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10/956,121	10/04/2004	Xin Wang	111325-291300	8924
22204	7590	12/29/2008	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			WEST, THOMAS C	
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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.

DETAILED ACTION

Status of Claims

1. The Final Office Action dated 10-16-08 is withdrawn. This action is in reply to the Arguments/Remarks filed 7-14-08.
2. Claims 1-36 are currently pending and have been examined.

Information Disclosure Statement

3. The Information Disclosure Statements filed on 7-2-08, 10-10-08 have been considered. Initialed copies of Form 1449 are enclosed herewith.

Response to Arguments

5. Applicant's arguments filed 7-14-08 have been fully considered but they are not persuasive. Applicant's arguments will be addressed in sequential order as they were set forth in the "Remarks" section on the above date. Applicant argues that Anand does not disclose meta-rights specifying derivable rights. Anand discloses, "Multiple principals can delegate a subset of their maximal permissions for the executable content. The mechanism uses policy for combining the delegated permissions into the content's current permissions" (col. 3, lines 27-31). Anand further discloses, "electing granted permissions from within an associated maximal set of permissions" (col. 3, lines 59-60). "As FIG. 2 depicts, the derivation mechanism (100) consists of the following five steps:", (col. 5, lines 1-2). "The current permissions (150), by definition, must always be a subset of the maximal permissions (140)", (col. 5, lines 14-16). "The description of executable content (120) is a set of attribute-value pairs. One possible

embodiment is RDF ("Resource Description Framework") labels that describe the meta-data of a website's URI ("Universal Resource Identifier")", (col. 5, lines 17-21). The attribute-value pairs of Anand correspond to the meta-rights of Wang. Anand further discloses, "FIG. 4 illustrates that the nodes of a policy graph's directed graph consist of an attribute, a value, an entry, and an access control list. FIG. 5 illustrates a preferred embodiment of the permissions structure, and shows that permissions include positive and negative rights and transforms. FIG. 7 illustrates how the first step of the dynamic derivation mechanism creates a derivation instance and sets its attributes values" (col. 4, lines 18-31. The state variables of Wang correspond to the derivation instance of Anand, fig. 7. Anand regulates who is entitled to derive rights through an access control described in fig. 4 referenced above. Anand controls who is entitled to derive rights, "The access control list (325) limits access to the policy graph (320). Principals can be permitted to modify any of the policy graph attributes (321-325)", (col. 6, lines 26-29). Infrastructure further discloses a state machine which consists of state variables, as defined by Curtis. "Within the state machine, while a state variable does not equal exit 1301, the state machine will go from state to state based upon what the state variable is set to", (Curtis, 6,397,355, col. 9, lines 53-55) .

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined

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application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-36 are provisionally rejected on the ground of nonstatutory double patenting over claim 6 of copending Application No. 10162701. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: meta-rights, derived rights, rights transfer, generating a license.

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