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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/768,729	06/26/2007	Kenneth P. Weiss	W0537-700620	3536

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EXAMINER
GYORFI, THOMAS A

ART UNIT	PAPER NUMBER
2435	

NOTIFICATION DATE	DELIVERY MODE
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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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APPLE 1121

Office Action Summary	Application No. 11/768,729	Applicant(s) WEISS, KENNETH P.
	Examiner Thomas Gyorfi	Art Unit 2435	AIA (First Inventor to File) Status No

-- *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 *5/20/13*.
  ☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

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) *1,3-5,9-16,19-21,24-30,32-39 and 41-48* 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) *1,3-5,9-16,19-21,24-30,32-39 and 41-48* 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 <u>allowable</u>, 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).

Certified copies:

  a)☐ All   b)☐ Some * c)☐ None of the:
  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)☒ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date *5/20/13*.

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

4)☐ Other: _____.

DETAILED ACTION

1.   Claims 1, 3-5, 9-16, 19-21, 24-30, 32-39, & 41-48 remain for examination. The amendment filed 5/20/13 amended claims 1, 16, 47, & 48.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/20/13 has been entered.

Information Disclosure Statement

3.   The information disclosure statement (IDS) submitted on 5/20/13 was filed after the mailing date of the Final Rejection on 12/18/12. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Arguments

4.   Applicant's arguments, see pages 10-13 of the amendment filed 5/20/13, with respect to the rejection(s) of claim(s) 1-48 under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further search and consideration of the art, a new ground(s) of rejection

is made in view of the newly discovered reference U.S. Patent 7,742,967 (hereinafter,

"Keresman").

Claim Objections

5.   Applicant is advised that should claim 1 be found allowable, claim 47 will be

objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two

claims in an application are duplicates or else are so close in content that they both

cover the same thing, despite a slight difference in wording, it is proper after allowing

one claim to object to the other as being a substantial duplicate of the allowed claim.

See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

6.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

7.   Claims 1, 3-5, 9-16, 19-21, 24-30, 32-39, & 41-48 are rejected under pre-AIA 35

U.S.C. 103(a) as being unpatentable over Giordano (U.S. Patent 7,571,139) in view of

Keresman (U.S. Patent 7,742,967).

Regarding claims 1, 47, and 48:

        Giordano teaches a secure registry system comprising: a database including

secure data for each entity, wherein each entity is associated with a [*time-varying*] multi-

character code for each entity having secure data in the secure registry system, respectively, each [*time-varying*] multi-character code representing an identity of one of the respective entities (col. 18, lines 14-47); and a processor configured to receive, from the first party, at least the [*time-varying*] multi-character code for the entity on whose behalf a transaction is to be performed, configured to map the [*time-varying*] multi-character code to the identity of the entity in the database using the [*time-varying*] multi-character code, and to allow or not allow access to secure data associated with the entity including information required to enable the transaction, the information including account identifying information, wherein the account identifying information is not provided to the first party, and the account identifying information is provided to a third party to enable the transaction with the first party and without providing the account identifying information to the first party (i.e. note that the POS system does not get access to customers credit/debit account information: col. 18, lines 5-47). Specific to claim 48, Giordano further discloses wherein enabling the transaction without providing the account identifying information to the first party includes limiting transaction information provided by the secure registry system to the first party to transaction approval information (the buyer either succeeds in purchasing his desired products or is declined, with no other information being provided: col. 18, line 65 – col. 19, line 15).

Giordano does not disclose wherein his multi-character code is a time-varying multi-character code; nor [specific to claims 1 & 47] does Giordano disclose a restriction mechanism configured to determine compliance with any access restrictions for the first party to secure data for completing the transaction. However, Keserman discloses a

related invention for securing e-commerce wherein in addition to explicitly disclosing the

use of time-varying multi-character codes for identity verification and authentication (col.

7, lines 1-45), but additionally Keserman discloses wherein his invention comprises a

restriction mechanism that can specify and enforce access restrictions for the first party

to secure data for completing the transaction (i.e. even if the first party can successfully

authenticate oneself to the system, said first party may be restricted to where, when and

with whom one may conduct transactions with: col. 6, lines 45-65). It would have been

obvious to incorporate these features of Keserman's e-commerce system into

Giordano's, as time-varying multi-character codes have long since been known in the

art as an obvious improvement for authentication (e.g. Keserman, col. 7, lines 35-45),

while the restriction mechanism provides the obvious benefits of protecting customers

from transactions with dubious merchants, or preventing one from spending beyond

one's approved limits (col. 6, lines 60-65).

Regarding claim 16:

     Giordano discloses a method comprising: receiving the [*time-varying*] multi-

character code for an entity on whose behalf a transaction is to take place (col. 18, lines

15-20); mapping the [*time-varying*] multi-character code to an identity of the entity in a

database using the [*time-varying*] multi-character code (col. 18, lines 20-35); accessing

information required to perform the transaction, the information including account

identifying information (col. 18, lines 20-54); providing the account identifying

information to a third party without providing the account identifying information to the

first party (i.e. note that the POS system does not get access to customers credit/debit account information: col. 18, lines 5-47); and using the account identifying information to enable the first party to perform the transaction without the first party's knowledge of the account identifying information (Ibid).

