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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
3662	

NOTIFICATION DATE	DELIVERY MODE
01/17/2013	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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Office Action Summary	Application No.	Applicant(s)	
	13/237,184	WEISS, KENNETH P.	
	Examiner	Art Unit	
	CALVIN CHEUNG	3662	

-- 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 *17 December 2012*.

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) *1,2 and 4-28* 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) *1,2 and 4-28* is/are rejected.

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

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

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

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).

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)

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

DETAILED ACTION

1. This office action is given an identifier, Paper No. 20130103, for reference purposes only.

Status of Claims

2. Claim 3 is cancelled; claims 21-28 are newly added by claim amendments filed 17 December 2012. Therefore, claims 1-2 and 4-28 are examined in this office action.

Response to Arguments

3. Applicant's arguments filed 17 December 2012 have been fully considered but they are not persuasive.

Specification Objection

This objection is withdrawn.

Claim Objection

This objection is withdrawn.

§ 102 Rejection

Applicant argues the Weiss reference "does not teach or suggest the generation of authentication information from the non-predictable value, information derived from at least a portion of the biometric input, and the secret information." The Examiner respectfully disagrees.

Weiss discloses "In one embodiment, …to access the USR database, … retrieves a **secret user code and/**or **time-varying value**…obtains from the user a **secret personal identification code**. … **mathematically combines these three numbers** using a predetermined algorithm to **generate** a one-time **nonpredictable code**…" from ¶ 51. This passage clearly shows that Weiss discloses generating a non-predictable value, information derived from at least a portion of the biometric input, and the secret information. Weiss then discusses about generating authentication information from the nonpredictable value by transmitting the nonpredictable value to another computer, where the nonpredictable code is utilized as authentication information to determine whether a user is granted access (¶ 51).

Applicant repeats the arguments above for claims 15 and 20 and the Examiner traverses these repeated arguments with the same rationale.

§ 103 Rejection

With respect to claim 3, arguments are moot because Applicant has cancelled this claim.

Applicant argues the Weiss reference "does not teach or suggest the generation of authentication information from the non-predictable value, information derived from at least a portion of the biometric input, and the secret information" and includes "Neither Weichert nor Bolle cure this deficiency." In response, Applicant repeats the arguments above for claim 1 and the Examiner traverses these repeated arguments with the same rationale.

Applicant argues the Official Notice used in the rejection of claims 8-12 and requests for documentation to support what is well-known in the art. As requested, the Examiner is now providing the Drexler reference as evidence to support his position for rejecting claims 8 and 9; the Flitcroft reference as evidence to support his position for rejecting claims 10 and 11; and the Krasinski reference as evidence to support his position for rejecting claim 12.

Double Patenting Rejection

This rejection is withdrawn because The Office has approved the Terminal Disclaimer on 21 December 2012.

Claim Objections

4. Claim 21 is objected to because of the following informalities:

Regarding Claim 21, line 3 recites "wherein the of" which is grammatically incorrect. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of 35 U.S.C. 112(b):

> (B) CONCLUSION.—The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the inventor or a joint inventor regards as the invention.

The following is a quotation of 35 U.S.C. 112 (pre-AIA), second paragraph:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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