

**REMARKS**

Claims 1-36 were pending in the present application prior to the above amendment. In response to the Office Action, claims 1, 12, and 24 are amended to clarify the invention, and not for reasons of patentability. No claims have been canceled, and no claims have been added. Therefore, claims 1-36 remain pending in the present application and are believed to be in proper condition for allowance. Applicants request reconsideration and allowance of the application in view of the above amendments and the following remarks.

Claims 1-36 stand provisionally rejected on the ground of nonstatutory double-patenting over claim 6 of copending Application No. 10162701. Applicants respectfully request that this provisional rejection be held in abeyance until this application is otherwise in condition for allowance, at which point Applicants will consider filing a Terminal Disclaimer.

Claims 1-36 stand rejected under 35 U.S.C. § 101 as being related to a process that is not (1) tied to a statutory class, or (2) transforming an underlying subject matter (such as an article or material) to a different state or thing. However, Applicants believe claims 1, 12, and 24 as presented herein fully satisfy the requirements of 35 U.S.C. § 101.

Specifically, claims 1, 12, and 24 each recite that “the meta-rights are provided in digital form and are enforceable by a repository.” Claim 1 further recites a “computer-implemented method” in which the determining step is carried out “by a repository.” Applicants believe these amendments to the claims obviate the Examiner’s rejection under 35 U.S.C. § 101, and respectfully request reconsideration and withdrawal of this rejection.

Claims 1-36 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Anand et al. (U.S. Patent No. 6,044,466) in view of “Workshop on Digital Rights Management, Minutes from Architecture/Infrastructure Session” (hereafter, Infrastructure). However, Applicants respectfully submit that neither Anand nor Infrastructure, taken alone or in combination, disclose, suggest, or render obvious the invention recited in claims 1-36.

For example, independent claim 1 (emphasis added), recites:

A computer-implemented method for transferring rights adapted to be associated with items from a rights supplier to a rights consumer, the method comprising:

obtaining a set of rights associated with an item, **the set of rights including meta-rights specifying derivable rights that can be derived from the meta-rights**, wherein the meta-rights are provided in digital form and are enforceable by a repository;

determining, by a repository, whether the rights consumer is entitled to the derivable rights specified by the meta-rights; and

**deriving at least one right from the derivable rights, if the rights consumer is entitled to the derivable rights specified by the meta-rights, wherein the derived right includes at least one state variable based on the set of rights and used for determining a state of the derived right.**

Independent claim 12 (emphasis added), recites:

A system for transferring rights adapted to be associated with items from a rights supplier to a rights consumer, the system comprising:

means for obtaining a set of rights associated with an item, **the set of rights including meta-rights specifying derivable rights that can be derived from the meta-rights**, wherein the meta-rights are provided in digital form and are enforceable by a repository;

means for determining whether the rights consumer is entitled to the derivable rights specified by the meta-rights; and

**means for deriving at least one right from the derivable rights, if the rights consumer is entitled to the derivable rights specified by the meta-rights, wherein the derived right includes at least one state variable based on the set of rights and used for determining a state of the derived right.**

Independent claim 24 (emphasis added), recites:

A device for transferring rights adapted to be associated with items from a rights supplier to a rights consumer, the device comprising:

means for obtaining a set of rights associated with an item, **the set of rights including meta-rights specifying derivable rights that can be derived from the meta-rights**, wherein the meta-rights are provided in digital form and are enforceable by a repository;

means for determining whether the rights consumer is entitled to the derivable rights specified by the meta-rights; and

**means for deriving at least one right from the derivable rights, if the rights consumer is entitled to the derivable rights specified by the meta-rights, wherein the derived right includes at least one state variable based on the set of rights and used for determining a state of the derived right.**

Thus, independent claims 1, 12 and 24 are directed to, in relevant part, the features of obtaining a set of rights associated with an item, the set of rights including meta-rights specifying derivable rights that can be derived from the meta-rights, determining whether the rights consumer is entitled to the derivable rights specified by the meta-rights, and deriving at least one right from the derivable rights, if the rights consumer is entitled to the derivable rights specified by the meta-rights, wherein the derived right includes at least one state variable based on the set of rights and used for determining a state of the derived right.

