inventor, did not conceive of the subject matter of the claims issued in the '038 Patent, but rather derived the invention from Mortimer. As a result, Premark does not own any rights to and to the '038 Patent.

39. Since the '038 Patent is owned by Label Dollars, the Court should impose a constructive trust and order Premark to assign its alleged rights in the '038 Patent to Label Dollars, and award to Label Dollars any profits, revenues, royalties or other benefits obtained by Premark relating to the '038 Patent.

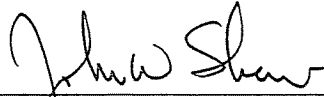
REQUEST FOR RELIEF

WHEREFORE, Label Dollars respectfully requests that judgment be entered in its favor as follows:

1. Declaring that each of the claims of the '038 Patent is invalid and/or not infringed by Label Dollars;
2. Declaring that Label Dollars has not contributorily infringed the '038 Patent, and has not induced others to infringe the '038 Patent;
3. Declaring that the named inventor, Schuller, of the '038 Patent should be removed and that Mortimer should be added as the sole named inventor of the '038 Patent;
4. Alternatively, declaring that Mortimer should be added as a named joint inventor of the '038 Patent;
5. Finding that this is an exceptional case pursuant to 35 U.S.C. §285 and awarding attorneys' fees, costs and expenses to Label Dollars in connection with this case;
6. Imposing a constructive trust for the benefit of Label Dollars and ordering that Premark assign all rights in the '038 Patent to Label Dollars, and awarding any profits, revenues, royalties or other benefits obtained by Premark relating thereto;

7. Awarding damages to Label Dollars as compensation for defendant's unlawful acts; and
8. Awarding such further and additional relief as the Court deems just and proper.

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Dated: September 25, 2006

Exhibit A



US007026556B1

(12) **United States Patent**
Schuller

(10) Patent No.: **US 7,026,556 B1**
(45) Date of Patent: **Apr. 11, 2006**

(54) **METHOD AND SYSTEM FOR CONTROLLING MESSAGES PRINTED BY AN IN STORE LABEL PRINTER AND RELATED LABEL STRUCTURE**

4,928,229 A 5/1990 Teraoka et al. 705/414
4,929,818 A 5/1990 Bradbury et al. 235/381

(Continued)

FOREIGN PATENT DOCUMENTS

(75) Inventor: **Robert J. Schuller, Troy, OH (US)**
(73) Assignee: **Premark FEG L.L.C., Wilmington, DE (US)**

EP 0 837 411 A1 4/1996
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(Continued)

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(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 424 days.

Ishida, *AC-3000 Series* brochure, 6 pages, published at least as early as Nov. 26, 1996.

(Continued)

(21) Appl. No.: **09/663,285**
(22) Filed: **Sep. 15, 2000**

Primary Examiner—Randy W. Gibson
(74) *Attorney, Agent, or Firm*—Thompson Hine LLP

(51) **Int. Cl.**
G01G 19/40 (2006.01)
G01G 23/38 (2006.01)
G01G 19/413 (2006.01)
G06F 17/60 (2006.01)

(57) **ABSTRACT**

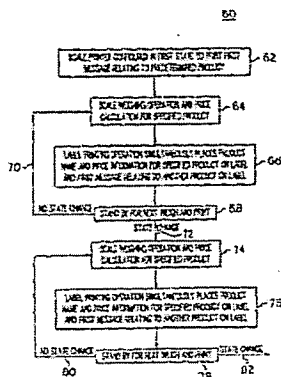
(52) U.S. Cl. 177/25.15; 177/4; 705/14; 705/414
(58) **Field of Classification Search** 177/2, 177/3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 25.15, 177/25.19; 705/414, 415, 416, 14
See application file for complete search history.

A method for selectively printing different messages on labels printed by an in-store scale involves providing an in-store scale including a label printing mechanism with a supply of labels and a communications link for receiving information from a site external to the store. The scale label printing mechanism is configured in a first state and, during the first state, simultaneous printing of two types of information on a first label takes place. In particular, both (i) product information for a specified product to which the first label will be applied and (ii) a first message pertaining to a product which is different than the specified product to which the first label will be applied, are printed on the first label. The in-store scale receives a message control signal via the communications link which configures the scale label printing mechanism in a second state. During the second state, simultaneous printing of two types of information on a second label takes place. In particular, both (i) product information for a specified product to which the second label will be applied and (ii) a second message, different than the first message, and also pertaining to a product which is different than the specified product to which the second label will be applied, are printed on the second label.

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4,901,237 A 2/1990 Hikita et al. 177/4
4,901,457 A 2/1990 Chandler 40/306
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29 Claims, 5 Drawing Sheets



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JP	63178875		7/1988
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Hobart Food Equipment, "Hilite Label Printer & Applier", For Printing and Applying Merchandising Labels, May, 1988.

Hobart Food Equipment, "ULTIMA 2000 PLU Prepack Weighing System", The Hobart Ultima 2000 PLU Prepack Weighing System Provides Merchandising Flexibility, Nutritional and Text Printing and Is Very Simple To Use, Mar. 1993.

Hobart, "ULTIMA 2000", The ultimate pre-pack scale/printer merchandising system, Dec. 1992.

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U.S. Patent

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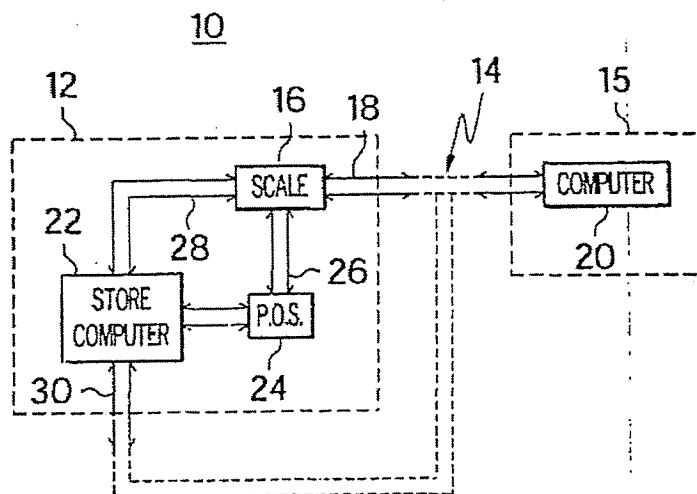


