

M

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
 WASIF H. QURESHI
 FENWICK & WEST LLP
 SILICON VALLEY CENTER
 801 CALIFORNIA STREET
 MOUNTAIN VIEW, CA 94041

PCT

NOTIFICATION OF TRANSMITTAL OF
 THE INTERNATIONAL SEARCH REPORT AND
 THE WRITTEN OPINION OF THE INTERNATIONAL
 SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing
 (day/month/year) **22 FEB 2007**

Applicant's or agent's file reference
 PROXE-72586 **FOR FURTHER ACTION** See paragraphs 1 and 4 below

International application No.
 PCT/US05/43447 International filing date
 (day/month/year) 30 November 2005 (30.11.2005)

Applicant
 PROXENSE, LLC

1. The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
 1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70.

For more detailed instructions, see the notes on the accompanying sheet.

2. The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. **With regard to the protest against payment of (an) additional fee(s) under Rule 40.2,** the applicant is notified that:

the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US
 Mail Stop PCT, Attn: ISA/US
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 Facsimile No. (571) 273-3201

Authorized officer

James Trammel

Telephone No. (571) 272-3600

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

| | | |
|------------------------------------------------------|-----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Applicant's or agent's file reference PROXE-72586 | FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below. | |
| International application No. PCT/US05/43447 | International filing date (<i>day/month/year</i>) 30 November 2005 (30.11.2005) | (Earliest) Priority Date (<i>day/month/year</i>) 01 December 2004 (01.12.2004) |
| Applicant PROXENSE, LLC | | |

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the Report**

a. With regard to the **language**, the international search was carried out on the basis of:

- the international application in the language in which it was filed.
- a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. **Certain claims were found unsearchable** (See Box No. II)

3. **Unity of invention is lacking** (See Box No. III)

4. With regard to the **title**,

- the text is approved as submitted by the applicant.
- the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- the text is approved as submitted by the applicant.
- the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 1

- as suggested by the applicant.
- as selected by this Authority, because the applicant failed to suggest a figure.
- as selected by this Authority, because this figure better characterizes the invention.

b. none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US05/43447

A. CLASSIFICATION OF SUBJECT MATTER

IPC: **G06Q 99/00**(2006.01);**H04K 1/00**(2006.01);**H04L 9/00**(2006.01)

USPC: 705/59

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 705/59

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|-----------------------------------------------------------------------------------------|-----------------------|
| X | US 2002/0109580 A1 (SHREVE ET AL.) 15 AUGUST 2002 (15.08.2002) PARAGRAPHS 0001 TO 0007. | 1-55 |
| X | US 2002/0073042 A1 (MARIITZEN ET AL.) 13 JUNE 2002 (13.06.2002) PARAGRAPHS 0001-0005. | 1-55 |
| X | US 5,991,749 A (MORRILL, JR) 23 NOVEMBER 1999 (23.11.1999), COLUMN 1 LINE 5-58. | 1-55 |

Further documents are listed in the continuation of Box C.

See patent family annex.

| * Special categories of cited documents: | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| "A" document defining the general state of the art which is not considered to be of particular relevance | "T" | later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention |
| "E" earlier application or patent published on or after the international filing date | "X" | document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone |
| "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) | "Y" | document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art |
| "O" document referring to an oral disclosure, use, exhibition or other means | "&" | document member of the same patent family |
| "P" document published prior to the international filing date but later than the priority date claimed | | |

Date of the actual completion of the international search
14 November 2006 (14.11.2006)

Date of mailing of the international search report

22 FEB 2007

Name and mailing address of the ISA/US
Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Authorized officer

James Trammel

Telephone No. (571) 272-3600

Facsimile No. (571) 273-3201

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
WASIF H. QURESHI
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

| | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|--------------------------------------------------------|
| Applicant's or agent's file reference PROXE-72586 | | Date of mailing (day/month/year) 22 FEB 2007 |
| International application No. PCT/US05/43447 | | FOR FURTHER ACTION See paragraph 2 below |
| International filing date (day/month/year) 30 November 2005 (30.11.2005) | Priority date (day/month/year) 01 December 2004 (01.12.2004) | |
| International Patent Classification (IPC) or both national classification and IPC IPC: G06Q 99/00(2006.01);H04 K 1/00;H04 L 9/ 00 | | |
| USPC: 705/59 | | |
| Applicant PROXENSE, LLC | | |

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

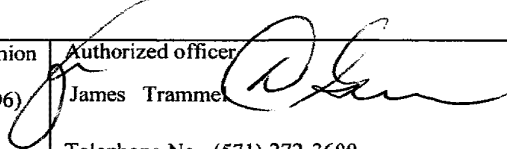
2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

| | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201 | Date of completion of this opinion 15 November 2006 (15.11.2006) | Authorized officer James Trammel  Telephone No. (571) 272-3600 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|

Form PCT/ISA/237 (cover sheet) (April 2005)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/43447

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

- the international application in the language in which it was filed
- a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- a sequence listing
- table(s) related to the sequence listing

b. format of material

- on paper
- in electronic form

c. time of filing/furnishing

- contained in the international application as filed.
- filed together with the international application in electronic form.
- furnished subsequently to this Authority for the purposes of search.

3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US05/43447

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|--------------------|-----|
| Novelty (N) | Claims <u>NONE</u> | YES |
| | Claims <u>1-55</u> | NO |
| Inventive step (IS) | Claims <u>NONE</u> | YES |
| | Claims <u>1-55</u> | NO |
| Industrial applicability (IA) | Claims <u>1-55</u> | YES |
| | Claims <u>NONE</u> | NO |

2. Citations and explanations:

Claims 1-55 lack novelty under PCT Article 33(2) as being anticipated by Morrill, Jr (US 5,991,749 A). Morrill, in at least column 1, lines 25-58 discloses a system for collecting funds by passing within a proximity of a wireless computing and transactional device.

Claims 1-55 lack novelty under PCT Article 33(2) as being anticipated by Maritzen et al. (US 2002/0073042 A1). Maritzen, in at least paragraphs 0001-0006, discloses conducting e-commerce transactions across wireless devices.

Claims 1-55 lack novelty under PCT Article 33(2) as being anticipated by Shreve et al. (US 2002/0109580 A1). Shreve, in at least paragraphs 0001-0007 discloses remote keyless entry devices for granting access to secure domains.

PATENT COOPERATION TREATY

RECEIVED

MAR 13 2007

From the INTERNATIONAL SEARCHING AUTHORITY

To:
 JOHN T. MCNELIS
 FENWICK & WEST LLP
 SILICON VALLEY CENTER
 801 CALIFORNIA STREET
 MOUNTAIN VIEW, CA 94041

PCT FENWICK & WEST

NOTIFICATION OF TRANSMITTAL OF
 THE INTERNATIONAL SEARCH REPORT AND
 THE WRITTEN OPINION OF THE INTERNATIONAL
 SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing
 (day/month/year) 01 MAR 2007

Applicant's or agent's file reference
 11062 PCT

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.
 PCT/US05/46843

International filing date
 (day/month/year) 20 December 2005 (20.12.2005)

Applicant
 PROXENSE, LLC

1. The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
 1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70.

For more detailed instructions, see the notes on the accompanying sheet.

2. The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

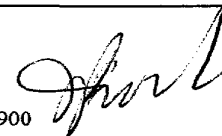
Name and mailing address of the ISA/ US
 Mail Stop PCT, Attn: ISA/US
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

Facsimile No. (571) 273-3201

Authorized officer

Emmanuel Moise

Telephone No. (571)-305-3900



PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
 JOHN T. MCNELIS
 FENWICK & WEST LLP
 SILICON VALLEY CENTER
 801 CALIFORNIA STREET
 MOUNTAIN VIEW, CA 94041

PCT

NOTIFICATION OF TRANSMITTAL OF
 THE INTERNATIONAL SEARCH REPORT AND
 THE WRITTEN OPINION OF THE INTERNATIONAL
 SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing
 (day/month/year) **01 MAR 2007**

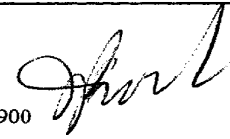
Applicant's or agent's file reference
 11062 PCT **FOR FURTHER ACTION** See paragraphs 1 and 4 below

International application No.
 PCT/US05/46843 International filing date
 (day/month/year) 20 December 2005 (20.12.2005)

Applicant
 PROXENSE, LLC

1. The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.
Filing of amendments and statement under Article 19:
 The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):
 When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.
 Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
 1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70.
 For more detailed instructions, see the notes on the accompanying sheet.
2. The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
 - the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
 - no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.
4. **Reminders**
 Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.
 The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.
 Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until **30 months** from the priority date (in some Offices even later); otherwise, the applicant must, within **20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.
 In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.
 See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US
 Mail Stop PCT, Attn: ISA/US
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 Facsimile No. (571) 273-3201

Authorized officer
 Emmanuel Moise 
 Telephone No. (571)-305-3900

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

| | | |
|----------------------------------------------------|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| Applicant's or agent's file reference 11062 PCT | FOR FURTHER ACTION | see Form PCT/ISA/220 as well as, where applicable, item 5 below. |
| International application No. PCT/US05/46843 | International filing date (<i>day/month/year</i>) 20 December 2005 (20.12.2005) | (Earliest) Priority Date (<i>day/month/year</i>) 20 December 2004 (20.12.2004) |
| Applicant PROXENSE, LLC | | |

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the Report

a. With regard to the **language**, the international search was carried out on the basis of:

- the international application in the language in which it was filed.
- a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. **Certain claims were found unsearchable** (See Box No. II)

3. **Unity of invention is lacking** (See Box No. III)

4. With regard to the **title**,

- the text is approved as submitted by the applicant.
- the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- the text is approved as submitted by the applicant.
- the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 3

- as suggested by the applicant.
- as selected by this Authority, because the applicant failed to suggest a figure.
- as selected by this Authority, because this figure better characterizes the invention.

b. none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US05/46843

A. CLASSIFICATION OF SUBJECT MATTER

IPC: **H04L 9/32(2006.01)**

USPC: 713/186

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 713/186

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| X --- Y | US 6,041,410 (HSU et al), 21 March 2000, Column 4, lines 15-56, Column 5, line 1 to Column 6, line 24, and Column 6, line 42 to Column 7, line 34 | 1, 4-11, 15, 18 ----- 2, 3, 12-14, 16, 17, 19-21 |
| Y | US 2004/0129787 (SAITO et al) 8 July 2004, Paragraphs 40-56, 81-91, 91-101, and 164 | 2, 3, 12-14, 16, 17, 19-21 |

Further documents are listed in the continuation of Box C.

