



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
13/237,184	09/20/2011	Kenneth P. Weiss	W0537-701320	7352
37462	7590	08/15/2012	EXAMINER	
LANDO & ANASTASI, LLP ONE MAIN STREET, SUITE 1100 CAMBRIDGE, MA 02142			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):

docketing@LALaw.com  
gengelso@LALaw.com

**Office Action Summary**

<b>Application No.</b> 13/237,184	<b>Applicant(s)</b> WEISS, KENNETH P.	
<b>Examiner</b> CALVIN CHEUNG	<b>Art Unit</b> 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 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 20 September 2011.
- 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 Draftperson'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:

Art Unit: 3621

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:
  - a user input including secret information (e.g., personal identification number) known to the user (¶¶ 42, 53) and
  - 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

Art Unit: 3621

- 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

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.