FIG. 1

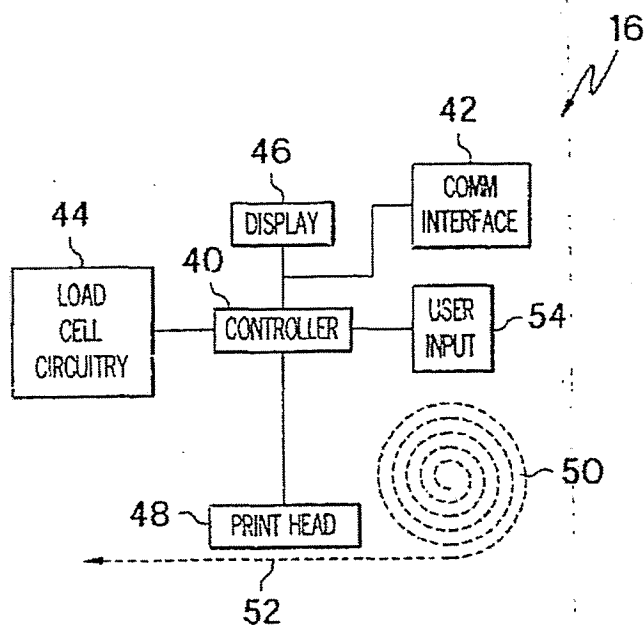


FIG. 2

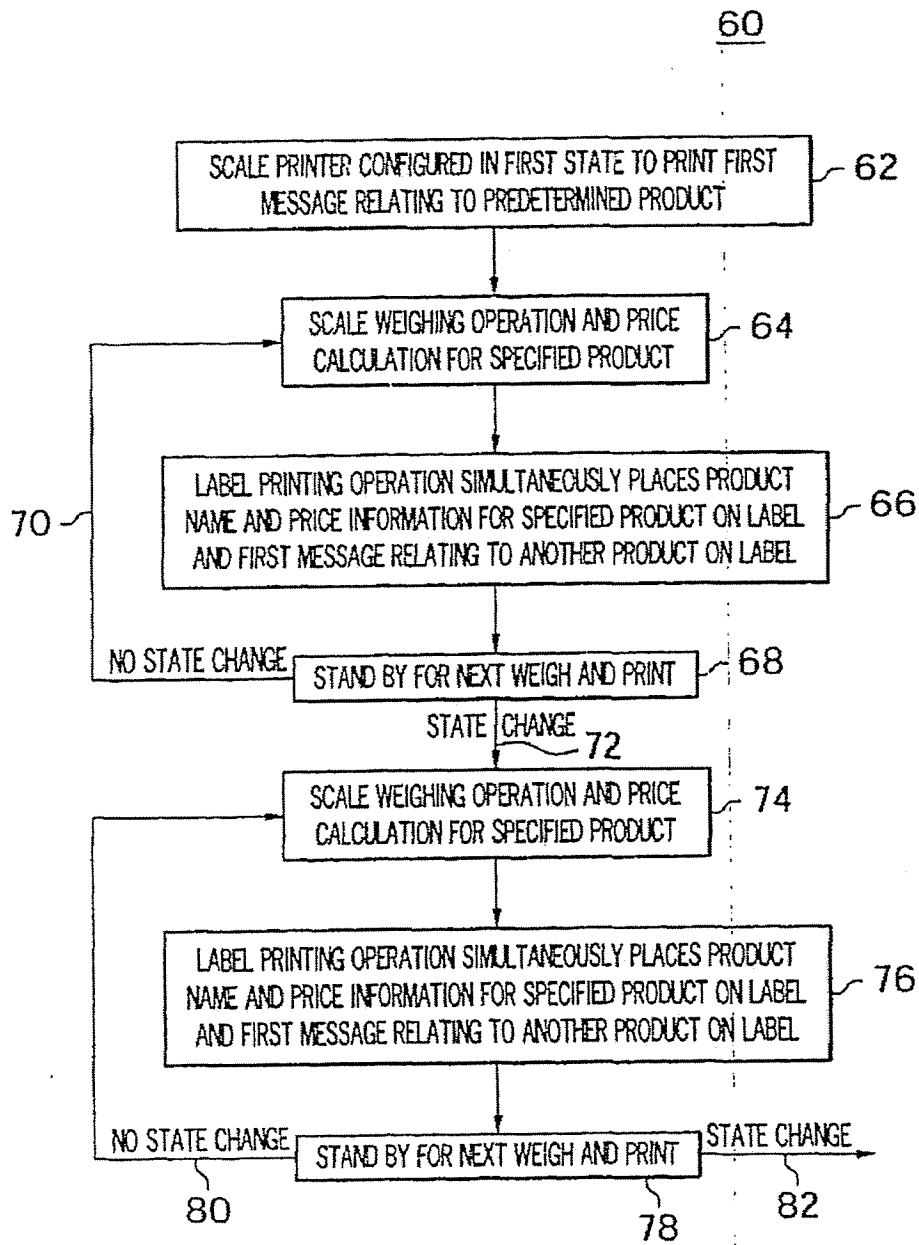


FIG. 3

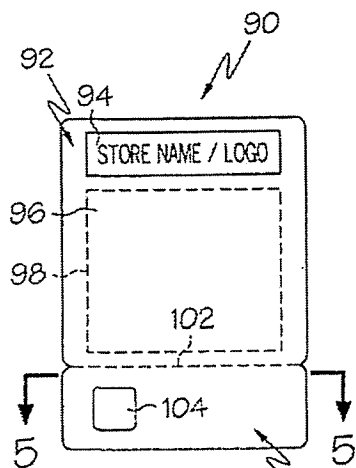


FIG. 4A 100

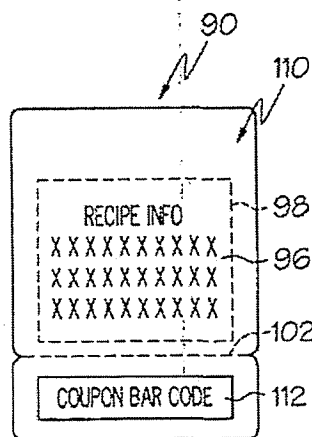


FIG. 4B

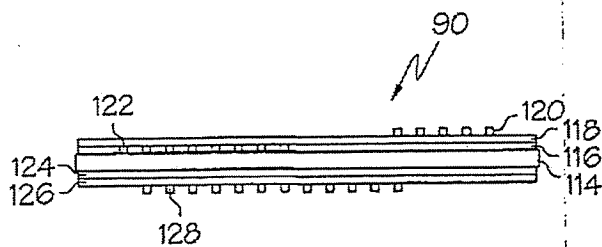


FIG. 5

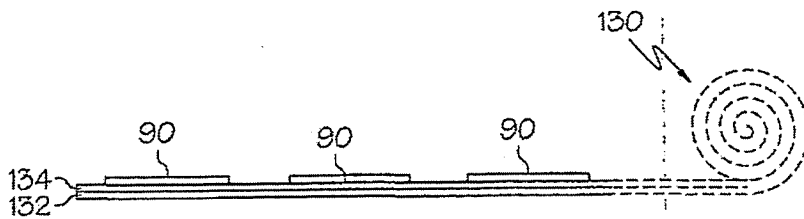