See patent family annex.

| * Special categories of cited documents: | | |
|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| "A" | document defining the general state of the art which is not considered to be of particular relevance | "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention |
| "E" | earlier application or patent published on or after the international filing date | "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone |
| "L" | document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) | "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art |
| "O" | document referring to an oral disclosure, use, exhibition or other means | |
| "P" | document published prior to the international filing date but later than the priority date claimed | "&" document member of the same patent family |

Date of the actual completion of the international search

18 January 2007 (18.01.2007)

Date of mailing of the international search report

01 MAR 2007

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (571) 273-3201

Authorized officer

Emmanuel Moise

Telephone No. (571)-305-3900



PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
JOHN T. MCNELIS
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) **01 MAR 2007**

Applicant's or agent's file reference
11062 PCT

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US05/46843

International filing date (day/month/year)
20 December 2005 (20.12.2005)

Priority date (day/month/year)
20 December 2004 (20.12.2004)

International Patent Classification (IPC) or both national classification and IPC
IPC: **H04L 9/32**(2006.01)
USPC: 713/186

Applicant
PROXENSE, LLC

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

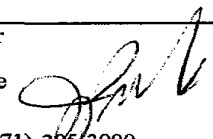
If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US
Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
Facsimile No. (571) 273-3201

Date of completion of this opinion
18 January 2007 (18.01.2007)

Authorized officer
Emmanuel Moise 
Telephone No. (571)-305-3900

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US05/46843

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

- the international application in the language in which it was filed
- a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- a sequence listing
- table(s) related to the sequence listing

b. format of material

- on paper
- in electronic form

c. time of filing/furnishing

- contained in the international application as filed.
- filed together with the international application in electronic form.
- furnished subsequently to this Authority for the purposes of search.

3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US05/46843

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|----------------------------------------------|-----|
| Novelty (N) | Claims <u>2, 3, 12-14, 16, 17, and 19-21</u> | YES |
| | Claims <u>1, 4-11, 15, and 18</u> | NO |
| Inventive step (IS) | Claims <u>NONE</u> | YES |
| | Claims <u>1-21</u> | NO |
| Industrial applicability (IA) | Claims <u>1-21</u> | YES |
| | Claims <u>NONE</u> | NO |

2. Citations and explanations:

Please See Continuation Sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US05/46843

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1, 4-11, 15, and 18 lack novelty under PCT Article 33(2) as being anticipated by Hsu (US 6041410 A) 21 March 2000.

Regarding Claim 1,

Hsu discloses a method for verifying a user during authentication of an integrated device, comprising the steps of:
Persistently storing biometric data for the user in a tamper-resistant format (Column 4, lines 15-25);
Responsive to receiving a request for biometric verification of the user, receiving scan data from a biometric scan (Column 4, lines 26-56);
Comparing the scan data to the biometric data to determine whether the data match (Column 4, lines 26-56); and
Wirelessly sending a code for authentication (Column 4, lines 26-56; and Column 5, line 1 to Column 6, line 9).

Regarding Claim 10,

Claim 10 is a device claim that corresponds to method claim 1 and is rejected for the same reasons.

Regarding Claim 4,

Hsu discloses that the code uniquely identifies the integrated device (Column 5, line 1 to Column 6, line 9; and Column 7, lines 17-34).

Regarding Claim 5,

Hsu discloses that the code indicates that the biometric verification was successful (Column 5, line 1 to Column 6, line 9; and Column 7, lines 17-34).

Regarding Claim 6,

Hsu discloses that persistently storing biometric data comprises permanently storing biometric data (Column 4, lines 15-25; and Column 5, lines 1-47).

Regarding Claim 11,

Claim 11 is a device claim that corresponds to method claim 6 and is rejected for the same reasons.

Regarding Claim 7,

Hsu discloses that the biometric data and the scan data are both based on a fingerprint scan by the user (Column 4, lines 15-56).

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US05/46843

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Regarding Claim 8,

Hsu discloses establishing a secure communication channel prior to sending the code for authentication (Column 6, line 42 to Column 7, line 34).

Regarding Claim 9,

Hsu discloses receiving a request for the code without a request for biometric verification (Column 5, line 57 to Column 6, line 24); and responsive to receiving the request for the code without a request for biometric verification, sending the code without requesting the scan data (Column 5, line 57 to Column 6, line 24).

Regarding Claim 15,

Hsu discloses a method for authenticating a verified user, comprising:

Receiving a code associated with a biometrically verified user (Column 5, line 1 to Column 6, line 9; and Column 7, lines 17-34);

Requesting authentication of the code (Column 5, line 1 to Column 6, line 9; and Column 7, lines 17-34);

Receiving an authentication result (Column 5, line 1 to Column 6, line 9; and Column 7, lines 17-34); and

In response to the authentication result being positive, providing access to an application (Column 5, line 1 to Column 6, line 9; and Column 7, lines 17-34).

Regarding Claim 18,

Hsu discloses establishing a secure communications channel with a biometric key, wherein the code associated with the biometrically verified user is received from the biometric key (Column 6, line 42 to Column 7, line 34).

Claims 2, 3, 12-14, 16, 17, and 19-21 lack an inventive step under PCT Article 33(3) as being obvious over Hsu in view of Saito (US 20040129787 A1) 8 July 2004.

Regarding Claim 2,

Hsu does not disclose that the code is registered with a trusted authority, and the code can be authenticated to a third party by the trusted authority.

Saito, however, discloses that the code is registered with a trusted authority, and the code can be authenticated to a third party by the trusted authority (Paragraphs 95-101). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the authentication procedures of Saito into the personal identification fob authentication system of Hsu in order to increase reliability and security of authentication and authorization by providing a trusted entity that can confirm that the user and device are authentic.

Regarding Claim 12,

Claim 12 is a device claim that corresponds to method claim 2 and is rejected for the same reasons.

Regarding Claim 3,

Hsu does not disclose registering an age verification for the user in association with the code.

Saito, however, discloses registering an age verification for the user in association with the code (Paragraphs 82, 83, and 164). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the authentication procedures of Saito into the personal identification fob authentication system of Hsu in order to increase reliability and security of authentication and authorization by providing a trusted entity that can confirm that the user and device are authentic.

Regarding Claim 13,

Claim 13 is a device claim that corresponds to method claim 3 and is rejected for the same reasons.

Regarding Claim 14,

Hsu does not disclose that the verification module comprises an LED to be activated for requesting the biometric scan.

Saito, however, discloses that the verification module comprises an LED to be activated for requesting the biometric scan (Paragraphs 40-56). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the authentication procedures of Saito into the personal identification fob authentication system of Hsu in order to increase reliability and security of authentication and authorization by providing a trusted entity that can confirm that the user and device are authentic.

Regarding Claim 16,

Hsu does not disclose registering the code with a trusted authority, wherein requesting authentication of the code comprises providing the code to the trusted authority and wherein receiving an authentication result comprises receiving the authentication result from the trusted authority.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US05/46843

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Saito, however, discloses registering the code with a trusted authority, wherein requesting authentication of the code comprises providing the code to the trusted authority and wherein receiving an authentication result comprises receiving the authentication result from the trusted authority (Paragraphs 95-101). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the authentication procedures of Saito into the personal identification fob authentication system of Hsu in order to increase reliability and security of authentication and authorization by providing a trusted entity that can confirm that the user and device are authentic.

Regarding Claim 17,

Hsu as modified by Saito does disclose the method of claim 16, in addition, Saito discloses registering a date of birth or age with the trusted authority (Paragraphs 82, 83, and 164).

Regarding Claim 19,

Hsu discloses a system comprising:

A biometric key to store biometric data for a user in a tamper resistant format, and if scan data can be verified as being from the user by comparing the scan data to the biometric data, wirelessly sending a code (Column 4, lines 15-56; and Column 5, line 1 to Column 6, line 9);

An authentication module to authenticate the user for access to an application (Column 7, lines 17-34);

But does not disclose sending the code to a trusted authority for authentication.

Saito, however, discloses an authentication module to receive the code and send the code to a trusted authority for authentication, and responsive to the code being authenticated, allowing the user to access an application (Paragraphs 95-101). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the authentication procedures of Saito into the personal identification fob authentication system of Hsu in order to increase reliability and security of authentication and authorization by providing a trusted entity that can confirm that the user and device are authentic.

Regarding Claim 20,

Hsu as modified by Saito discloses the system of claim 19, in addition, Hsu discloses that the biometric key receives an authentication request from the authentication module, and in response, requests a biometric scan from the user to generate the scan data (Column 4, lines 26-56; and Column 5, line 1 to Column 6, line 9); and Saito discloses that the biometric key receives an authentication request from the authentication module, and in response, requests a biometric scan from the user to generate the scan data (Paragraphs 40-56; and 81-91)

Regarding Claim 21,

Hsu as modified by Saito discloses the system of claim 19, in addition, Hsu discloses that if the biometric key cannot verify the scan data as being from the user, it does not send the code (Column 5, lines 1-47).

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
 GREG T. SUEOKA
 FENWICK & WEST LLP
 SILICON VALLEY CENTER
 801 CALIFORNIA STREET
 MOUNTAIN VIEW, CA 94041

Fenwick & West LLP

APR 25 2008

RECEIVED

PCT

NOTIFICATION OF TRANSMITTAL OF
 THE INTERNATIONAL SEARCH REPORT AND
 THE WRITTEN OPINION OF THE INTERNATIONAL
 SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

25000-

| | |
|----------------------------------------------------|------------------------------------------------------------------------|
| Applicant's or agent's file reference 12786 PCT | Date of mailing (day/month/year) |
| International application No. PCT/US07/11103 | International filing date (day/month/year) 07 May 2007 (07.05.2007) |
| Applicant PROXENSE, LLC | |

FOR FURTHER ACTION See paragraphs 1 and 4 below

1. The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
 1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70.

For more detailed instructions, see the notes on the accompanying sheet.

2. The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90*bis*.1 and 90*bis*.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201 | Authorized officer SUMAN DEBNATH Telephone No. 571 270 9922 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|

DEBORAH A. THOMAS
 PCT/ISA/US/2007/01

SDH

(See notes on accompanying sheet)

Form PCT/ISA/220 (January 2004)

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
 GREG T. SUEOKA
 FENWICK & WEST LLP
 SILICON VALLEY CENTER
 801 CALIFORNIA STREET
 MOUNTAIN VIEW, CA 94041

PCT

NOTIFICATION OF TRANSMITTAL OF
 THE INTERNATIONAL SEARCH REPORT AND
 THE WRITTEN OPINION OF THE INTERNATIONAL
 SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

| | |
|----------------------------------------------------|------------------------------------------------------------------------|
| Date of mailing (day/month/year) | 23 APR 2008 |
| Applicant's or agent's file reference 12786 PCT | FOR FURTHER ACTION See paragraphs 1 and 4 below |
| International application No. PCT/US07/11103 | International filing date (day/month/year) 07 May 2007 (07.05.2007) |

Applicant
 PROXENSE, LLC


1. The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.
Filing of amendments and statement under Article 19:
 The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
 1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70.