After reviewing the response to arguments section on pages 2-3 of the office action, as well as the rejection set forth on pages 6-10, Applicants respectfully submit that the Examiner may be confused about what is meant by “meta-rights” in the claims. Specifically, when considering whether or not Anand discloses “meta-rights specifying derivable rights”, the Examiner asserts that “the attribute-value pairs of Anand correspond to the meta-rights of Wang.” The Examiner references the following disclosures from Anand

- "Multiple principals can delegate a subset of their maximal permissions for the executable content. The mechanism uses policy for combining the delegated permissions into the content's current permissions" (col. 3, lines 27-31).
- "electing granted permissions from within an associated maximal set of permissions" (col. 3, lines 59-60).
- "As FIG. 2 depicts, the derivation mechanism (100) consists of the following five steps:", (col. 5, lines 1-2).

- "The current permissions (150), by definition, must always be a subset of the maximal permissions (140)", (col. 5, lines 14-16).
- "The description of executable content (120) is a set of attribute-value pairs. One possible embodiment is RDF ("Resource Description Framework") labels that describe the metadata of a website's URI ("Universal Resource Identifier)", (col. 5, lines 17-21).

The above portions of Anand do not disclose "meta-rights specifying derivable rights that can be derived from the meta-rights" as recited in the claims. Instead, these portions of Anand relate to the derivation mechanism of Anand and how it is implemented.

For example, with respect to col. 3, lines 27-31, of Anand, there is a fundamental difference between the notion of capability (i.e. capability to derive) and the notion of right (i.e. the right to derive). Though both are related to doing, a capability is whether or not someone is capable of doing something – often stated by "can do", whereas a right is whether or not someone is allowed or permitted to do something – often stated by "may or may not do" in the situations of "can do". Hence, having a capability (implemented as a mechanism) to, or can, derive rights/permissions does not entail having a right to do the same. This is similar to the situations that one can speak but may not have the right or freedom of speech and that one machine can execute a program but may not have the right to execute the program.

In the present application, a meta-right is considered to be "a right specifying derivable rights" and when a meta-right is exercised, rights can be derived from the derivable rights, resulting in derived rights. In this notion, a meta-right must be a right first, and specify derivable rights second. Therefore, the statement "one can delegate (permissions) ..." does not imply the statement "one has a right to delegate (permissions) ..." or "one has a meta-right to delegate (permission) ...". In summary, disclosing how to implement a capability to derive rights/permissions does not imply disclosing how to specify or implement a right to regulate or govern the capability.

Moreover, as Anand stated in the first line of its Summary of the Invention: “The present invention defines a dynamic derivation mechanism that enables limited permissions to be dynamically and flexibly derived for executables based upon their authenticated description.” (col. 3, lines 15-18). Therefore, Anand is about a derivation mechanism and is not about meta-rights for regulating or governing derivation of rights.

In addition, Applicants respectfully submit that Anand fails to disclose or suggest at least the claimed features of “determining whether the rights consumer is entitled to the derivable rights specified by the meta-rights” as recited in the claims.

Specifically, the Examiner asserts that Anand regulates who is entitled to derive rights through an access control in Fig. 4 described by stating that “The access control list (325) limits access to the policy graph (320). Principals can be permitted to modify any of the policy graph attributes (321-325)”. (Anand, col. 6, lines 26-29).

If the Examiner intended to reference access control list (325) in Fig. 3 of Anand instead of the access control list (325) in Fig. 4, this list only limits which principals may access the policy graph (320) that includes the access control list (325) itself. This, however, would only regulate modification of the attributes of the policy graph, namely, the downloading principal (321), the traversal method (322), the combination method (323), the directed graph (324) and the access control list (325). Modifying these attributes (321-325) is not same as deriving rights or permissions. Moreover, this modification is not part of the five steps of the derivation mechanism depicted in Fig. 2, which means that this modification is not a result of exercising a meta-right to derive (permissions).

If the Examiner instead intended to refer to the access control list of Fig. 4, not in Fig.3, the following description of about Fig. 4 does not support the Examiner’s argument: “As shown in FIG. 4, the nodes (400) of a policy graph's (320) directed graph (324) consist of an attribute (410), a value (420), an entry (430), and an access control list (440). The traversal method uses the node attribute (410) and node value (420) to match the node with the content's description

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