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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/237,184	09/20/2011	Kenneth P. Weiss	W0537-701320	7352

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EXAMINER
CHEUNG, CALVIN K

ART UNIT	PAPER NUMBER
3621	

NOTIFICATION DATE	DELIVERY MODE
08/15/2012	ELECTRONIC

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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	13/237,184	WEISS, KENNETH P.
	Examiner	Art Unit	
	CALVIN CHEUNG	3621	

-- 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 <u>3</u> 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 <u>*20 September 2011*</u>.

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

3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____ ; the restriction requirement and election have been incorporated into this action.

4) ☐ 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

5) ☒ Claim(s) *1-20* is/are pending in the application.

    5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☒ Claim(s) *1-20* is/are rejected.

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

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

Application Papers

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

11) ☐ 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).

12) ☐ 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

13) ☐ 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 *9/20/2011; 6/19/2012*

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

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____

DETAILED ACTION

1.   This office action is given an identifier, Paper No. 20120807, for reference purposes

only.

Status of Claims

2.   Claims 1-20, filed 20 September 2011, are pending and examined in this office action.

Specification

3.   The disclosure is objected to because of the following informalities:

        The Original Specification (p1:5) identifies "application No. 12/393586" however fails to

identify it as Patent Number 8234220. Appropriate correction is required.

Claim Objections

4.   Claim 13 is objected to because of the following informalities:

        Regarding Claim 13, "a fingerprint" is recited twice. One recitation is sufficient therefore

the second recitation should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.   Claims 1-2, 4-6 and 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by

US 20020178364 A1 ("Weiss") from IDS.

Regarding Claim 1, Weiss discloses a system (e.g., computer system **10**) configured to

allow a user (e.g., person) to select any one of a plurality of accounts (e.g., "Credit Card and

other financial information" in FIG. 1) associated with the user to employ in a financial

transaction, comprising (Abstract, ¶ 17, 52, FIG. 1, 3-4 with associated text):

- a biometric sensor (e.g., data input devices, such as voice and other audio and video

  capture devices) configured to receive a biometric input provided by the user (¶ 17,

  42);

- a user interface (e.g., user interface **26**) configured to receive:

    o a user input including secret information (e.g., personal identification number)

       known to the user (¶ 42, 53) and

    o identifying information (e.g., biometric information) concerning an account

       selected by the user from the plurality of accounts (Abstract, ¶ 43, 47, 57,

       FIG. 1, 3-4 with associated text);

- a communication link (e.g., Internet) configured to communicate with a secure

  registry (e.g., database **24**) (¶ 38, 41); and

- a processor (e.g., CPU **16**) coupled to the biometric sensor to receive information

  concerning the biometric input (¶ 38-42, 48-53, FIG. 1, 3 with associated text), the

  user interface and the communication link, the processor configured:

  - to generate a non-predictable value (e.g., non-predictable single use codes, ¶

    52) 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 (¶ 12, 45, 51-53, 74,

    100. Weiss discloses (1) "transactions to and from the database may take

    place using a public key/private key security system" from ¶ 12 and (2) "a

    secret user code and/or time varying value…and personal identification

    code… combines these three numbers using a predetermined algorithm to

    generate a one-time nonpredictable code" from ¶ 51 is used to authenticate the

    user.), and

  - to communicate the encrypted authentication information via the

    communication link to the secure registry (¶ 12, 45, 51, 100).

Regarding Claim 2, Weiss discloses:

- wherein the communication link is configured to wirelessly transmit the encrypted

  authentication information to a point-of-sale (POS) device (¶ 17, 51-52, 74 and FIG.

  10, 17 with associated text), and

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