For more detailed instructions, see the notes on the accompanying sheet.
2. The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
 - the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
 - no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.
4. **Reminders**
 Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.
 The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.
 Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.
 In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.
 See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201 | Authorized officer SUMAN DEBNATH Telephone No. 571 270 9922 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|

BEBORAH A. THOMAS
 PATENT CLERK


PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

| | | | |
|----------------------------------------------------|---------------------------------------------------------------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Applicant's or agent's file reference 12786 PCT | FOR FURTHER ACTION | | see Form PCT/ISA/220 as well as, where applicable, item 5 below. |
| International application No. PCT/US07/11103 | International filing date (<i>day/month/year</i>) 07 May 2007 (07.05.2007) | (Earliest) Priority Date (<i>day/month/year</i>) 05 May 2006 (05.05.2006) | |
| Applicant PROXENSE, LLC | | | |

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the Report**

a. With regard to the **language**, the international search was carried out on the basis of:

the international application in the language in which it was filed.

a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 Rule 43.6 *bis(a)*

c. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. **Certain claims were found unsearchable** (See Box No. II)

3. **Unity of invention is lacking** (See Box No. III)

4. With regard to the **title**,

the text is approved as submitted by the applicant.

the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

the text is approved as submitted by the applicant.

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 1

as suggested by the applicant.

as selected by this Authority, because the applicant failed to suggest a figure.

as selected by this Authority, because this figure better characterizes the invention.

b. none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US07/11103

A. CLASSIFICATION OF SUBJECT MATTER

IPC: **H04K 1/00**(2006.01)

USPC: 713/186

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 713/186

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

USPAT, US-PGPUB

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|----------------------------------------------------------------------------------------------------------------|-----------------------|
| X | US 2002/0104006 A1 (Boate et al.) 01 August 2002 (01.08.2002), [0011], [0012], [0014], [0027], [0035], [0043]. | 1-20 |
| A,E | US 7,249,177 B1 (MILLER) 24 July 2007 | 1-20 |

Further documents are listed in the continuation of Box C.

See patent family annex.

* Special categories of cited documents:

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| "A" document defining the general state of the art which is not considered to be of particular relevance | "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention |
| "E" earlier application or patent published on or after the international filing date | "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone |
| "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) | "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art |
| "O" document referring to an oral disclosure, use, exhibition or other means | "&" document member of the same patent family |
| "P" document published prior to the international filing date but later than the priority date claimed | |

Date of the actual completion of the international search

08 April 2008 (08.04.2008)

Date of mailing of the international search report

23 APR 2008

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (571) 273-3201

Authorized officer

SUMAN DEBNATH

Telephone No. 571 270 9922

DEBORAH A. THOMAS
PARALEGAL SPECIALIST

Dut

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

| | | |
|---------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|------------------------------------------------------------|
| To: GREG T. SUEOKA FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041 | | Date of mailing (day/month/year) 23 APR 2008 |
| Applicant's or agent's file reference 12786 PCT | | FOR FURTHER ACTION See paragraph 2 below |
| International application No. PCT/US07/11103 | International filing date (day/month/year) 07 May 2007 (07.05.2007) | Priority date (day/month/year) 05 May 2006 (05.05.2006) |
| International Patent Classification (IPC) or both national classification and IPC IPC: H04K 1/00 (2006.01) USPC: 713/186 | | |
| Applicant PROXENSE, LLC | | |

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

| | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------|
| Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201 | Date of completion of this opinion 08 April 2008 (08.04.2008) | Authorized officer SUMAN DEBNATH Telephone No. 571 270 9922 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|-------------------------------------------------------------------|

Form PCT/ISA/237 (cover sheet) (April 2007)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US07/11103

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - the international application in the language in which it was filed
 - a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:
 - a. type of material
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material
 - on paper
 - in electronic form
 - c. time of filing/furnishing
 - contained in the international application as filed.
 - filed together with the international application in electronic form.
 - furnished subsequently to this Authority for the purposes of search.
4. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US07/11103

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|--------------------|-----|
| Novelty (N) | Claims <u>NONE</u> | YES |
| | Claims <u>1-20</u> | NO |
| Inventive step (IS) | Claims <u>NONE</u> | YES |
| | Claims <u>1-20</u> | NO |
| Industrial applicability (IA) | Claims <u>1-20</u> | YES |
| | Claims <u>NONE</u> | NO |

2. Citations and explanations:

Please See Continuation Sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US07/11103

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1-20 lack novelty under PCT Article 32(2) as being anticipated by Boate et al. (Pub. No.: US 2002/0104006 A1), hereinafter "Boate".

As to claim 1, Boate discloses a method for electronic transaction processing comprising: wirelessly receiving data from a personal digital key (PDK) ([0011], [0012]); receiving a biometric input ([0012], [0027]); authenticating the personal digital key ([0012], [0035]); authenticating the biometric input ([0012], [0043]); and performing a transaction responsive to the personal digital key and the biometric input being authenticated ([0012], [0027], [0035]).

As to claim 2, Boate discloses wherein receiving the biometric input comprises performing at least one of a fingerprint scan, a retinal scan, an iris scan, a facial scan, a palm scan, a DNA analysis, a signature analysis, and a voice analysis ([0027], lines 1-11).

As to claim 3, Boate discloses wherein wirelessly receiving data from a personal digital key includes receiving biometric data ([0012]), and authenticating the biometric input includes comparing the biometric data to the biometric input for match ([0012], [0043]).

As to claim 4, Boate discloses wherein the biometric data is a portion or subset of an entire biometric data set for an attribute ([0027]).

As to claim 5, Boate discloses wherein wirelessly receiving data from a personal digital key includes establishing a secure communication channel between the PDK and a reader, and wherein a profile is sent from the PDK to the reader ([0012], [0035]).

As to claim 6, Boate discloses wherein the profile includes a PDK identification number and one from the group of financial information, credit card information and personal identification information ([0027]).

As to claim 7, Boate discloses wherein authenticating the personal digital key begins before authenticating the biometric input ([0012], [0027]).

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US07/11103

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

As to claim 8, Boate discloses wherein authenticating the biometric input begins before authenticating the personal digital key ([0012], [0027]).

As to claim 9, Boate discloses wherein authenticating the personal digital key includes receiving data from the personal digital key and comparing it against an external system ([0027]).

As to claim 10, Boate discloses wherein the external system is one from the group of a central registry, a validation database and a private registry ([0014]).

As to claim 11 Boate discloses further comprising authenticating a reader ([0012]).

As to claim 12, Boate discloses wherein wirelessly receiving, receiving the biometric input, authenticating the personal digital key, authenticating the biometric input are performed by a reader device ([0012]).

As to claim 13, Boate discloses wherein receiving the biometric input and authenticating the biometric input are performed by the personal digital key ([0012], [0027]).

As to claim 14, Boate discloses wherein receiving authenticating the biometric input is performed by the personal digital key and the reader ([0012], [0027], [0035]).

As to claim 15, Boate discloses wherein performing a transaction comprises: initiating the transaction; communicating with another system to authorize and approve the transaction; and presenting the status for the transaction ([0012], [0027], [0035]).

As to claim 16, Boate discloses a method for electronic transaction authentication comprising: wirelessly receiving data from a reader ([0011], [0012]); receiving a biometric input ([0012], [0027]); authenticating the reader authenticating the biometric input ([0012], [0043]); and transmitting a signal authorizing a transaction responsive to the reader and the biometric input being authenticated ([0012], [0027], [0035]).

As to claim 17, Boate discloses wherein receiving the biometric input comprises performing at least one of a fingerprint scan, a retinal scan, an iris scan, a facial scan, a palm scan, a NA analysis, a signature analysis, and a voice analysis ([0027], lines 1-11).

As to claim 18, Boate discloses wherein receiving the biometric input comprises obtaining a representation of physical or behavioral characteristics derived from the individual ([0027]).

As to claim 19, Boate discloses a method for electronic transaction processing comprising: wirelessly receiving a biometric reference from a personal digital key ([0012], [0027], [0043]); receiving a biometric input ([0012], [0027]); authenticating the biometric input ([0012], [0043]); and performing a transaction responsive to the biometric input being authenticated ([0012], [0027], [0035]).

As to claim 20, Boate discloses wherein receiving the biometric input comprises performing at least one of a fingerprint scan, a retinal scan, an iris scan, a facial scan, a palm scan, a DNA analysis, a signature analysis, and a voice analysis ([0027]).

PATENT COOPERATION TREATY

RECEIVED
PATENT DOCKETING

OCT 23 2008

From the INTERNATIONAL SEARCHING AUTHORITY

To:
GREG T. SUEOKA
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

PCT

Fenwick & West

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

| | |
|-------------------------------------|--------------------|
| Date of mailing (day/month/year) | 20 OCT 2008 |
|-------------------------------------|--------------------|

25000-

| | |
|----------------------------------------------------|------------------------------------------------------------------------|
| Applicant's or agent's file reference 11744 PCT | FOR FURTHER ACTION See paragraphs 1 and 4 below |
| International application No. PCT/US07/11105 | International filing date (day/month/year) 07 May 2007 (07.05.2007) |
| Applicant PROXENSE, LLC | |

1. The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70.

For more detailed instructions, see the notes on the accompanying sheet.

2. The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201 | Authorized officer Hosuk Song Telephone No. 5712722100 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|

Form PCT/ISA/220 (January 2004)

(See notes on accompanying sheet)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

| | | | |
|----------------------------------------------------|------------------------------------------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------------------|
| Applicant's or agent's file reference 11744 PCT | FOR FURTHER ACTION | | see Form PCT/ISA/220 as well as, where applicable, item 5 below. |
| International application No. PCT/US07/11105 | International filing date (day/month/year) 07 May 2007 (07.05.2007) | (Earliest) Priority Date (day/month/year) 05 May 2006 (05.05.2006) | |
| Applicant PROXENSE, LLC | | | |

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the Report**

a. With regard to the **language**, the international search was carried out on the basis of:

- the international application in the language in which it was filed.
- a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 Rule 43.6 *bis(a)*

c. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. **Certain claims were found unsearchable** (See Box No. II)

3. **Unity of invention is lacking** (See Box No. III)

4. With regard to the **title**,

- the text is approved as submitted by the applicant.
- the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- the text is approved as submitted by the applicant.
- the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 1

- as suggested by the applicant.
- as selected by this Authority, because the applicant failed to suggest a figure.
- as selected by this Authority, because this figure better characterizes the invention.

b. none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US07/11105

Box IV TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

NEW ABSTRACT

A system and method provide efficient, secure, and highly reliable authentication for transaction processing and/or access control applications. A Personal Digital Key stores one or more profiles(e.g., a biometric profile) in a tamper-proof memory that is acquired in a secure trusted process. Biometric profiles comprise a representation of physical or behavioral characteristics that are uniquely associated with an individual that owns and carries the PDK(102). The PDK wirelessly transmits the biometric profile over a secure wireless transaction to a Reader(108) for use in a biometric authentication process. The Reader compares the received biometric wireless transaction to a Reader(108) for use in a biometric authentication process. The Reader compares the received biometric profile to a biometric input(104) acquired at the point of transaction in order to determine if the transactions should be authorized.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US07/11105

A. CLASSIFICATION OF SUBJECT MATTER
 IPC: **H04K 1/00**(2006.01);**H04L 9/32**(2006.01)

USPC: 713/182,186;726/2;380/270
 According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
 U.S. : 713/182,186; 726/2;380/270

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
 Please See Continuation Sheet

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| X,E | US 7,249,177 B(MILLER) 24 July 2007 (24.07.2007), column 3 lines 28-42; column 4,lines 19-25; column 5,lines 1-17 | 1-42 |
| A | US 6,070,796 A(SIRBU) 06 June 2000 (06.06.2000), column 7,lines 7-40; column 9,lines 25-55. | 1-42 |
| X | US 6,850,147 B(PROKOSKI et al) 01 February 2005 (01.02.2005), column 4,lines 39-62; column 6,lines 46-67; column 11,lines 1-22. | 1-42 |

Further documents are listed in the continuation of Box C.