FIG. 6

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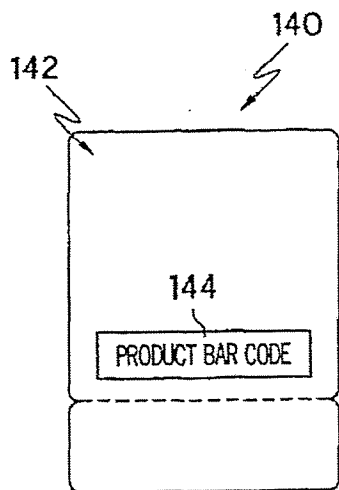


FIG. 7A

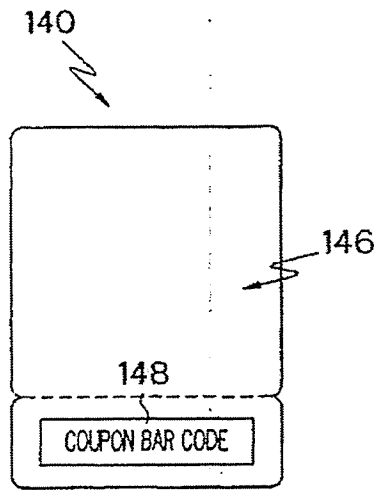


FIG. 7B

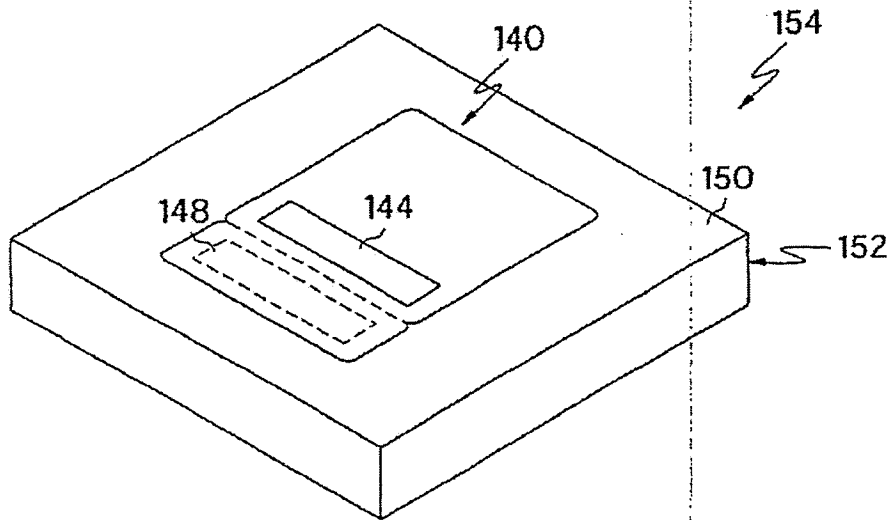


FIG. 8

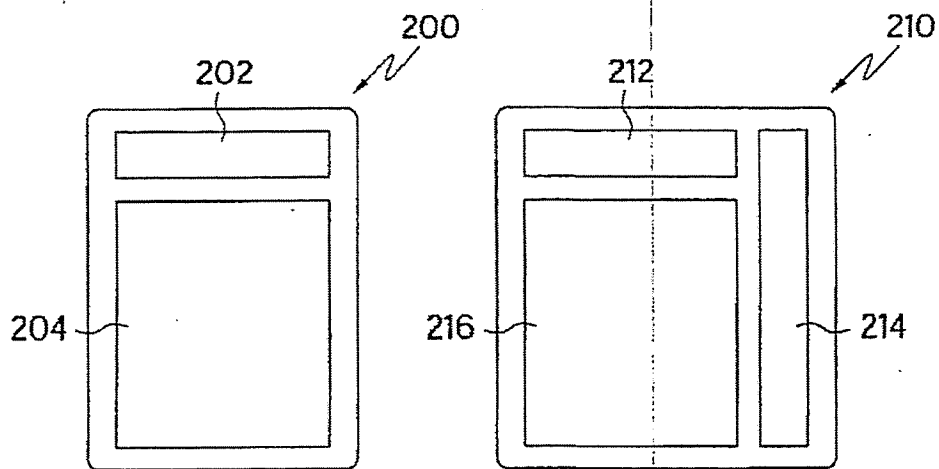


FIG. 9A
(PRIOR ART)

FIG. 9B
(PRIOR ART)

