UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/956,121	10/04/2004	Xin Wang	111325-291300	8924

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EXAMINER
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ART UNIT	PAPER NUMBER
3621	

MAIL DATE	DELIVERY MODE
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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.

-- 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 _14 July 2008_.

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

3)☐ 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

4)☒ Claim(s) _1-36_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-36_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

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

Application Papers

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

10)☐ 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).

11)☐ 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

12)☐ 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 7-2-08, 10-10-08

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

5)☐ Notice of Informal Patent Application

6)☐ Other:

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

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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