See patent family annex.

| * Special categories of cited documents: | "T" | later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| "A" document defining the general state of the art which is not considered to be of particular relevance | "X" | document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone |
| "E" earlier application or patent published on or after the international filing date | "Y" | document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art |
| "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) | "&" | document member of the same patent family |
| "O" document referring to an oral disclosure, use, exhibition or other means | | |
| "P" document published prior to the international filing date but later than the priority date claimed | | |

Date of the actual completion of the international search
 30 September 2008 (30.09.2008)

Date of mailing of the international search report
20 OCT 2008

Name and mailing address of the ISA/US
 Mail Stop PCT, Attn: ISA/US
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 Facsimile No. (571) 273-3201

Authorized officer
 Hosuk Song
 Telephone No. 5712722100

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US07/11105

Continuation of B. FIELDS SEARCHED Item 3:
EAST, foreign patent databse
search terms: biometric, fingerprint,iris,key, password, wireless, authentication, authorization,access,control,tamper-proof,memory,storage.

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:
GREG T. SUEOKA
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

| | |
|-------------------------------------|--------------------|
| Date of mailing (day/month/year) | 20 OCT 2008 |
|-------------------------------------|--------------------|

Applicant's or agent's file reference
11744 PCT

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US07/11105

International filing date (day/month/year)
07 May 2007 (07.05.2007)

Priority date (day/month/year)
05 May 2006 (05.05.2006)

International Patent Classification (IPC) or both national classification and IPC
IPC: **H04K 1/00**(2006.01);**H04L 9/32**(2006.01)
USPC: 713/182,186;726/2;380/270

Applicant
PROXENSE, LLC

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

| | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------------|
| Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201 | Date of completion of this opinion 29 September 2008 (29.09.2008) | Authorized officer Hosuk Song Telephone No. 5712722100 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|--------------------------------------------------------------|

Form PCT/ISA/237 (cover sheet) (April 2007)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US07/11105

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:
- the international application in the language in which it was filed
 - a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:
- a. type of material
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material
 - on paper
 - in electronic form
 - c. time of filing/furnishing
 - contained in the international application as filed.
 - filed together with the international application in electronic form.
 - furnished subsequently to this Authority for the purposes of search.
4. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US07/11105

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|--------------------|-----|
| Novelty (N) | Claims <u>NONE</u> | YES |
| | Claims <u>1-42</u> | NO |
| Inventive step (IS) | Claims <u>NONE</u> | YES |
| | Claims <u>1-42</u> | NO |
| Industrial applicability (IA) | Claims <u>1-42</u> | YES |
| | Claims <u>NONE</u> | NO |

2. Citations and explanations:

Please See Continuation Sheet

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US07/11105

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1-42 lack novelty under PCT Article 33(2) as being anticipated by Prokoski et al(US 6,850,147).

Claim 1: Prokoski disclose wirelessly receiving a biometric profile from a personal digital key (PDK), wherein the biometric profile is uniquely associated with an individual in (col.5,lines 30-56). Prokoski disclose receiving a biometric input; comparing the biometric profile to the biometric input and authorizing a transaction responsive to the biometric profile matching the biometric input in (col.7,lines 35-59).

Claim 2: Prokoski disclose obtaining a representation of physical or behavioral characteristics derived from the individual in (fig.1).

Claim 3: Prokoski disclose receiving the biometric input comprises performing at least one of a fingerprint scan, a retinal scan, an iris scan, a facial scan, a palm scan, a DNA analysis, a signature analysis, and a voice analysis in (fig.6).

Claim 4: Prokoski disclose performing a device authentication to verify that the PDK is a valid device responsive to the PDK entering a proximity zone in (fig.4).

Claim 5: Prokoski disclose performing a challenge-response authentication to verify the PDK is valid wherein the PDK further verifies validity of an external device in (fig.6).

Claim 6: Prokoski disclose receiving available profile types from the PDK and comparing the available profile types to required profile types of authentication in (col.10,lines 15-29). Prokoski disclose responsive to the available profile types being sufficient indicating that the PDK is valid and responsive to the available profile types not being sufficient indicating that the PDK is not valid in (fig.4).

Claim 7: Prokoski disclose establishing a secure communication channel with a remote registry in (col.10,lines 30-41). Prokoski disclose transmitting PDK information to the remote registry wherein the PDK information is uniquely associated with the PDK receiving validity information from the remote registry and determining if a transaction should be authorized based on the validity information and the comparison between the biometric profile and biometric input in(fig.6).

Claim 8:Prokoski disclose remote registry is a Central Registry comprising a secured centrally-located database administered by a trusted third-party organization in (fig.4).

Claim 9: Prokoski disclose remote registry is a private registry comprising a database administered by a private controlling entity in (fig.5).

Claim 10: Prokoski disclose receiving purchasing information from the PDK, the purchasing information comprising at least one of bank information, credit card information,debit card information, ATM card information and coupon information in (col.2,lines 35-64).

Claim 11: Prokoski disclose determining if the purchasing information is valid by querying a remote validation database in (fig.6).

Claim 12: Prokoski disclose receiving a picture from the PDK comprising an image of the individual; displaying the image on a screen and prompting an administrator to confirm or deny the identity of the individual based on the appearance of the individual and the displayed image in (col.11,lines 1-22).

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US07/11105

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Claim 13: Prokoski disclose acquiring a personal identification number from the individual;receiving a PIN profile from the PDK and determining if the acquired personal identification number matches the received PIN profile in (fig.4).

Claim 14: Prokoski disclose computing a representation of the biometric input based on a mathematical hash of the biometric input and comparing the representation of the biometric input to the biometric profile in (fig.3).

Claim 15: Prokoski disclose a receiver/decoder circuit adapted to wirelessly receive a biometric profile from a personal digital key(PDK) wherein the biometric profile is uniquely associated with an individual in (fig.3). Prokoski disclose a biometric reader adapted to receive a biometric input and a processor coupled to the receiver/decoder circuit and the biometric reader the processor adapted to compare the biometric profile to the biometric input and indicate that a transaction should be authorized responsive to the biometric profile matching the biometric input in (fig.4).

Claim 16: Prokoski disclose a establishing a secure communication channel with a remote registry; transmit PDK information to the remote registry wherein the PDK information is uniquely associated with the PDK and receive validity information from the remote registry in (fig.6).

Claim 17: Prokoski disclose a credit card terminal input/output coupled to the receiver/decoder circuit, the credit card terminal input/output adapted to communicate with a credit card terminal in (col.2,lines 50-64).

Claim 18: Prokoski disclose biometric reader is further adapted to obtain a representation of physical or behavioral characteristics derived from the individual in (col.11,lines 7-13).

Claim 19: Prokoski disclose biometric reader comprises at least one of a fingerprint scanner, a retinal scanner, an iris scanner, a face scanner, a palm scanner, a DNA analyzer, a signature analyzer, and a voice analyzer in (col.6,lines 54-65).

Claim 20: Prokoski disclose receiver/decoder circuit is further adapted to receive the biometric profile in an encrypted format over a secure wireless channel, and decrypt the biometric profile to an unencrypted format in (fig.5).

Claim 21: Prokoski disclose receiver/decoder circuit is adapted to detect a PDK in response to the PDK entering a proximity zone of the receiver/decoder circuit and request the PDK to transmit the biometric profile in (fig.4).

Claims 22,26-28: Prokoski disclose a memory adapted to store a biometric profile in a tamper-proof format, wherein the biometric profile is uniquely associated with an individual and a transceiver coupled to the memory, the transceiver adapted to wirelessly receive a request from an external device to transmit the biometric profile to the external device and wirelessly transmit the biometric profile over a secure wireless channel to the external device in (fig.1).

Claim 23: Prokoski disclose memory further stores initialization information comprising at least one of a programmer ID, a notary ID, and a site ID associated with an initialization process in(fig.2).

Claim 24: Prokoski disclose memory is further adapted to store at least one of purchasing information, registration information and personal information in (col.11,lines 50-62).

Claim 25: Prokoski disclose a programmer interface adapted to write the biometric profile to the memory during a trusted initialization process in(fig.3).

Claim 29,32-37: Prokoski disclose storing a biometric profile in a tamper-proof memory, wherein the biometric profile is uniquely associated with an individual and wirelessly receiving a request from an external device to transmit the biometric profile to the external device in (fig.1). Prokoski disclose responsive to receiving the request wirelessly transmitting the biometric profile over a secure wireless channel to the external device wherein the external device authenticates an individual for a transaction based on a comparison between the biometric profile and a biometric input acquired from the individual in (fig.3).

Claim 30: Prokoski disclose encrypting the stored biometric profile for transmission over the secure wireless channel in (fig.2).

Claim 31: Prokoski disclose storing at least one of purchasing information, registration information and personal information in (fig.6).

Claim 38: Prokoski disclose wirelessly receiving uniquely identifying information from a personal digital key(PDK) and analyzing the uniquely identifying information to determine if the PDK is valid in (col.3,lines 28-42,57-63). Miller disclose receiving profile information from the PDK indicating types of profiles stored in the PDK and determining if the types of profiles are compatible with allowable authentication types in (col.5,lines 45-57). Prokoski disclose performing one or more authentication tests to determine if a profile is valid and authorizing a transaction responsive to determining that the PDK is valid, determining that the types of profiles are compatible and determining that the profile is valid in (col.10,lines 15-29).

Claim 39: Prokoski disclose wirelessly receiving a biometric profile from the PDK, wherein the biometric profile is uniquely associated with an individual in (fig.3). Prokoski disclose acquiring a biometric input and determining that the profile is valid responsive to the acquired biometric input matching the received biometric profile in (fig.4).

Claim 40: Prokoski disclose wirelessly receiving a Personal Identification Number(PIN) profile from the PDK, wherein the PIN profile is uniquely associated with an individual;acquiring a PIN input and determining that the profile is valid responsive to the acquired PIN matching the received PIN profile in (fig.6).

Claim 41: Prokoski disclose wirelessly receiving a picture profile from the PDK, wherein the picture profile is uniquely associated with an image of an individual;acquiring an image and determining that the profile is valid responsive to the acquired image matching the received picture profile in (col.11,lines 2-13).

Claim 42: Prokoski disclose receiving a registry profile from the PDK wherein the registry profile is uniquely associated with an individual and establishing a secure communication channel with a remote registry in (fig.1). Prokoski disclose transmitting the registry profile to the remote registry;receiving status information from the remote registry and determining that the profile is valid responsive to the status information indicating a valid registry entry in (fig.4).