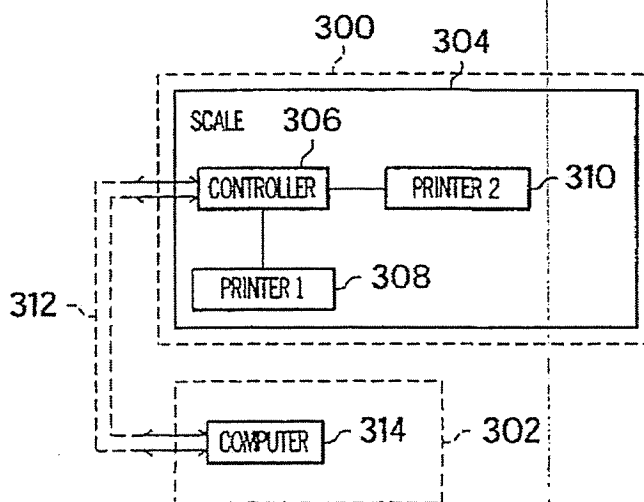


FIG. 10
(PRIOR ART)

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**METHOD AND SYSTEM FOR
CONTROLLING MESSAGES PRINTED BY
AN IN STORE LABEL PRINTER AND
RELATED LABEL STRUCTURE**

FIELD OF THE INVENTION

The present invention relates generally to in-store printer mechanisms utilized for printing labels applied to products and to label structures utilized by such printer mechanisms, and more particularly, to a method and system for controlling messages printed on labels by an in-store scale for increasing marketing and promotional opportunities.

BACKGROUND OF THE INVENTION

The perishable foods sections of most supermarkets and grocery stores such as the meat department, bakery, deli and produce department, typically include one or more in-store printers for printing labels with item name, weight or count, and price information. The labels are then applied to the packaged items. Many such printers are provided as part of in-store scales or systems including scales. FIG. 9A represents a front surface view of a typical pre-printed label 200 which may be utilized in the scale. The label 200 is often times pre-printed with store-specific information such as the store name and/or logo in a predetermined portion 202 of the label and a remaining portion 204 of the label is left blank to permit the scale printer to print product name, weight, price information, and product bar code in such space. FIG. 9B represents a front surface view of another label 210 which has been used in the past and which is pre-printed with store-specific information such as the store name and/or logo in a predetermined portion 212 and is also pre-printed in label portion 214 with an advertisement message/logo which may relate to any other product sold in the store. Remaining portion 216 is left blank to permit the scale printer to print product name, weight, price information, and product bar code in such space. The problem with the pre-printed advertisement is that it is permanent and cannot be adjusted at the store.

Increasingly, in-store equipment such as scales/scale systems may include a communications link for receiving information externally of the store. As used herein the term scale system refers to any scale device or any larger device which includes a scale, such as a weigh/wrap machine. For example, prior art scale systems exist in which pricing information in the goods database is updated remotely from a central location so that all related stores in a chain use the same pricing scheme. Chain personnel can also use communications links with in-store scale systems to monitor scale status/function. Still further, prior art in-store scale systems exist which are capable of printing two labels, one which includes the product and price information and another which prints a marketing message. An example of such a prior art system is illustrated in FIG. 10 where a store 300 is shown and external site 302 is shown. A scale system 304 including a controller 306 and associated printer 308 is located in the store 302, along with a second printer 310 which is connected to controller 306 for control thereby. The controller 306 is also connected via communications link 312 to a computer 314 at external site 302. In the illustrated system, computer 314 has been used to control pricing information used by scale 304 for printing on a first label by printer 308, and to also control merchandising messages printed on a second, separate label by printer 310, where the pricing information printed by printer 308 and the merchan-

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dising information printed by printer 310 related to the same product. Examples of merchandising messages printed on the second label by printer 310 include "Great For The Grill" or "100% Pure Ground Beef" or "50¢ Off". Such prior art systems have also been used to print similar merchandising messages, regarding the product to which a pricing label is applied, on the pricing label itself.

Product manufacturers, distributors, advertisers and store operators are continually looking for new and improved ways to market and advertise products within the store. Accordingly, given the number of labels printed on a daily basis by such scales, and the fact that the packages containing such labels are typically placed directly in front of consumers or into the consumer's hands, it would be desirable to utilize such scales to deliver marketing and promotional messages for numerous products in a controlled manner.

In the label printing field it is also known to provide coupons on labels which are applied to products. For example, U.S. Pat. No. 5,578,797 provides a label structure which includes both a product bar code and a coupon bar code on a front surface of the label. The coupon portion of the label is designed to be torn off by the customer. However, some customers may not tear off the coupon. In such cases, this label structure can be problematic because checkout scanners can be confused by the presence of two bar codes on the label. Accordingly, it would also be desirable to provide a label structure which provides coupon capability while overcoming the aforementioned problem.

SUMMARY OF THE INVENTION

In one aspect of the present invention, a method for selectively printing different messages on labels printed by an in-store scale involves providing an in-store scale including a label printing mechanism with a supply of labels and a communications link for receiving information from a site external to the store. The scale label printing mechanism is configured in a first state and, during the first state, simultaneous printing of two types of information on a first label takes place. In particular, both (i) product information for a specified product to which the first label will be applied and (ii) a first message pertaining to a product which is different than the specified product to which the first label will be applied, are printed on the first label. The in-store scale receives a message control signal via the communications link which configures the scale label printing mechanism in a second state. During the second state, simultaneous printing of two types of information on a second label takes place. In particular, both (i) product information for a specified product to which the second label will be applied and (ii) a second message, different than the first message, and also pertaining to a product which is different than the specified product to which the second label will be applied, are printed on the second label. Thus, the method enables messages imprinted on labels to be selectively controlled by parties such as the manufacturer or distributor of the predetermined product, or an advertising agency charged with increasing sales of the predetermined product.

In one variation of the method, the first and second messages relate to coupon discount amounts for the predetermined product. In connection with this variation, another aspect of the invention provides a label structure including a base paper having front and rear surfaces, at least one pre-printed information region toward the rear surface of the base paper. The pre-printed information region is formed by an adhesive layer adjacent the rear surface of the base paper,

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an adhesive deadening layer overlaying the adhesive layer in a defined area, and a layer of printed information overlaying at least portions of the adhesive deadening layer. The layer of printed information may include a coupon bar code which can be tied to the coupon discount information to be printed on the front surface of the label. Because the coupon bar code is provided on the rear surface of the label, it will face inward against a package and will not cause confusion with the product bar code on the front surface of the label during scanning, in the event the customer does not detach the coupon before checkout.

