Notice of Allowability	Application No.	Applicant(s)
	09/164,777	MULLOR ET AL.
	Examiner	Art Unit
	Calvin L Hewitt II	2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *2-5-02*.

2. ☒ The allowed claim(s) is/are *1-10,13 and 16-23*.

3. ☐ The drawings filed on _____ are accepted by the Examiner.

4. ☒ 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 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)).

    * Certified copies not received: _____ .

5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    (a) ☐ The translation of the foreign language provisional application has been received.

6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

8. ☐ CORRECTED DRAWINGS must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No. _____ .

    (b) ☐ including changes required by the proposed drawing correction filed _____ , which has been approved by the Examiner.

    (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____ .

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1 ☒ Notice of References Cited (PTO-892)

2 ☐ Notice of Informal Patent Application (PTO-152)

3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

4 ☒ Interview Summary (PTO-413), Paper No.*14* .

5 ☒ Information Disclosure Statements (PTO-1449), Paper No. *11*.

6 ☒ Examiner's Amendment/Comment

7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

8 ☒ Examiner's Statement of Reasons for Allowance

9 ☐ Other

Hyung-Sub Sough
Primary Examiner

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Status of Claims

1.   Claims 1-10, 13, and 16-23 have been examined.

Examiner's Amendment

2.   An examiner's amendment to the record appears below. Should the

changes and/or additions be unacceptable to applicant, an amendment may be

filed as provided by 37 CFR 1.312. To ensure consideration of such an

amendment, it MUST be submitted no later than the payment of the issue fee.

        Authorization for this examiner's amendment was given in a telephone

interview with Jeffri Kaminski on 19 February 2002.

3.   The application has been amended as follows:

In claim 1, line 2, replace "(BIOS)" with BIOS.

In claim 1, line 3, replace "... computer, _ and" with "... computer, and"

In claim 20, "using an agent to perform the following steps" has been

inserted in line 6, as the second limitation after "loading the application..."

and before "extracting license information...", detailing that the steps of

"encrypting...", "storing...", and "subsequently verifying..." are performed

by the agent. This **does not** apply, however, to the "acting..." limitation.

Reasons for Allowance

4.   Claims 1-10, 13, and 16-19 have been allowed. The instant application

teaches a method for restricting software use by storing a verification structure in

a computer BIOS.

          It is well known to those of ordinary skill in the art of software licensing to

monitor the use of software using special code that enforces the preferences of

the software provider (e.g. creator, distributor, or service provider), or provider

and end-user, by restricting the manner in which an end-user can manipulate

(e.g. print, save, redistribute, customize) the software. For example, Ginter et al.

(US 5,892,900) implement their software distribution system by dynamically

linking a verification structure, such as a PERC or permission record, to software

content that dynamically control how the software, and its associated

administrative data, may be distributed and used (column 155, lines 46-51).

Misra et al. (US 6,189,146) disclose a method for licensing software that uses

agents to manage software licenses, and stores the licenses in persistent non-

volatile storage (column 12, lines 8-31). Neither reference teaches utilizing BIOS

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as the non-volatile means for storing a licensed software verification structure.

Ewertz et al. (US 5,479,639) teach the use of BIOS memory for storing

licensing numbers. Hence, it appears initially, that to one of ordinary skill of the

art, the combination of Ewertz et al. with either Ginter et al. and/or Misra et al.,

would render the present invention obvious. However, the key distinction

between the present invention and the closest prior art, is that the Misra et al.,

and Ginter et al. systems and the Ewertz et al. system run at the operating

system level and BIOS level, respectively. More specifically, the closest prior art

systems, singly or collectively, do not teach licensed programs running at the OS

level interacting with a program verification structure stored in the BIOS to verify

the program using the verification structure and having a user act on the program

according to the verification. Further, it is well known to those of ordinary skill of

the art that a computer BIOS is not setup to manage a software license

verification structure. The present invention overcomes this difficulty by using an

agent to set up a verification structure in the erasable, non-volatile memory of the

BIOS.

5.   Claims 20-23 have been allowed. The instant application teaches a

method for restricting software use by storing license information in a computer

BIOS.

Ginter et al. (US 5,892,900) implement their software distribution system by encrypting (column/line 65/55-66/47) software control information (e.g. PERC) and linking control information, to software content that dynamically manages how the software, and its associated administrative data, may be distributed and used (column 155, lines 46-51). Misra et al. (US 6,189,146) disclose a method for licensing software that stores licenses in persistent non-volatile storage (column 12, lines 8-31). Neither reference teaches utilizing BIOS as the non-volatile means for storing licensing data. Ewertz et al. (US 5,479,639) teach the use of BIOS memory for storing licensing numbers. Hence, it appears initially, that to one of ordinary skill of the art, the combination of Ewertz et al. with either Ginter et al. and/or Misra et al., would render the present invention obvious. However, a key distinction between the present invention and the closest prior art, is that the Misra et al., and Ginter et al. systems and the Ewertz et al. system run at the operating system level and BIOS level, respectively. More specifically, the closest prior art systems, singly or collectively, do not teach extracting licensing information from a software program, encrypting the information and storing it in the BIOS. Further, it is well known to those of ordinary skill of the art that a computer BIOS is not setup to store license information. The present invention overcomes this difficulty by utilizing an agent to verify the application software program using the license information stored in the erasable, writable, non-volatile memory of the BIOS.

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