Claims 1-42 meet the criteria set out in PCT Article 33(4), and thus meet industrial applicability because the subject matter claimed can be made or used in industry.

PATENT COOPERATION TREATY

Fenwick & West LLP

From the INTERNATIONAL SEARCHING AUTHORITY

JUN 30 2008

To:
GREG T. SUEOKA
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

PCT RECEIVED

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

25000-

| | | |
|------------------------------------------------------------------------|--|--------------------------------------------------------|
| Applicant's or agent's file reference 12784 PCT | | Date of mailing (day/month/year) 26 JUN 2008 |
| International application No. PCT/US07/11104 | | FOR FURTHER ACTION See paragraphs 1 and 4 below |
| International filing date (day/month/year) 07 May 2007 (07.05.2007) | | |
| Applicant PROXENSE, LLC | | |

1. The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70.

For more detailed instructions, see the notes on the accompanying sheet.

2. The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. **With regard to the protest** against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
 - no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90*bis*.1 and 90*bis*.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201 | Authorized officer /Tongoc Tran/ Telephone No. 571-272-3843 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|

Form PCT/ISA/220 (January 2004)

(See notes on accompanying sheet)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

| | | |
|----------------------------------------------------|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| Applicant's or agent's file reference 12784 PCT | FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below. | |
| International application No. PCT/US07/11104 | International filing date (<i>day/month/year</i>) 07 May 2007 (07.05.2007) | (Earliest) Priority Date (<i>day/month/year</i>) 05 May 2006 (05.05.2006) |
| Applicant PROXENSE, LLC | | |

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the Report**

a. With regard to the **language**, the international search was carried out on the basis of:

- the international application in the language in which it was filed.
- a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 Rule 43.6 *bis(a)*

c. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. **Certain claims were found unsearchable** (See Box No. II)

3. **Unity of invention is lacking** (See Box No. III)

4. With regard to the **title**,

- the text is approved as submitted by the applicant.
- the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- the text is approved as submitted by the applicant.
- the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 8

- as suggested by the applicant.
- as selected by this Authority, because the applicant failed to suggest a figure.
- as selected by this Authority, because this figure better characterizes the invention.

b. none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US07/11104

Box IV TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

NEW ABSTRACT

A system and method provide efficient, secure, and highly reliable authentication for transaction processing and/or access control applications. A personal digital key (PDK) 802 is programmed using a trusted programming device to initialize and/or register the PDK 802 for use. In one embodiment, the initialization and registration processes are administered by a specialized trusted Notary to ensure the processes follow defined security procedures. In a biometric initialization, the programming device acquires a biometric input 804 from a user and writes the biometric data to a tamperproof memory in the PDK 802. In registration, the programmer 810 communicates to one or more remote registers to create or update entries associated with the user PDK 802. Once initialized and registered, the PDK 802 can be used for various levels of secure authentication processes.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US07/11104

A. CLASSIFICATION OF SUBJECT MATTER

IPC: **H04L 9/00(2006.01)**

USPC: 713/186

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
U.S. : 713/186

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
EAST

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|---------------------------------------------------------------------------------------------------------|-----------------------|
| Y | US 2003/0079133 A1 (BREITER et al.) 24 April 2003 (24.04.2003), Fig. 4 and 5, paragraphs [0082]-[0083]. | 1-24 |
| Y | US 2002/0191816 A1 (MARITZEN et al.), 19 December 2002 (19.12.2002), paragraph 0056. | 1-24 |

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Further documents are listed in the continuation of Box C. | <input type="checkbox"/> See patent family annex. |
| * Special categories of cited documents: | |
| "A" document defining the general state of the art which is not considered to be of particular relevance | "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention |
| "E" earlier application or patent published on or after the international filing date | "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone |
| "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) | "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art |
| "O" document referring to an oral disclosure, use, exhibition or other means | "&" document member of the same patent family |
| "P" document published prior to the international filing date but later than the priority date claimed | |

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Date of the actual completion of the international search 10 May 2008 (10.05.2008) | Date of mailing of the international search report 26 JUN 2008 |
| Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201 | Authorized officer /Tongoc Tran/ Telephone No. (571) 272-3843 |

Form PCT/ISA/210 (second sheet) (April 2007)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
GREG T. SUEOKA
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

| | | |
|----------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|--------------------------------------------------------|
| Applicant's or agent's file reference 12784 PCT | | Date of mailing (day/month/year) 26 JUN 2008 |
| International application No. PCT/US07/11104 | | FOR FURTHER ACTION See paragraph 2 below |
| International filing date (day/month/year) 07 May 2007 (07.05.2007) | Priority date (day/month/year) 05 May 2006 (05.05.2006) | |
| International Patent Classification (IPC) or both national classification and IPC IPC: H04L 9/00 (2006.01) USPC: 713/186 | | |
| Applicant PROXENSE, LLC | | |

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

| | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-----------------------------------------------------------------------|
| Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201 | Date of completion of this opinion 10 May 2008 (10.05.2008) | Authorized officer /Tongoc Tran/ Telephone No. 571-272-3843 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-----------------------------------------------------------------------|

Form PCT/ISA/237 (cover sheet) (April 2007)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US07/11104

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - the international application in the language in which it was filed
 - a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:
 - a. type of material
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material
 - on paper
 - in electronic form
 - c. time of filing/furnishing
 - contained in the international application as filed.
 - filed together with the international application in electronic form.
 - furnished subsequently to this Authority for the purposes of search.
4. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US07/11104

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|--------------------------|-----|
| Novelty (N) | Claims <u>NONE</u> _____ | YES |
| | Claims <u>1-24</u> _____ | NO |
| Inventive step (IS) | Claims <u>NONE</u> _____ | YES |
| | Claims <u>1-24</u> _____ | NO |
| Industrial applicability (IA) | Claims <u>1-24</u> _____ | YES |
| | Claims <u>NONE</u> _____ | NO |

2. Citations and explanations:

Please See Continuation Sheet

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US07/11104

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1-24 lack an inventive step under PCT Article 33(3) as being obvious over Breiter et al. (U.S. Patent Application Publication No. 2003/0079133, hereinafter Breiter) in view of Maritzen et al. (U.S. Patent Application Publication No. 2002/0191816, hereinafter Maritzen).

With respect to claims 1 and 16, Breiter discloses a method and an apparatus of using a programmer to initialize a personal digital key (PDK) for use in secure authentication (e.g. rights wallet, Fig. 4, 5, 7), comprising:

reading user information from a user PDK to determine if the user is authorized for initialization (e.g. paragraph [0082], user PDK- rights wallets);

reading notary information from a notary PDK to determine if the notary is authorized to administer the initialization (e.g. [0082]-0083], certificate authority).

acquiring a credential from the user, wherein the acquisition is witnessed by the notary ; and responsive to the user and notary being authorized (e.g. paragraph, [0082]),

Breiter does not explicitly disclose but the credential information is biometric information and storing a biometric profile based on the acquired biometric input to the user's PDK (e.g. Maritzen, paragraph, [0056]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the acquiring rights wallet taught by Breiter with acquiring biometrics information and storing as user profile taught by Maritzen to ensure secure authentication of user in order to prevent unauthorized access to secure information.

With respect to claims 2 and 17. Breiter and Maritzen disclose the method and apparatus of claims 1 and 16, wherein determining if the user is authorized for initialization comprises:

detecting the user PDK(e.g. paragraph, [0082]);

checking a status of the user PDK in a registry; and responsive to the status being in good standing, determining that the user is authorized for initialization (e.g. Breiter, paragraph, [0082]).

With respect to claims 3 and 18. Breiter and Maritzen disclose the method and apparatus of claims 2 and 17, wherein the user PDK is in good standing if the user PDK has not been reported as lost, stolen, expired, or revoked (e.g. Breiter, paragraph, [0082]).

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US07/11104

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

With respect to claims 4 and 19, Breiter and Maritzen disclose the method and apparatus of claims 2 and 17, wherein the user PDK is in good standing if the user PDK has never been initialized (e.g. Breiter, paragraph, [0082]).

With respect to claims 5 and 20, Breiter and Maritzen disclose the method and apparatus of claims 1 and 17, wherein acquiring the biometric input comprises:

scanning the biometric input from a user associated with the user PDK; and performing a transformation on the biometric input to generate the biometric profile (e.g. Maritzen, paragraph, [0056]).

With respect to claims 6 and 21, Breiter and Maritzen disclose the method and apparatus of claims 5 and 16, Breiter and Maritzen disclose further comprising:

checking the quality of the scanned biometric input; and responsive to the quality not being satisfactory, re-scanning the biometric input (e.g. Maritzen, paragraph, [0056]).

With respect to claims 7 and 22, Breiter and Maritzen disclose the method and apparatus of claims 1 and 16, further comprising storing initialization history data to the programmer, wherein initialization history data comprises at least one of a user PDK ID, a notary ID, a programmer ID, and a site ID (e.g. Breiter, paragraph, [0069], [0082]).

With respect to claim 8, Breiter and Maritzen disclose the method of claim 1, further comprising writing initialization history data to the user PDK, wherein initialization history data comprises at least one of a user PDK ID, a notary ID, a programmer ID, and a site ID (e.g. Breiter, paragraph, [0082]).

With respect to claim 9, Breiter and Maritzen disclose the method of claim 1, further comprising:

receiving a hardware authentication request from the user PDK; transmitting programmer information to the user PDK; and responsive to the user PDK determining that the programmer is a valid device, receiving authorization from the user PDK to continue initialization (e.g. Breiter, paragraph, [0082]).

With respect to claim 10, Breiter and Maritzen disclose the method of claim 1, wherein determining if the notary is authorized to administer initialization comprises: detecting the notary PDK; checking a status of the notary PDK in a registry; and responsive to the status being in good standing, determining that the notary is authorized to use the programmer for initialization of the user PDK (e.g. Breiter, paragraph, [0082]-[0083]).

With respect to claim 11, Breiter and Maritzen disclose the method of claim 10, wherein the notary PDK is in good standing if the notary PDK has not been reported as lost, stolen, expired, or revoked (e.g. Breiter, paragraph [0082]-[0083]).

With respect to claim 12, Breiter and Maritzen disclose the method of claim 1, further comprising determining if the programmer is in good standing (e.g. Breiter, paragraph, [0082], [0083]).

With respect to claim 13, Breiter and Maritzen disclose the method of claim 12, wherein the programmer is in good standing if the programmer has not been reported as lost, stolen, expired, or revoked and the programmer does not comprise altered software (e.g. Breiter, paragraph, [0082]-[0083]).

With respect to claim 14, Breiter and Maritzen disclose the method of claim 1, wherein the notary administers the initialization process from a remote location (e.g. Breiter, paragraph, [0082]).

With respect to claim 15, Breiter and Maritzen disclose the method of claim 1, further comprising transmitting registry information to a remote registry to add or update a registry entry, wherein the registry information comprises at least one of a user PDK ID, purchasing information, and personal information (e.g. Breiter, paragraph, [0082]).