Giordano does not disclose wherein his multi-character code is a time-varying multi-character code; nor does Giordano disclose determining compliance with any access restrictions for the first party to secure data for completing the transaction. However, Keserman discloses a related invention for securing e-commerce wherein in addition to explicitly disclosing the use of time-varying multi-character codes for identity verification and authentication (col. 7, lines 1-45), but additionally Keserman discloses wherein his invention comprises a restriction mechanism that can specify and enforce access restrictions for the first party to secure data for completing the transaction (i.e. even if the first party can successfully authenticate oneself to the system, said first party may be restricted to where, when and with whom one may conduct transactions with: col. 6, lines 45-65). It would have been obvious to incorporate these features of Keserman's e-commerce system into Giordano's, as time-varying multi-character codes have long since been known in the art as an obvious improvement for authentication (e.g. Keserman, col. 7, lines 35-45), while the restriction mechanism provides the obvious benefits of protecting customers from transactions with dubious merchants, or preventing one from spending beyond one's approved limits (col. 6, lines 60-65).

Regarding claims 3 and 19:

The combination further discloses wherein the multi-character code is provided to the system via a secure electronic transmission device (Giordano: col. 18, lines 14-47; Keresman: col. 7, lines 1-35).

Regarding claims 4 and 20:

The combination further discloses wherein the code is encrypted and transmitted to the system and wherein the system is configured to decrypt the code with a public key of the entity (Giordano: col. 18, lines 14-47).

Regarding claims 5 and 21:

The combination further discloses wherein said service provider includes delivery, wherein the information is an address to which an item is to be delivered to the entity, wherein the system receives the code and wherein the system uses the code to obtain the appropriate address for delivery of the item by the third party (Giordano: Ibid; Keresman: col. 9, lines 15-30).

Regarding claims 9 and 24:

The combination further discloses wherein the account identifying information includes a credit card number, and wherein the act of using the account identifying

information comprises using the credit card number to enable the transaction (Giordano:

col. 16, lines 45-67; Keresman: col. 11, lines 30-50).

Regarding claims 10 and 25:

The combination further discloses wherein the act of using the account

identifying information comprises receiving a validation or denial of the transaction

without providing the credit card number of the entity to the first party (Ibid).

Regarding claims 11 and 26:

The combination further discloses wherein the account identifying information

includes bank card account information regarding the entity, and wherein the processor

is configured to provide the bank card account information to enable the transaction

based upon the multi-character code of the entity (Giordano: col. 16, lines 45-67;

Keresman, col. 11, lines 30-50; debit cards equally applicable at col. 10, lines 28-45).

Regarding claims 12 and 27:

The combination further discloses wherein the system is configured to provide an

approval of the bank card transaction without providing a bank card number of the entity

to the first party (Giordano: col. 18, lines 40-67; Keresman: col. 10, lines 28-45).

Regarding claims 13 and 28:

The combination further discloses wherein the information includes personal

identification information regarding the entity (Giordano: col. 16, lines 30-40; Keresman:

col. 4, lines 40-55).

Regarding claims 14 and 29:

The combination further discloses wherein the personal identification comprises

a photograph of the entity, and wherein the photograph is provided to the first party

(Giordano: picture ID at col. 11, lines 35-45).

Regarding claims 15 and 30:

The combination further discloses wherein the account identifying information

identifies email address information regarding the entity (Keresman: col. 4, lines 40-60).

Regarding claim 32:

The combination further discloses an act of transmitting to the first party one of

an approval or denial of the credit card transaction (Giordano: col. 18, line 65 – col. 19,

line 15; Keresman: col. 6, lines 5-20).

Regarding claims 33 and 37:

The combination further discloses wherein the database is further configured to

associate biometric information with each entity having secure data in the secure

registry, respectively (Keresman: col. 8, lines 35-46).

Regarding claims 34 and 38:

The combination further discloses wherein the processor is further configured to map the time-varying multi-character code to biometric information associated with the entity on whose behalf the transaction is to be performed and to provide the biometric information to the first party (Keresman: col. 8, lines 10-45).

Regarding claims 35 and 39:

The combination further discloses wherein the biometric information includes an image of the entity on whose behalf the transaction is to be performed (Keresman: Ibid; see also Giordano: col. 11, lines 35-45).

Regarding claim 36:

The combination further discloses wherein the time-varying multi-character code is generated by a device associated with the entity on whose behalf the transaction is to be performed (the credit token: Keresman: col. 7, lines 1-20).

Regarding claim 41:

The combination further discloses wherein the account identifying information includes an account number (Giordano: col. 18, lines 15-20; Keresman: col. 5, lines 40-60).

Regarding claim 42:

The combination further discloses wherein the account identifying information includes credit card account information and the account number includes a credit card number (Giordano: col. 9, lines 10-20; Keresman: col. 6, lines 5-25).

Regarding claim 43:

The combination further discloses wherein the third party includes a financial service provider and the account number includes at least one of a debit card number and a credit card number (Giordano: Ibid; Keresman: Ibid).

Regarding claim 44:

The combination further discloses wherein the first party includes a merchant, and the service includes a sale of at least one of goods and services (Giordano: col. 9, lines 45-60; Keresman: col. 4, lines 40-60).

Regarding claim 45:

The combination further discloses wherein the processor is further configured to receive, from the first party, a merchant ID, and a purchase amount (Giordano: col. 10, lines 25-35; Keresman: col. 10, line 45 – col. 11, line 30).

Regarding claim 46:

The combination further discloses wherein the identity of the entity is unknown until the time-varying code is mapped to the identity by the processor (Giordano: col. 18, lines 5-47).

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Gyorfi whose telephone number is (571)272-3849. The examiner can normally be reached on 10:00am - 6:30pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas Gyorfi/
Examiner, Art Unit 2435
9/25/13

/Darren B Schwartz/
Primary Examiner, Art Unit 2435