Still a further aspect of the invention provides a method for controlling an in-store label coupon printing system involving providing an in-store label printing mechanism including a controller and associated memory, and a user input device. A supply of labels is also provided for the in-store printing mechanism, each label including a pre-printed coupon bar code on a rear surface portion thereof. The user input device is selectively utilized to establish a coupon message to be printed on a front surface of the labels by the in-store printing mechanism. A stored discount amount associated with the coupon bar code is provided in at least one of an in-store point-of-sale computer system memory and a store computer system memory. The stored discount amount is adjusted as needed to coincide with changes made in the coupon message printed by the in-store label printing mechanism.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a schematic diagram of one embodiment of a label printing system in accordance with the present invention;

FIG. 2 is a schematic diagram of a scale mechanism including a label printer;

FIG. 3 is a flowchart of steps according to one embodiment of a method of the present invention;

FIGS. 4A and 4B show front and rear surface views of one embodiment of a label structure according to the invention;

FIG. 5 is a cross sectional view along line 5—5 of FIG. 4A;

FIG. 6 is a side view of a supply roll of labels;

FIGS. 7A and 7B show front and rear surface views of a printed label;

FIG. 8 is a perspective view of a labeled package assembly;

FIGS. 9A and 9B show front and rear surface views of prior art labels; and

FIGS. 10 is a schematic diagram of a prior art system.

DETAILED DESCRIPTION OF THE EMBODIMENTS

Referring to drawing FIG. 1, a schematic diagram of a system 10 useful in carrying out the present invention includes a store 12, a communications path 14, and a retail headquarters, product manufacturer, distributor or advertising agency location 15. The store includes scale system 16 which is connected to the communications path 14 via communications link 18 for receiving externally generated messages, such as those generated by a computer 20 at location 15. The store 12 also includes a store computer system 22 which may be used for tracking and maintaining inventory and a point-of-sale (POS) computer system 24 which is utilized for customer checkout and typically includes a plurality of bar code scanners. Communications

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link 26 between the scale system 16 and POS system 24 may be provided and communications link 28 between the store computer system 22 and scale system 16 may also be provided. While the use of communications link 18 to enable the scale to receive external messages is preferred, it is recognized that the scale could receive such externally generated messages via indirect links such as a communications link comprised of link 30, store computer system 22 and link 28. Links 18, 26, 28 and 30 are preferably hard-wired links such as typical telephone line or coax links, but it is recognized that wireless links could also be utilized. Communications path 14 may preferably be an Internet link but might also be a dedicated type link. In either case the path may be formed by any one of hard-wired, fiber-optic or wireless type arrangements, and combinations of the same.

As shown in FIG. 2, the scale system 16 includes a controller 40 with an associated communications interface 42. The controller 40 typically includes associated memory for storing firmware, software and data as needed. At least one load cell and associated circuitry 44 are provided for delivering weight information to the controller 40. The controller 40 is connected for controlling a display 46 such as an LED or LCD, and also for controlling a printing mechanism portion which includes print head 48, label supply 50, and mechanism such as a motor drive (not shown) for moving label stock past the print head 48 along a predefined path 52. A user input device 54 such as a plurality of user input keys or a touch screen arrangement associated with the display 46 enables a user to input information such as the product type and cost per pound or product code, as well as other information, to the controller 40.

Scale system 16 may be representative of the typical scale system utilized in one or more of the perishables departments of a supermarket or grocery store for printing labels which are then applied to products. For example, stand alone scales in the deli department print labels which are typically applied to lunch meats, cheeses, side salads and the like. Such scales can also be utilized in the produce department or meat and fish departments. Weigh/wrap type machines are also commonly used. Regardless of where the scale system is located, the present invention enables it to be utilized in a new and improved manner for selective control of messages printed on labels. In particular, referring to the flow chart 60 of FIG. 3, exemplary steps in one embodiment of the message control method of the present invention are shown. It is assumed at initial step 62 that the in-store scale system 16 including label printing mechanism 48, supply of labels 50, and communications link 18 for receiving information from a site external to the store is configured in a first state. At step 64 a specified product (e.g. lunch meat) is weighed and price calculated. At step 66 simultaneous printing of two types of information on a first label takes place. In particular, both (i) product information (name and price) for the specified product to which the first label will be applied and (ii) a first message pertaining to a product (e.g. potato chips) which is different than the specified product, are printed on the first label. Thereafter, at step 68 a stand by for the next weigh and print is indicated. If there is no change from the first state of the scale system printer then path 70 will be followed and the next label will be simultaneously imprinted with specified product information and the first message. However, if there is a change from a first state of the scale printer to a second state of the scale system printer, then path 72 will be followed and the next scale weigh operation will take place at step 74 and at step 76 simultaneous printing of two types of information on a

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second label takes place. In particular, both (i) product information (name and price) for the specified product to which the second label will be applied and (ii) a second message, different than the first and pertaining to the a product which is different than the specified product, are printed on the second label. A new standby state 78 is then shown, with optional paths 80 and 82 according to whether a state change in the scale system printer occurs.

As used herein, the terminology "simultaneous printing" of information on a label refers to printing which takes place on the label as it passes by the printhead in a single pass, and encompasses, without limitation, both side-by-side printing of information and printing first information on a first portion of the label as the first portion passes by the print head and, subsequently, printing second information on a second portion of the label as the second portion of the label passes by the print head.