With respect to claim 23, Breiter and Maritzen disclose the apparatus of claim 16, wherein the biometric reader is adapted to obtain a representation of physical or behavioral characteristics derived from the individual (e.g. Maritzen, paragraph, [0056]).

With respect to claim 24, Breiter and Maritzen disclose the apparatus of claim 16, wherein the biometric reader comprises at least one of a fingerprint scanner, a retinal scanner, an iris scanner, a face scanner, a palm scanner, a DNA analyzer, a signature analyzer, and a voice analyzer (e.g. Maritzen, paragraph, [0056]).

Claims 1-24 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

PATENT COOPERATION TREATY

OCT 06 2008

From the INTERNATIONAL SEARCHING AUTHORITY

PCT Fenwick & West

To:
GREG T. SUEOKA
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing **03 OCT 2008**
(day/month/year)

28606 -

| | |
|----------------------------------------------------|------------------------------------------------------------------------|
| Applicant's or agent's file reference 12785 PCT | FOR FURTHER ACTION See paragraphs 1 and 4 below |
| International application No. PCT/US07/11102 | International filing date (day/month/year) 07 May 2007 (07.05.2007) |
| Applicant PROXENSE, LLC | |

1. The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:
The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70.

For more detailed instructions, see the notes on the accompanying sheet.

2. The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. **With regard to the protest against payment of (an) additional fee(s) under Rule 40.2,** the applicant is notified that:

the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

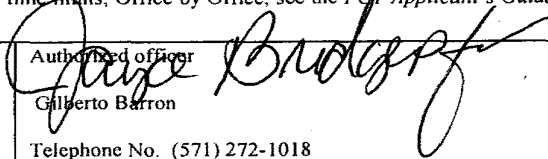
Shortly after the expiration of **18 months** from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within **19 months** from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase **until 30 months** from the priority date (in some Offices even later); otherwise, the applicant must, **within 20 months** from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of **30 months** (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201 | Authorized officer  Gilberto Barron Telephone No. (571) 272-1018 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|

Form PCT/ISA/220 (January 2004)

(See notes on accompanying sheet)

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

| | | |
|----------------------------------------------------|---------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| Applicant's or agent's file reference 12785 PCT | FOR FURTHER ACTION | see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below. |
| International application No. PCT/US07/11102 | International filing date (<i>day/month/year</i>) 07 May 2007 (07.05.2007) | (Earliest) Priority Date (<i>day/month/year</i>) 05 May 2006 (05.05.2006) |
| Applicant PROXENSE, LLC | | |

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 7 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the Report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:

contained in the international application in written form.

filed together with the international application in computer readable form.

furnished subsequently to this Authority in written form.

furnished subsequently to this Authority in computer readable form.

the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. **Certain claims were found unsearchable** (See Box I).

3. **Unity of invention is lacking** (See Box II).

4. With regard to the **title**,

the text is approved as submitted by the applicant.

the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

the text is approved as submitted by the applicant.

the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No. _____

as suggested by the applicant.

because the applicant failed to suggest a figure.

because this figure better characterizes the invention.

None of the figures

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US07/11102

A. CLASSIFICATION OF SUBJECT MATTER
 IPC: **H04L 9/00(2006.01),1/00(2006.01)**

 USPC: 713/168;713/170;713/182
 According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
 U.S. : 713/168;713/170;713/182

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category * | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|------------|-------------------------------------------------------------------------------------------------|-----------------------|
| Y | U.S. 2003/0127511 A1 (KELLY et al.) 10 July 2003 (10.07.2003), paragraph 0037. | 1-31 |
| Y | U.S. 2006/0022046 A1 (IWAMURA) 02 February 2006 (2.02.2006), paragraph 0013. | 1-10,12,14-31 |
| Y | U.S. 5,416,780 A (PATEL) 16 May 1995(16.05.1995), column 7 lines 39-68. | 11 |
| Y | U.S. 2003/0139190 A1 (STEELBERG et al.) 24 July 2003 (24.07.2003), abstract and paragraph 0053. | 13 |

Further documents are listed in the continuation of Box C. See patent family annex.

| * Special categories of cited documents: | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| "A" document defining the general state of the art which is not considered to be of particular relevance | "I" | later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention |
| "E" earlier application or patent published on or after the international filing date | "X" | document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone |
| "L" document which may throw doubts on priority-claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) | "Y" | document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art |
| "O" document referring to an oral disclosure, use, exhibition or other means | | |
| "P" document published prior to the international filing date but later than the priority date claimed | "&" | document member of the same patent family |

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| Date of the actual completion of the international search 11 June 2008 (11.06.2008) | Date of mailing of the international search report 03 OCT 2008 <i>Jose Barro</i> |
| Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner of Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201 | Authorized officer Gilberto Barro Telephone No. (571)270-1018 |

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
GREG T. SUEOKA
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

| | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|--------------------------------------------------------|
| Applicant's or agent's file reference 12785 PCT | | Date of mailing (day/month/year) 03 OCT 2008 |
| International application No. PCT/US07/11102 | | FOR FURTHER ACTION See paragraph 2 below |
| International filing date (day/month/year) 07 May 2007 (07.05.2007) | Priority date (day/month/year) 05 May 2006 (05.05.2006) | |
| International Patent Classification (IPC) or both national classification and IPC IPC: H04L 9/00 (2006.01),1/00(2006.01) USPC: 713/168;713/170;713/182 | | |
| Applicant PROXENSE, LLC | | |

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

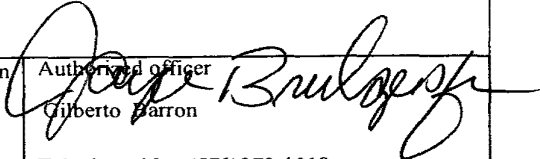
2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

| | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201 | Date of completion of this opinion 01 October 2008 (01.10.2008) | Authorized officer  Gilberto Barron Telephone No. (571)270-1018 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|

Form PCT/ISA/237 (cover sheet) (April 2007)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US07/11102

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:

the international application in the language in which it was filed

a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43*bis*.1(a))

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, this opinion has been established on the basis of:

a. type of material

a sequence listing

table(s) related to the sequence listing

b. format of material

on paper

in electronic form

c. time of filing/furnishing

contained in the international application as filed.

filed together with the international application in electronic form.

furnished subsequently to this Authority for the purposes of search.

4. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US07/11102

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|--------------------|-----|
| Novelty (N) | Claims <u>1-31</u> | YES |
| | Claims <u>NONE</u> | NO |
| Inventive step (IS) | Claims <u>NONE</u> | YES |
| | Claims <u>1-31</u> | NO |
| Industrial applicability (IA) | Claims <u>1-31</u> | YES |
| | Claims <u>NONE</u> | NO |

2. Citations and explanations:

Please See Continuation Sheet

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US07/11102

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1-10, 12, and 14-31 lack an inventive step under PCT Article 33(3) as being obvious over Kelly et al (U.S. 7,090,126) in view of Iwamura (U.S. 2006/0022046). With respect to claim 1, a method for differentiating between a first personal digital key (PDK) and a second PDK within a proximity zone of an external device, comprising:

obtaining a first differentiation metric (see Kelly column 7 lines 32-59 i.e. set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410) associated with the first PDK (see Kelly column 7 lines 32-33 i.e. smart card) after it enters the proximity zone (see Kelly column 7 lines 32-33 i.e. a user may be required to input his/her smart card into smart card reader);

obtaining a second differentiation metric associated with the second PDK after it enters the proximity zone (see Kelly column 7 lines 32-33 the next user that comes and gets his smartcard scanned);

responsive to the first PDK being most likely associated with the transaction, executing an authentication test for the first PDK (see Kelly column 7 lines 32-59 i.e. Data read from frequent flyer smart card 400 or a smart card boarding pass 410 is then passed to processor 12 and a comparison performed. Processor 12 may, for example, compare the set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410 with the information obtained from one or more of the biometric/image capture devices 22 and 24. The result of this comparison is the decision whether the traveler is physically the same individual as that described on frequent flyer smart card 400 or smart card boarding pass 410. If the comparison is positive, processor 12 indicates this to an access control interface (not shown), which then would open a door or a gate, for example); and

authorizing the transaction responsive to the first PDK satisfying the authentication test (see Kelly column 7 lines 32-59 i.e. If the comparison is positive, processor 12 indicates this to an access control interface (not shown), which then would open a door or a gate, for example).

Kelly does not teach determining whether the first PDK is most likely to be associated with a transaction based on the first and second differentiation metrics. Iwamura teaches that with the increase popularity in wireless smartcards devices will be more and more likely that multiple smart cards will be in communication range of a terminal. Iwamura teaches that when many smart cards exist in the communication range a specific carrier is selected by a shock absorbing mechanism so that the process can be correctly performed i.e. determining whether the first PDK is most likely to be associated with a transaction based on the first and second differentiation metrics (see paragraph 0013). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have modified Kelly with a system that allows many smartcards in communication range while still making sure the process is carried out correctly. Therefore one would have been motivated to have selected the smartcard based on first and second differentiation metrics of the smartcards

With respect to claim 2, further comprising receiving an input to initiate an authentication of an individual (see Kelly column 7

Form PCT/ISA/237 (Supplemental Box) (April 2007)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US07/11102

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

lines 32-59 i.e. a user may be required to input his/her smart card into smart card reader/writer 26 as well as have one or more of the user's immutable characteristics (fingerprint, image, etc.) recorded).

With respect to claim 3, further comprising: receiving a first profile sample from the first PDK, wherein the profile sample comprises a subset of information from a first profile in the first PDK computed according to a first function (see Kelly figure 6 and column 7 lines 32-59 i.e. the set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410); computing an input sample from the received input according to the first function (see Kelly column 7 lines 32-59 i.e. compare the set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410); and responsive to the first profile sample not matching the input sample, indicating that the first PDK does not satisfy the authentication test (see Kelly column 7 lines 32-59 i.e. Data read from frequent flyer smart card 400 or a smart card boarding pass 410 is then passed to processor 12 and a comparison performed. Processor 12 may, for example, compare the set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410 with the information obtained from one or more of the biometric/image capture devices 22 and 24. The result of this comparison is the decision whether the traveler is physically the same individual as that described on frequent flyer smart card 400 or smart card boarding pass 410. If the comparison is positive, processor 12 indicates this to an access control interface (not shown), which then would open a door or a gate, for example).

With respect to claim 4, further comprising: receiving a second profile sample from the first PDK (see Kelly column 7 lines 32-59 (see column 7 lines 32-33 the next user that comes and gets his smartcard scanned): comparing the second profile sample to the input sample (see Kelly column 7 lines 32-59 i.e. compare the set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410); and determining if the second profile sample matches the input sample (see column 7 lines 32-59 i.e. Data read from frequent flyer smart card 400 or a smart card boarding pass 410 is then passed to processor 12 and a comparison performed. Processor 12 may, for example, compare the set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410 with the information obtained from one or more of the biometric/image capture devices 22 and 24. The result of this comparison is the decision whether the traveler is physically the same individual as that described on frequent flyer smart card 400 or smart card boarding pass 410. If the comparison is positive, processor 12 indicates this to an access control interface (not shown), which then would open a door or a gate, for example).

