

PATENT COOPERATION TREATY

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From the INTERNATIONAL SEARCHING AUTHORITY

PCT

7.16.09

To:
LOWRIE, LANDO & ANASTASI LLP
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One Main Street
Eleventh Floor
Cambridge, MA 02142
ETATS-UNIS D'AMERIQUE

INVITATION TO PAY ADDITIONAL FEES
AND, WHERE APPLICABLE, PROTEST FEE
(PCT Article 17(3)(a) and Rule 40.1 and 40.2(e))

Date of mailing (day/month/year) 10/07/2009	
Applicant's or agent's file reference W0537-7013WO	PAYMENT DUE within ONE MONTH from the above date of mailing
International application No. PCT/US2009/035282	International filing date (day/month/year) 26/02/2009
Applicant WEISS, Kenneth P.	

1. This International Searching Authority

- (i) considers that there are 4 (number of) inventions claimed in the international application covered by the claims indicated on an extra sheet:
- (ii) therefore considers that **the international application does not comply with the requirements of unity of invention** (Rules 13.1, 13.2 and 13.3) for the reasons indicated on an extra sheet:
- (iii) has carried out a partial international search (see Annex) will establish the international search report on those parts of the international application which relate to the invention first mentioned in claims Nos.:
see extra sheet
- (iv) will establish the international search report on the other parts of the international application only if, and to the extent to which, additional fees are paid.

2. Consequently, the applicant is hereby **invited to pay**, within the time limit indicated above, the amount indicated below:


EUR 1.700,00 x 3 = EUR 5.100
 Fee per additional invention number of additional inventions currency/total amount of additional fees

3. The applicant is informed that, according to Rule 40.2(c), **the payment of any additional fee may be made under protest**, i.e., a reasoned statement to the effect that the international application complies with the requirement of unity of invention or that the amount of the required additional fee is excessive, where applicable, subject to the payment of a protest fee.

Where the applicant pays additional fees under protest, the applicant is hereby invited, within the time limit indicated above, to pay a protest fee (Rule 40.2(e)) in the amount of EUR 750,00 (currency/amount)

Where the applicant has not, within the time limit indicated above, paid the required protest fee, the protest will be considered not to have been made and the International Searching Authority will so declare.

4. Claim(s) Nos. _____ have been found to be unsearchable under Article 17(2)(b) because of defects under Article 17(2)(a) and therefore have not been included with any invention.

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Eva Hehn
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**Annex to Form PCT/ISA/206
COMMUNICATION RELATING TO THE RESULTS
OF THE PARTIAL INTERNATIONAL SEARCH**

International Application No
PCT/US2009/035282

1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:
see 'Invitation to pay additional fees'
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2006/016884 A1 (BLOCK JAMES [US] ET AL) 26 January 2006 (2006-01-26)	1-2,4,6, 13, 15-16, 18-28, 30-31
A	paragraph [0245] paragraph [0288] - paragraph [0290] paragraph [0026] - paragraph [0031] paragraph [0185] paragraph [0210] paragraph [0181] - paragraph [0182] paragraph [0230] figures 1,4 paragraph [0097] - paragraph [0108] paragraph [0039] paragraph [0191] - paragraph [0192] paragraph [0023] ----- -/--	7-12,14

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

° Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

**Annex to Form PCT/ISA/206
COMMUNICATION RELATING TO THE RESULTS
OF THE PARTIAL INTERNATIONAL SEARCH**

International Application No
PCT/US2009/035282

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	<p>US 2007/198436 A1 (WEISS KENNETH P [US]) 23 August 2007 (2007-08-23)</p> <p>paragraph [0027] paragraph [0015] paragraph [0018] paragraph [0197] paragraph [0219] paragraph [0143] paragraph [0075] figure 28 paragraph [0096]</p>	<p>1-2,4, 6-16, 18-28, 30-31</p>
A	<p>WO 96/36934 A1 (SMART TOUCH L L C [US]) 21 November 1996 (1996-11-21)</p> <p>page 6, line 32 - page 7, line 19 page 8, lines 9-13 page 8, line 31 - page 9, line 9 page 21, line 27 - page 22, line 16 page 38, lines 11-23 page 73, lines 19-26</p>	<p>1-2,4,6, 15-16, 26-28</p>
A	<p>US 2005/187843 A1 (LAPSLEY PHILIP D [US] ET AL LAPSLEY PHILIP D [US] ET AL) 25 August 2005 (2005-08-25) paragraph [0121] - paragraph [0140] paragraph [0033] paragraph [0034] paragraph [0035] paragraph [0155] - paragraph [0156]</p>	<p>1,15,20, 30-31</p>
A	<p>WO 92/07436 A1 (SECURITY DYNAMICS TECHN [US]) 30 April 1992 (1992-04-30) page 2, line 16 - page 3, line 13</p>	<p>1,15,20</p>
T	<p>WO 02/14985 A2 (KERN DANIEL A [US]) 21 February 2002 (2002-02-21) page 14, line 27 - page 15, line 7 page 1, lines 18-23 page 4, lines 9-20 claims 1,4,8 figure 12</p>	<p>1,15,20</p>