The state change of the scale system printer may be controlled by receipt by the in-store scale of a message control signal via the communications link which configures the scale label printer in a second state. In one embodiment the scale 16 includes a stored table of selectable message options, each including an associated message indicator as shown in representative Table I below:

TABLE I

STORED MESSAGE OPTIONS TABLE	
Message Indicator	Message Option
0000	50 Cents Off - Expires MM/DD/YY
0001	25 Cents Off - Expires MM/DD/YY
0010	10 Cents Off - Valid MM/DD/YY-MM/DD/YY
0011	2 For 1 Special - Valid MM/DD/YY-MM/DD/YY
0100	Try New (BRAND) Chips - Now With Less Fat
0101	Try (BRAND)'s New Barbecue Style

In this arrangement, the scale system also includes a memory location including a selected message indicator. Thus, in state 1 of the example described above the stored selected message indicator could be "0000" in which case during the printing operation of step 66 the scale controller references stored message options Table I and retrieves the "50 Cents Off—Expires MM/DD/YY" message for printing. The control message received via the communications link to cause the state change will be another message indicator such as "0010" which in turn is automatically and immediately overwritten into the selected message indicator memory location. Thereafter, during the printing operation of step 76 the scale controller references stored message options Table I and retrieves the "10 Cents Off—Valid MM/DD/YY— MM/DD/YY" message for printing. Alternatively, the control message received via the communications link may include a new message indicator and associated time or date at which such new message indicator is to be utilized as the selected message indicator. In such cases the data structure storing the selected message indicator may also comprise a table such as Table II below:

TABLE II

SELECTED MESSAGE INDICATORS	
Start Date	Selected Message Indicator
MM/DD/YY	0000
MM/DD/YY	0010
MM/DD/YY	0100

In this arrangement the scale system controller is configured to utilize a running time clock to determine when to change

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the scale system printer state and begin using a new message indicator. Thus, externally generated message control signals can be utilized to establish a future message selection pattern as desired.

Utilizing the stored message table technique enables the store owner/operator and the outside entity (product manufacturer, distributor or advertiser) to agree upon permissible messages in advance. However, an alternative embodiment in which the scale system merely stores the message to be printed for state 1 in memory and in which the message control signal received by the scale contains the new message for printing (as opposed to a message indicator) in state 2 is contemplated. Still further, where the stored message table arrangement is utilized, it is possible that the communications link could be utilized to update or revise the stored message table in memory of the scale. In either embodiment, the system and method enables messages printed on labels in the store to be selectively controlled by parties such as chain personnel at retail headquarters, the manufacturer or distributor of the predetermined product, or an advertising agency charged with increasing sales of the predetermined product.

It is recognized that Table I is merely representative of one type of message options table and that others could be utilized. For example, an alternative message options table is set forth below as Table III:

TABLE III

STORED MESSAGE OPTIONS TABLE			
Message Indicator	Message Option - Part 1	Message Option - Part 2	
0000	50 Cents Off	Expires MM/DD/YY	
0001	25 Cents Off	Expires MM/DD/YY	
0010	10 Cents Off	Valid MM/DD/YY-MM/DD/YY	
0011	2 For 1 Special	Valid MM/DD/YY-MM/DD/YY	
0100	Try New (BRAND) Chips	New With Less Fat	
0101	(BRAND)'s Barbecue Style	Preferred 2 To 1	

Notably, Table II includes two message option parts which the controller can retrieve for printing at different locations on the label. It is also contemplated that a three-dimensional message table or map could be utilized. Such a table could store messages as a function of message indicator and specified product to which a label is to be applied, so that the message is varied according to selected message indicator and the product to which the label is to be applied. For example, if steak is purchased a message for one product might be printed while if hot dogs are purchased a message for another product might be printed.

As demonstrated by the last two messages in each of Tables I and III, the messages which are selected for printing may be non-coupon messages. However, in a preferred arrangement the messages which are selected for printing on labels output by the scale system relate to coupon discount information for the predetermined product. For example, as indicated in Table I above the message may be an amount off, a 2 for 1 type special, or might also be a percent off type coupon discount amount. In this regard, a preferred label structure 90 for use in combination with the message control method is illustrated in front and rear surface views respectively in FIGS. 4A and 4B. Label structure 90 includes a front face 92 having a store name/logo 94 pre-printed thereon, a central region 96 defined by a separation line 98 and a lower region 100 defined by the edges of the label and separation line 102. Separation lines 98 and 102 may be

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formed by any known means including perforation or other weakening of the base paper. The region between store name/logo 94 and the separation line 102 will be used during a printing operation of the scale system to print name and price information and/or product bar code for the specified product to which the label is to be attached. The region below separation line 102 will be used during a printing operation of the scale system to print the message information for the predetermined product. In this regard, the lower region may include a pre-printed name and/or design element of the predetermined product in region 104, with the selectable message then being printed to the right of region 104.

Where the selectable message is a coupon discount message, the label structure rear surface 110 preferably includes a pre-printed coupon bar code 112 on the lower portion of the label so that when the lower portion of the label is detached, the coupon bar code stays with the coupon message printed on the front side. On the rear side of the region defined by separation line 98, other pre-printed information may be provided such as recipe type information. Where the selectable message information is a coupon discount message, a further step is in order to correlate the change in coupon discount information to the coupon bar code which will be scanned at check-out by the P.O.S. computer system 24 (FIG. 1). One or both of the P.O.S. computer system 24 and the store computer system 22 will include a stored discount amount associated with the coupon bar code 112. When the coupon discount message is changed, the stored discount amount associated with bar code 112 will also need to be changed at some point in the future. Generally, the stored discount amount associated with bar code 112 will be changed at a time corresponding to both the expiration of the valid period for coupons having a first coupon message and the beginning of the valid period for other coupons having a second coupon message. Links 26 and 28 facilitate adjustment of the stored discount amount associated with the coupon bar code 112 as needed. The expiration date of a given coupon discount is printed on the front of the label (see Tables I and III) to prevent problems with customers attempting to use a coupon after the stored amount has been changed.

Referring again to FIGS. 4A and 4B, an important distinction exists between pre-printed information provided on a label and information which is printed by the in-store scale system. In particular, "pre-printed" information exists on the labels when supplied to a store and therefore cannot be changed or modified by the store unless a different label format is chosen/selected or unless an attempt is made to overwrite or black out a pre-printed message on the front of a label. Referring to the cross-sectional view of FIG. 5 the label structure 90 is formed by a base paper 114. Toward the front surface side of the base paper a layer 116 formed by a thermally sensitive composition is first provided and atop the thermal layer 116 a layer or coating 118 of a sealing composition is provided to prevent loss of the thermal layer 116. Atop the sealing layer 118 an ink-based layer 120 of pre-printed information is provided in those regions where such pre-printing is desired. When indicia 122 (e.g. selectable messages) are printed by the thermal print head of the scale, such messages are formed in the thermal layer 116 but are visible through the clear sealing layer 118. Toward the rear side of the base paper 114 a layer 124 of an adhesive composition is provided for securing the label to a product package. In those regions where pre-printed information is provided on the rear surface of the label 90, the adhesive layer 124 is covered by an adhesive deadening layer 126 so

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that that portion of the label can be removed from the package easily. The adhesive deadening layer may typically be formed by a layer of white ink applied over the adhesive. An ink-based layer 128 of pre-printed information (e.g. coupon bar code or recipe) is then applied over the adhesive deadening layer. Referring to FIG. 6 a representative supply roll 130 of label structures 90 is shown. The supply roll includes a liner 132 having a silicone release layer 134 applied thereto such that when the adhesive side of label structures 90 is applied to the liner they can be easily removed for dispensing from the scale and application to a product package.