With respect to claim 5, wherein the first profile sample is received at a predetermined period of time after the first PDK enters the proximity zone (see Kelly column 7 lines 32-33 right after the card is inserted into the reader).

With respect to claim 6, Kelly teaches wherein the input is a biometric input and wherein executing the authentication test further comprises: receiving a biometric profile from the first PDK (see Kelly column 7 lines 32-59 i.e. Data read from frequent flyer smart card 400 or a smart card boarding pass 410); comparing the received biometric profile to the biometric input (see Kelly column 7 lines 32-59 i.e. compare the set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410 with the information obtained from one or more of the biometric/image capture devices 22 and 24); and responsive to the biometric profile matching the biometric input, indicating that the authentication test is satisfied (see Kelly column 7 lines 32-59 i.e. Data read from frequent flyer smart card 400 or a smart card boarding pass 410 is then passed to processor 12 and a comparison performed. Processor 12 may, for example, compare the set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410 with the information obtained from one or more of the biometric/image capture devices 22 and 24. The result of this comparison is the decision whether the traveler is physically the same individual as that described on frequent flyer smart card 400 or smart card boarding pass 410. If the comparison is positive, processor 12 indicates this to an access control interface (not shown), which then would open a door or a gate, for example).

Kelly does not teach wirelessly receiving data from the first PDK. Iwamura teaches wirelessly receiving data from the smart card. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have been able to use wireless smartcards to communicate with a device to increase the flexible of smart card. Therefore one would have been motivated to have used wireless smart cards (see Iwamura paragraph 0017).

With respect to claim 7, wherein the input is a personal identification number (PIN) and wherein executing the authentication test further comprises: wirelessly receiving a PIN profile from the first PDK (see column 8 lines 8-17); comparing the received PIN profile to the PIN input (see column 8 lines 8-17); and responsive to the PIN profile matching the PIN input, indicating that the authentication test is satisfied (see Kelly column 8 lines 8-17).

With respect to claim 8, wherein executing the authentication test further comprises: wirelessly receiving a picture profile from the first PDK (see Kelly column 7 lines 32-59 i.e. Data read from frequent flyer smart card 400 or a smart card boarding pass 410); comparing the received picture profile to the individual (see Kelly column 7 lines 32-59 i.e. compare the set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410 with the information obtained from one or more of the biometric/image capture devices 22 and 24); and responsive to the picture profile matching the appearance of the individual, indicating that the authentication test is satisfied (see Kelly column 7 lines 32-59 i.e. Data read from frequent flyer smart card 400 or a smart card boarding pass 410 is then passed to processor 12 and a comparison performed. Processor 12 may, for example, compare the set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410 with the information obtained from one or more of the biometric/image capture devices 22 and 24. The result of this comparison is the decision whether the traveler is physically the same individual as that described on frequent flyer smart card 400 or smart card boarding pass 410. If the comparison is positive, processor 12 indicates this to an access control interface (not shown), which then would open a door or a gate, for example).

With respect to claim 9, further comprising: responsive to the authentication test not being satisfied, determining whether the second PDK is next most likely to be associated with the individual based on the differentiation metrics; executing the authentication test for the second PDK; and authorizing the transaction responsive to the second PDK satisfying the authentication test (see Kelly column 7 lines 32-59 i.e. compare the set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410); and determining if the second profile sample matches the input sample (see Kelly column 7 lines 32-59 i.e. Data read from frequent flyer smart card 400 or a smart card boarding pass 410 is then passed to processor 12 and a comparison performed. Processor 12 may, for example, compare

Form PCT/ISA/237 (Supplemental Box) (April 2007)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US07/11102

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

the set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410 with the information obtained from one or more of the biometric/image capture devices 22 and 24. The result of this comparison is the decision whether the traveler is physically the same individual as that described on frequent flyer smart card 400 or smart card boarding pass 410. If the comparison is positive, processor 12 indicates this to an access control interface (not shown), which then would open a door or a gate, for example).

With respect to claim 10, wherein the first differentiation metric is based on at least one of a distance metric, a detection duration metric, and a location metric (see Kelly column 7 lines 32-33).

With respect to claim 12, wherein the detection duration metric includes a length of time the first PDK is within the proximity zone of the external device (see Kelly column 7 lines 32-33).

With respect to claim 14, an apparatus for differentiating between a first personal digital key (PDK) and a second PDK within a proximity zone, comprising:

a receiver/decoder circuit adapted to obtain a first differentiation metric associated with the first PDK when the first PDK enters the proximity zone and obtain a second differentiation metric associated with the second PDK when the second PDK enters the proximity zone (see Kelly column 7 lines 32-33 i.e. a user may be required to input his/her smart card into smart card reader); and

a processor coupled to the receiver decoder circuit, the processor for determining whether the first PDK is most likely to be associated with a transaction based on the differentiation metrics, executing an authentication test for the first PDK responsive to determining that the first PDK is most likely associated with the transaction, and authorizing the transaction responsive to the first PDK satisfying the authentication test (see Kelly column 7 lines 32-59 i.e. Data read from frequent flyer smart card 400 or a smart card boarding pass 410 is then passed to processor 12 and a comparison performed. Processor 12 may, for example, compare the set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410 with the information obtained from one or more of the biometric/image capture devices 22 and 24. The result of this comparison is the decision whether the traveler is physically the same individual as that described on frequent flyer smart card 400 or smart card boarding pass 410. If the comparison is positive, processor 12 indicates this to an access control interface (not shown), which then would open a door or a gate, for example).

With respect to claim 15, further comprising a memory coupled to the receiver/decoder circuit, the memory adapted to buffer the first and second differentiation metrics (see Kelly column 3 lines 37-52).

With respect to claim 16, further comprising an input device adapted to receive an input from an individual to initiate the transaction (see Kelly column 7 lines 32-59 i.e. a user may be required to input his/her smart card into smart card reader/writer 26 as well as have one or more of the user's immutable characteristics (fingerprint, image, etc.) recorded).

With respect to claim 17. The apparatus of claim 16, wherein the input device comprises at least one of a keypad, a touch screen, a biometric reader and a pointing device (see Kelly column 7 lines 32-59 i.e. one or more of the user's immutable characteristics (fingerprint, image, etc.) recorded).

With respect to claim 18. The apparatus of claim 17, wherein the biometric reader is further adapted to obtain a representation of physical or behavioral characteristics derived from the individual (see Kelly column 7 lines 32-59 i.e. one or more of the user's immutable characteristics (fingerprint, image, etc.) recorded).

With respect to claim 19. The apparatus of claim 17, wherein the biometric reader comprises at least one of a fingerprint scanner, a retinal scanner, an iris scanner, a face scanner, a palm scanner, a DNA analyzer, a signature analyzer and a voice analyzer (see Kelly column 7 lines 32-59 i.e. one or more of the user's immutable characteristics (fingerprint, image, etc.) recorded).

With respect to claim 20, wherein the receiver/decoder circuit is further adapted to wirelessly receive a profile sample from the first PDK, wherein the profile sample comprises a subset of information computed by applying a first function to a profile of the first PDK (see Kelly column 7 lines 32-59 i.e. Data read from frequent flyer smart card 400 or a smart card boarding pass 410 is then passed to processor 12 and a comparison performed. Processor 12 may, for example, compare the set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410 with the information obtained from one or more of the biometric/image capture devices 22 and 24. The result of this comparison is the decision whether the traveler is physically the same individual as that described on frequent flyer smart card 400 or smart card boarding pass 410. If the comparison is positive, processor 12 indicates this to an access control interface (not shown), which then would open a door or a gate, for example).

With respect to claim 21, wherein the processor is further configured to compute an input sample by applying the first function to the received input, and determine if the input sample matches the buffered profile sample associated with the first PDK (see Kelly column 7 lines 32-59 i.e. Data read from frequent flyer smart card 400 or a smart card boarding pass 410 is then passed to processor 12 and a comparison performed. Processor 12 may, for example, compare the set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410 with the information obtained from one or more of the biometric/image capture devices 22 and 24. The result of this comparison is the decision whether the traveler is physically the same individual as that described on frequent flyer smart card 400 or smart card boarding pass 410. If the comparison is positive, processor 12 indicates this to an access control interface (not shown), which then would open a door or a gate, for example).

With respect to claim 22, wherein the receiver/decoder circuit automatically receives the profile sample at a fixed period of time after the first PDK enters the proximity zone (see Kelly column 7 lines 32-33 right after the card is inserted into the reader).

With respect to claim 23, wherein the processor is further adapted to determine whether the second PDK is next most likely to be associated with the individual based on the differentiation metrics responsive to the authentication test not being satisfied, execute the authentication test for the second PDK, and authorize the transaction responsive to the second PDK satisfying the authentication test (see Kelly column 7 lines 32-59 i.e. Data read from frequent flyer smart card 400 or a smart card boarding pass 410 is then passed to processor 12 and a comparison performed. Processor 12 may, for example, compare the set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410 with the information obtained from one or more of the biometric/image capture devices 22 and 24. The result of this comparison is the decision whether the traveler is physically the same individual as that described on frequent flyer smart card 400 or smart card boarding pass 410. If the comparison is positive, processor 12 indicates this to an access control interface (not shown), which then would open a door or a gate, for example).

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US07/11102

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

With respect to claim 24, wherein the first differentiation metric is based on at least one of a distance metric, a detection duration metric, and a location metric (see Kelly column 7 lines 32-33).

With respect to claim 25, further comprising a screen coupled to the receiver/decoder circuit, the screen adapted to display an image received from the PDK (see Kelly figure 10).

With respect to claim 26, a computer readable storage medium for differentiating between a plurality of personal digital keys (PDKs) within a proximity zone of an external device, structured to store instructions executable by a processing system, the instructions when executed cause the processing system to:

obtaining a first differentiation metric associated with the first PDK after it enters the proximity zone (see Kelly column 7 lines 32-33 i.e. a user may be required to input his/her smart card into smart card reader);

obtaining a second differentiation metric associated with the second PDK after it enters the proximity zone (see Kelly column 7 lines 32-33 the next user that comes and gets his smartcard scanned);

responsive to the first PDK being most likely associated with the transaction, executing an authentication test for the first PDK (see column 7 lines 32-59 i.e. Data read from frequent flyer smart card 400 or a smart card boarding pass 410 is then passed to processor 12 and a comparison performed. Processor 12 may, for example, compare the set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410 with the information obtained from one or more of the biometric/image capture devices 22 and 24. The result of this comparison is the decision whether the traveler is physically the same individual as that described on frequent flyer smart card 400 or smart card boarding pass 410. If the comparison is positive, processor 12 indicates this to an access control interface (not shown), which then would open a door or a gate, for example); and

authorizing the transaction responsive to the first PDK satisfying the authentication test (see Kelly column 7 lines 32-59 i.e. Data read from frequent flyer smart card 400 or a smart card boarding pass 410 is then passed to processor 12 and a comparison performed. Processor 12 may, for example, compare the set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410 with the information obtained from one or more of the biometric/image capture devices 22 and 24. The result of this comparison is the decision whether the traveler is physically the same individual as that described on frequent flyer smart card 400 or smart card boarding pass 410. If the comparison is positive, processor 12 indicates this to an access control interface (not shown), which then would open a door or a gate, for example).

