

Docket No.: W0537-700620

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth P. Weiss
Serial No: 11/768,729
Confirmation No: 3536
Filed: June 26, 2007
For: UNIVERSAL SECURE REGISTRY

Examiner: Dada, Beemnet W.
Art Unit: 2435

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being electronically filed in accordance with § 1.6(a)(4), on the 18th day of April, 2011.

/Robert V. Donahoe/
Robert V. Donahoe, Reg. No. 46,667

Commissioner for Patents

RESPONSE

Sir:

In response to the final Office Action mailed December 22, 2010, please enter the following response in the above-identified application.

Remarks begin on page 2 of this paper.

REMARKS

Claims 1-5, 9-16, 18-21, 24-30, 32-39 and 41-45 are currently pending for examination with claims 1 and 16 being independent claims. No amendments are included herein.

Rejections Under 35 U.S.C. §103(a)

The Office Action rejects claims 1-5, 9-16, 18-21, 24-30, 32-39 and 41-45 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,571,139 to Giordano et al. (hereinafter Giordano) in view of U.S. Publication No. 2006/0256961 to Brainard et al. (hereinafter Brainard). This rejection includes a rejection of each of the pending independent claims 1 and 16. Applicant respectfully asserts that the pending claims are patentable in view of the asserted combination at least because Giordano and Brainard either alone or in proper combination do not teach or suggest either “a processor ... *configured to map the time-varying multicharacter code to secure data including information required to provide the services*, the information including account identifying information where the account identifying information is unknown to the service provider,” as recited in claim 1, or a method including “*mapping the time-varying multicharacter code to information required to provide the services*, the information including account identifying information unknown to the service provider,” as recited in claim 16.

The Office Action states and Applicant agrees that Giordano “does not explicitly teach a time-varying code.” (Office Action at page 3.) The Office Action then asserts that Brainard teaches an “authentication system including a time-varying multicharacter code.” Id. Applicant notes that the Office Action does not assert that any reference teaches or suggests *mapping a time-varying multi-character code* to secure data including *information required to provide services* where the information includes “*account identifying information ... unknown to the service provider*,” as recited in claims 1 and 16. Accordingly, the Office Action fails to establish a proper prima facie case of obviousness for at least this reason.

In addition, Applicant respectfully submits that the cited references do not teach or suggest the preceding. For example, paragraph 19 of Brainard merely describes generating an authentication code in response to the verifier seed and a time dependent value and then authenticating a user by verifying the authentication code. Applicant respectfully asserts that the

preceding, whether alone or in proper combination with Giordano, does not teach or suggest *mapping a time-varying multi-character code* to secure data including *information required to provide services* where the information includes “*account identifying information ... unknown to the service provider*,” as recited in claims 1 and 16.

Accordingly, each of claims 1 and 16 are patentable for at least the reasons described above. Each of claims 2-5, 9-15, 18-21, 24-30, 32-39 and 41-45 depend from one of the allowable independent claims and is allowable for at least for the same reasons as the independent claim from which it depends. For at least these reasons, Applicant requests reconsideration and withdrawal of the rejection of claims 1-5, 9-16, 18-21, 24-30, 32-39 and 41-45.

Applicant also notes that the Office Action states that “as per claims 28-29 and 33-39, Giordano further teaches the system wherein the database is further configured to associate biometric information with each entity having secure data in the secure registry respectively [column 18, lines 14-47].” Applicant respectfully disagrees with the preceding and asserts that claims 28-29 and 33-39 are patentable for reasons in addition to their dependency from an allowable base claim.

Specifically, Giordano teaches activation of a *customer transceiver 50* based on a customer provided biometric. (Col. 13, lines 23-26; see also, claims 3-6.) In Giordano, the biometric is unavailable to other elements of the system 30. *Id.* Accordingly, Giordano does not teach or suggest any of: a “database is further configured to associate biometric information with each entity having secure data in the secure registry, respectively,” as recited in claim 33; a “processor is further configured to map the time-varying multicharacter code to biometric information associated with the entity on whose behalf the services are to be provided and to provide the biometric information to the service provider,” as recited in claim 34; and “wherein the biometric information includes an image of the entity on whose behalf the services are to be provided,” as recited in claim 35.

General Comments on Dependent Claims

Since each of the rejected dependent claims depends from a base claim that is believed to be in condition for allowance, Applicant believes that it is unnecessary at this time to argue the

allowability of each of the dependent claims individually. However, Applicant does not necessarily concur with the interpretation of the rejected dependent claims as set forth in the Office Action, nor does Applicant concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicant reserves the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an accompanying payment, please charge any deficiency to Deposit Account No. 50/2762, Ref. No. W0537-700620.

Respectfully submitted,
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