The manufacturing method for producing such label stock involves starting with a wide roll of stock with label material with adhesive side attached to the release surface base paper. The label material is then re-applied to the base paper. The label material is then die cut to form individual labels and length cut to form multiple label supply rolls.

After printing product information and message information on a label as described above, the resulting label structure may be that shown in FIGS. 7A and 7B where front and rear surface portions of a printed label structure 140 are shown. In particular the front surface 142 of printed label structure 140 includes a product bar code 144 thereon as printed by the scale print head. The rear surface 146 of the label structure includes the pre-printed coupon bar code 148. This arrangement eliminates the possibility that the P.O.S. scanners will confuse the two bar codes during check-out. Because the coupon portion of the label might be removed by the consumer prior to check-out, the product bar code 146 on the front surface is preferably positioned at a location spaced from but proximate to a location of the scannable coupon information bar code. In this regard, the term "proximate" is used to refer to a location which results in positioning of the product bar code 142 toward the same side 150 (FIG. 8) of a product package 152 as the coupon bar code 148 when the label is applied to the product package forming a label and package assembly 154.

Although the invention has been described and illustrated in detail it is to be clearly understood that the same is intended by way of illustration and example only and is not intended to be taken by way of limitation.

For example, while a major advantage of the above-described method provides retailers, product manufacturers, distributors and advertisers the ability to selective control messages printed on labels printed in a store, it is recognized that the user input device 54 may be used to selectively control messages as well. Thus, a method for controlling an in-store label coupon printing system is provided which involves providing an in-store label printing mechanism including a controller and associated memory, and a user input device, and providing a supply of labels for the in-store printing mechanism, each label including a pre-printed coupon bar code on a rear surface portion thereof. The user input device is selectively utilized to establish a coupon message to be printed on a front surface of the labels by the in-store printing mechanism. A stored discount amount associated with the coupon bar code is provided in at least one of an in-store point-of-sale computer system memory and a store computer system memory. The stored discount amount can be adjusted to coincide with changes made in the coupon message printed by the in-store label printing mechanism.

Further, while the use of a scale system with an associated print head is primarily discussed herein, it is recognized that other in-store label printing mechanisms could also be used for selective control of messages printed on labels.

Accordingly, the spirit and scope of the invention are to be limited only by the terms of the appended claims.

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What is claimed is:

1. A method for selectively printing different messages on labels printed by an in-store scale system, the method comprising the steps of:

(a) providing an in-store scale system including a label printing mechanism with a supply of labels, and a communications link for receiving information from a site external to the store;

(b) configuring the scale system label printing mechanism in a first state;

(c) during the first state, for each label output by the scale system label printing mechanism, printing both:

(i) at least one of product name and price information

for a product to which the label will be applied, and

(ii) a first message pertaining to a predetermined product which is different than the product to which the label will be applied,

(d) receiving, by the scale system, a message control signal via the communications link which configures the scale system label printing mechanism in a second state; and

(e) during the second state, for each label output by the scale system label printing mechanism, printing both:

(i) at least one of product name and price information for a product to which the label will be applied, and

(ii) a second message, different than the first message, and also pertaining to the predetermined product which is different than the product to which the label will be applied.

2. The method of claim 1 wherein step (a) includes providing at least one of a pre-printed name and design element of the predetermined product on each label.

3. The method of claim 1 wherein step (a) includes providing a pre-printed scannable coupon bar code on each label, and in steps (c)(ii) and (e)(ii) the first and second messages each comprise at least respective coupon discount amounts for the predetermined product.

4. The method of claim 3 wherein the pre-printed coupon bar code is associated with a stored discount amount in at least one of an in-store point-of-sale system and a store computer system, the method comprising the further step of:

(f) adjusting the stored discount amount associated with the pre-printed coupon bar code to correspond to the coupon discount amount printed in step (e)(ii).

5. The method of claim 3 wherein in steps (c)(ii) and (e)(ii) the first and second messages each further comprise coupon validity information.

6. The method of claim 5 wherein the pre-printed coupon bar code is associated with a stored discount amount in at least one of an in-store point-of-sale system and a store computer system, the method comprising the further step of:

(f) adjusting the stored discount amount associated with the pre-printed coupon bar code at a time which corresponds to expiration of the first coupon message and beginning of a validity period of the second coupon message.

7. The method of claim 3 wherein the pre-printed coupon bar code is provided on a rear surface portion of the labels, and the first and second messages are printed on an opposed front surface of the labels.

8. The method of claim 1 wherein step (a) includes providing a stored table of message options in memory of the scale system, each message option having an associated respective message indicator, and in step (d) the message control signal received via the communications link comprises at least one message indicator associated with one of the message options stored in memory of the scale system.

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9. The method of claim 1 wherein step (a) includes providing the first message at a storage location in memory of the scale system, and in step (d) the message control signal received via the communications link comprises at least the second message, the method including storing the received second message in memory of the scale system.

10. The method of claim 1 wherein in step (d) the message control signal received via the communications link is sent by one of a manufacturer of the predetermined product, distributor of the predetermined product or advertiser of the predetermined product.

11. The method of claim 10 wherein step (a) includes providing a stored table of predetermined message options in memory of the scale system, the table associating a particular message indicator with each message option, and in step (d) the message control signal received via the communications link comprises at least one message indicator associated with one of the message options stored in memory of the scale system.