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-2, 4, 6-16, 18-28, 30-31

A device with biometric sensor, user interface and wireless communication interface which encrypts authentication information setup by all entered data and sends it via another device to a third party system

1.1. claims: 1-2, 4, 6, 15-16, 18-20, 24-28, 30-31

A device with biometric sensor, user interface and wireless communication interface which encrypts particular authentication information setup by all entered data and sends it via another device to a third party system

1.2. claims: 7-12

A device with biometric sensor, user interface and wireless communication interface which encrypts authentication information and sends it via another device to a third party system with local biometric verification and activation of the device after successful authentication

1.3. claim: 14

A portable device with biometric sensor, user interface and wireless communication interface which encrypts authentication information and sends it via another device to a third party system

1.4. claims: 13, 21-23

A device with a special biometric sensor, user interface and wireless communication interface which encrypts authentication information and sends it via another device to a third party system

2. claim: 3

A device with biometric sensor, user interface and wireless communication interface which encrypts authentication information and sends it via another device to a third party system and a converter device emulating magnetic stripes

3. claim: 5

A device with biometric sensor, user interface and wireless communication interface which encrypts authentication information and sends it via another device to a third party system after biometric authentication

4. claims: 17, 29

A device with biometric sensor, user interface and wireless communication interface which encrypts authentication information and sends it via another device to a third party system. The device is deactivated when user is not authenticated or when rules of other policies apply.

Please note that all inventions mentioned under item 1, although not necessarily linked by a common inventive concept, could be searched without effort justifying an additional fee.

The reasons for which the inventions are not so linked as to form a single general inventive concept, as required by Rule 13.1 PCT, are as follows:

Claims 1, 2, 15 and 20 are not new and not inventive. The only common feature linking the parallel claims 3, 4, 5, 6, 7, 13, 14, 16, 17, 18, 19, 21, 24, 25, 29 and 30 is a device with biometric sensor, user interface and wireless communication interface which encrypts authentication information setup by all entered data and sends it via another device to a third party system

This is disclosed by the document US2006016884 (the references in parentheses applying to this document):

A device configured to allow a user to select any one of a plurality of accounts associated with the user to employ in a financial transaction (fig.1 "portable terminal 14"; fig. 4; par.[0245] "a multifunction card can store data corresponding to plurality of accounts in its memory. ..., data corresponding to a stored account can be selected ..."), comprising: a biometric sensor configured to receive a biometric input provided by the user (fig.4 "BIOMETRIC READER 47"); a user interface (fig. 4 "40 DISPLAY", "42 MANUAL INPUTS") configured to receive a user input including secret information known to the user and identifying information concerning an account selected by the user from the plurality of accounts (par.[0181] "The instructions stored in memory on the card or the memory of the terminal may cause screens associated with the entry of a PIN number and/or the selection of various accounts to be displayed when particular accounts are selected."); a communication link (fig.4 "50 MODEM") configured to communicate (fig.4 "54") with a secure registry (fig.4 "56"); and a processor (fig.4 "36 PROCESSOR") coupled to the biometric sensor to receive information concerning the biometric input, the user interface and the communication link, the processor configured to generate a non-predictable value and to generate encrypted authentication information from the non-predictable value, the identifying information, and at least one of the information concerning the biometric input and the secret information, and to communicate the encrypted authentication information via the communication link to the secure registry (par.[0185] "Appropriate encryption is provided to enhance security."; par.[0191]-[0192] "Data representative of the user's signature and/or the user's financial account information can be transmitted from the user's (customer's) portable hand-held device to the merchant's transaction system. ... , the merchant system can be operative to communicate with a third party ... the account data may include checking account number

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