12. The method of claim 1 wherein subsequent to steps (c) and (e) the printed labels are applied to product packages.

13. The method of claim 1 wherein step (d) occurs subsequent to step (c).

14. An in-store label printing arrangement adapted for printing coupon information on labels to be applied to packages, comprising:

an in-store scale system including a print head and a supply of labels movable along a label path past the print head for having indicia printed on front surfaces thereof the labels each including a coupon bar code on its rear surface, a controller operatively connected for controlling the print head, memory having a table of message options stored therein, each message option having an associated respective message indicator;

a communications link associated with the controller of the scale system for receiving information from a site external to the store;

wherein in a first scale system configuration the controller is operable to effect printing of both (i) product information of a product to which a label is to be applied and (ii) a first coupon message according to a selected message indicator stored in memory, the first coupon message relating to a product which is different than the product to which the label is to be applied;

wherein the selected message indicator stored in memory is changed according to a message control signal received via the communications link, placing the scale system in a second configuration; and

wherein in the second scale system configuration the controller is operable to effect printing of both (i) product information of a product to which a label is to be applied and (ii) a second coupon message according to the change d selected message indicator stored in memory, the second coupon message also relating to a product which is different than the product to which the label is to be applied.

15. A method for printing coupon messages on labels by an in-store scale system, where the coupon messages are set by a manufacturer, distributor or advertiser of a certain product or certain products to which the coupon messages apply, the method comprising the steps of:

providing an in-store scale system in a perishables department of a store, the in-store scale system including a label printing mechanism and a communications link for receiving information established by the manufacturer, distributor or advertiser;

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providing a supply of labels in association with the in-store scale system label printing mechanism;

responsive to input of codes identifying products for weighing operations, accessing a table of predetermined message options and retrieving coupon messages from the table using message indicators associated with the codes identifying the products and printing, with the in-store scale system label printing mechanism, the retrieved coupon messages on labels, wherein the messages are printed on a front surface of the labels and comprise at least coupon discount amounts and coupon validity information; and

receiving, at the in-store scale system via the communications link, at least one message control signal established by the manufacturer, distributor or advertiser, the message control signal identifying at least one message indicator change for at least one product, enabling the manufacturer, distributor or advertiser to selectively control which of the predetermined message options is printed on labels by the in-store scale system label printing mechanism.

16. The method of claim 15 wherein an operator or owner of the store and the manufacturer, distributor or advertiser agree upon the predetermined message options prior to the step of providing the table of predetermined message options.

17. A method for controlling an in-store scale system to print coupon labels, the method comprising the steps of:

providing an in-store scale system with a label printing mechanism, a controller and associated memory, and a user input device;

providing a supply of labels for the in-store scale system label printing mechanism, each of the labels including a pre-printed coupon bar code on a portion thereof;

selectively utilizing the user input device to change a coupon message to be printed on a front surface of the labels by the in-store scale system label printing mechanism;

providing a stored discount amount associated with the coupon bar code in at least one of an in-store point-of-sale system memory and a store computer system memory; and

adjusting the stored discount amount to coincide with changes made in the coupon message printed by the in-store scale system label printing mechanism.

18. The method of claim 17 wherein the pre-printed coupon bar code is located on a rear portion of each label.

19. A method for selectively printing different messages on labels output by an in-store scale system label printing mechanism, the method comprising the steps of:

providing an in-store scale system label printing mechanism with a supply of labels, and a communications link for receiving information from a site external to the store;

printing on a first label both:

(i) at least one of product name and price information for a weighed product to which the first label will be applied, and

(ii) a first message pertaining to a product which is different than the weighed product to which the first label will be applied,

receiving, by the in-store scale system label printing mechanism, a message control signal via the communications link; and

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printing on a second label both:

(i) at least one of product name and price information for a weighed product to which the second label will be applied, and

(ii) a second message, different than the first message and established by the received message control signal, and also pertaining to a product which is different than the weighed product to which the second label will be applied.

20. A method for selectively printing messages on a label output by an in-store scale system label printing mechanism, the method comprising the steps of:

providing an in-store scale system label printing mechanism with a supply of labels, and a communications link for receiving information from a site external to the store;

receiving, by the in-store scale system label printing mechanism, a message control signal via the communications link;

subsequent to receiving the message control signal, printing on a label both:

(i) at least one of product name and price information for a weighed product to which the first label will be applied, and

(ii) a message pertaining to a predetermined product which is different than the weighed product to which the first label will be applied, the message corresponding to the message control signal received in step (b).

21. The method of claim 18 wherein the first specified product and the second specified product are a same product.

22. The method of claim 18 wherein the perishables department is a deli department.

23. The method of claim 18 wherein the perishables department is a meat department.

24. The method of claim 18 wherein the in-store scale system comprises a weigh/wrap machine.

25. The method of claim 18 wherein each label of the supply of labels includes a pre-printed coupon code thereon.

26. A method for selectively printing different messages on labels output by an in-store scale system label printing mechanism, the method comprising the steps of:

providing an in-store scale system including a label printing mechanism with a supply of labels and a communications link for receiving control information, the in-store scale system located in a perishables department of a store;

specifying a first product to be weighed;

printing, by the in-store scale system label printing mechanism, on a label a first coupon message pertaining to a product that is different than the specified product, the first coupon message established based at least in part based upon the specified first product;

receiving, by the in-store scale system, a control signal via the communications link, the control signal containing coupon message control information generated from a site external to the store;

specifying a second product to be weighed; and

printing, by the in-store scale system label printing mechanism, on a subsequent label of the supply of labels a second coupon message different than the first coupon message and corresponding to the message control information contained in the received message control signal, the second coupon message pertaining to a product that is different than the second product and established based at least in part upon the specified second product.

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27. The method of claim 26 wherein both the specified product and the subsequent product are specified by entering a corresponding product code via a user input device.

28. The method of claim 26 wherein the control signal is received from an in-store computer system, the message control information generated from the site external to the store being initially passed to the in-store computer system.

29. The method of claim 26, comprising the further steps of:

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subsequent to specifying the first product, calculating a price for the first product based upon weight; and

subsequent to specifying the second product, calculating a price for the second product based upon weight.

* * * * *

Exhibit B