Kelly does not teach determining whether the first PDK is most likely to be associated with a transaction based on the first and second differentiation metrics. Iwamura teaches that with the increase popularity in wireless smartcards devices will be more and more likely that multiple smart card will be in communication range of a terminal. Iwamura teaches that when many smart cards exist in the communication range a specific carrier is selected by a shock absorbing mechanism so that the process can be correctly performed i.e. determining whether the first PDK is most likely to be associated with a transaction based on the first and second differentiation metrics (see paragraph 0013). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have modified Kelly with a system that allows many smartcards in communication range while still making sure the process is carried out correctly. Therefore one would have been motivated to have selected the smartcard based on first and second differentiation metrics of the smartcards

With respect to claim 27, the instruction when executed further causing the processing system to receive an input to initiate an authentication of an individual (see Kelly column 7 lines 32-59 i.e. a user may be required to input his/her smart card into smart card reader/writer 26 as well as have one or more of the user's immutable characteristics (fingerprint, image, etc.) recorded).

With respect to claim 28, the instructions when executed further causing the processing system to: receiving a first profile sample from the first PDK, wherein the profile sample comprises a subset of information from a first profile in the first PDK computed according to a first function (see Kelly figure 6 and column 7 lines 32-59 i.e. the set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410); computing an input sample from the received input according to the first function (see Kelly column 7 lines 32-59 i.e. compare the set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410); and responsive to the first profile sample not matching the input sample, indicating that the first PDK does not satisfy the authentication test (see column 7 lines 32-59 i.e. Data read from frequent flyer smart card 400 or a smart card boarding pass 410 is then passed to processor 12 and a comparison performed. Processor 12 may, for example, compare the set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410 with the information obtained from one or more of the biometric/image capture devices 22 and 24. The result of this comparison is the decision whether the traveler is physically the same individual as that described on frequent flyer smart card 400 or smart card boarding pass 410. If the comparison is positive, processor 12 indicates this to an access control interface (not shown), which then would open a door or a gate, for example).

With respect to claim 29, wherein the input is a biometric input and wherein the instructions when executed further cause the processing system to: wirelessly receiving a biometric profile from the first PDK (see column 7 lines 32-59 i.e. Data read from frequent flyer smart card 400 or a smart card boarding pass 410); comparing the received biometric profile to the biometric input (see Kelly column 7 lines 32-59 i.e. compare the set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410 with the information obtained from one or more of the biometric/image capture devices 22 and 24); and responsive to the biometric profile matching the biometric input, indicating that the authentication test is satisfied (see Kelly column 7 lines 32-59 i.e. Data read from frequent flyer smart card 400 or a smart card boarding pass 410 is then passed to processor 12 and a comparison performed. Processor 12 may, for example, compare the set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410 with the information obtained from one or more of the biometric/image capture devices 22 and 24. The result of this comparison is the decision whether the traveler is physically the same individual as that described on frequent flyer smart card 400 or smart card boarding pass 410. If the comparison is positive, processor 12 indicates this to an access control interface (not shown), which then would open a door or a gate, for example).

With respect to claim 30, the instructions when executed further causing the processing system to: responsive to the authentication test not being satisfied, determine whether the second PDK is next most likely to be associated with the individual based

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US07/11102

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

on the differentiation metrics; execute the authentication test for the second PDK; and authorize the transaction responsive to the second PDK satisfying the authentication test (see Kelly column 7 lines 32-59 i.e. compare the set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410); and determining if the second profile sample matches the input sample (see Kelly column 7 lines 32-59 i.e. Data read from frequent flyer smart card 400 or a smart card boarding pass 410 is then passed to processor 12 and a comparison performed. Processor 12 may, for example, compare the set of data obtained from frequent flyer smart card 400 or a smart card boarding pass 410 with the information obtained from one or more of the biometric/image capture devices 22 and 24. The result of this comparison is the decision whether the traveler is physically the same individual as that described on frequent flyer smart card 400 or smart card boarding pass 410. If the comparison is positive, processor 12 indicates this to an access control interface (not shown), which then would open a door or a gate, for example).

With respect to claim 31, wherein the first differentiation metric is based on at least one of a distance metric, a detection duration metric, and a location metric (see Kelly column 7 lines 32-33).

Claims 11 lack an inventive step under PCT Article 33(3) as being obvious over Kelly et al (U.S. 7,090,126) in view of Iwamura (U.S. 2006/0022046) in further view of Patel (U.S. 5,416,780). Kelly nor Iwamura teach with respect to claim 11, wherein the distance metric is determined based on at least one of bit error rate, packet error rate, signal strength. Patel teaches wherein the distance metric is determined based on at least one of bit error rate, packet error rate, signal strength (see column 7 lines 39-68). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have chosen the base station based on the best signal strength between the smartcard and the reader to increase the chance that the message gets sent correctly (see column 7 lines 39-68). Therefore one would have been motivated to have the smartcard with the best signal strength.

Claims 13 lack an inventive step under PCT Article 33(3) as being obvious over Kelly et al (U.S. 7,090,126) in view of Iwamura (U.S. 2006/0022046) in further view of Steelberg et al (U.S. 2003/0139190).

Kelly nor Iwamura teach with respect to claim 13, wherein the location metric is determined using coordinate triangulation. Steelberg teaches the uses triangulation to help set secure radio frequency communication between smartcard and other device (see abstract and paragraph 0053). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to have used triangulation to help set secure radio frequency communication between smartcard and other device. Therefore one would have been motivated to have used triangulation to help set secure radio frequency communication between smartcard and other device (see abstract and paragraph 0053).

Electronic Patent Application Fee Transmittal

| | |
|---------------------------------------------|--------------------------------------------------|
| Application Number: | 15049060 |
| Filing Date: | 20-Feb-2016 |
| Title of Invention: | Biometric Personal Data Key (PDK) Authentication |
| First Named Inventor/Applicant Name: | John J. Giobbi |
| Filer: | Paige McDede Alsbury |
| Attorney Docket Number: | 10001-05488 US |

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|------------------------------------------|----------|----------|--------|----------------------|
| Basic Filing: | | | | |
| Pages: | | | | |
| Claims: | | | | |
| Miscellaneous-Filing: | | | | |
| Petition: | | | | |
| Patent-Appeals-and-Interference: | | | | |
| Post-Allowance-and-Post-Issuance: | | | | |
| Extension-of-Time: | | | | |

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|-----------------------------------------|----------|----------|--------|----------------------|
| Miscellaneous: | | | | |
| SUBMISSION- INFORMATION DISCLOSURE STMT | 2806 | 1 | 120 | 120 |
| Total in USD (\$) | | | | 120 |

Electronic Acknowledgement Receipt

| | |
|---------------------------------------------|--------------------------------------------------|
| EFS ID: | 35003656 |
| Application Number: | 15049060 |
| International Application Number: | |
| Confirmation Number: | 2423 |
| Title of Invention: | Biometric Personal Data Key (PDK) Authentication |
| First Named Inventor/Applicant Name: | John J. Giobbi |
| Customer Number: | 89194 |
| Filer: | Paige McDede Alsbury |
| Filer Authorized By: | |
| Attorney Docket Number: | 10001-05488 US |
| Receipt Date: | 30-JAN-2019 |
| Filing Date: | 20-FEB-2016 |
| Time Stamp: | 16:32:19 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

| | |
|------------------------------------------|-----------------------|
| Submitted with Payment | yes |
| Payment Type | CARD |
| Payment was successfully received in RAM | \$120 |
| RAM confirmation Number | 013119INTEFSW16332100 |
| Deposit Account | |
| Authorized User | |

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

| | | | | | |
|--|--|--|--|--|--|
| | | | | | |
|--|--|--|--|--|--|

File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|-----------------|----------------------------------------------------|--------------------------|------------------------------------------|------------------|------------------|
| 1 | Information Disclosure Statement (IDS) Form (SB08) | 05488US_20190130_IDS.pdf | 1042342 | no | 29 |
| | | | 5d11f0daa669c6e0827721ac5ed6f9839a7233b9 | | |

Warnings:

Information:

| | | | | | |
|---|-------------------|--------------------------|------------------------------------------|----|----|
| 2 | Foreign Reference | 1_20001019_WO0062505.pdf | 946648 | no | 27 |
| | | | a291133d86efd08959aff7f95563d9240aafc4d3 | | |

Warnings:

Information:

| | | | | | |
|---|-------------------|--------------------------|------------------------------------------|----|----|
| 3 | Foreign Reference | 2_20010329_WO0122724.pdf | 1254106 | no | 32 |
| | | | 670c6e48d039575364892f8b3bde8b6a95e8ad30 | | |

Warnings:

Information:

| | | | | | |
|---|-------------------|--------------------------|------------------------------------------|----|----|
| 4 | Foreign Reference | 3_20011011_WO0175876.pdf | 1234610 | no | 28 |
| | | | 1f6297f11ac01511ed241f4b51b5cc30aaf6d247 | | |

Warnings:

Information:

| | | | | | |
|---|-------------------|--------------------------|------------------------------------------|----|----|
| 5 | Foreign Reference | 4_20011018_WO0177790.pdf | 814117 | no | 20 |
| | | | 14633ae109ccff8f457933d0081e4680c20730ff | | |

Warnings:

Information:

| | | | | | |
|---|-------------------|-----------------------------|------------------------------------------|----|----|
| 6 | Foreign Reference | 5_20050602_WO2005050450.pdf | 1768380 | no | 49 |
| | | | 91b0e3e8d3e5fa70b97b7ec5a8df8a68737d6be6 | | |

Warnings:

Information:

| | | | | | |
|---------------------|-----------------------|-------------------------------------------------------------------|-------------------------------------------|----|----|
| 7 | Foreign Reference | 6_20050922_WO2005086802.PDF | 2031305 | no | 58 |
| | | | 4ac6590d890facf0b6b8693ea27b62eccd0b2cfa | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 8 | Non Patent Literature | 1_AllianceActivitiesPublication sidentitySmartCardAlliance.PDF | 225299 | no | 3 |
| | | | 58784a7f7868a4bfff1371ed2fb9c0206932b07a | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 9 | Non Patent Literature | 2_Antonoff_VisitingVideoValley.pdf | 440799 | no | 3 |
| | | | 3bf955c1507895b4f7db96058bb258b5d7b02d97 | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 10 | Non Patent Literature | 3_ApplyingBiometricstoDoorAccess.PDF | 346303 | no | 5 |
| | | | 4493394720007f0eb913507854b612d04079c9e3 | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 11 | Non Patent Literature | 4_BioPay_FrequentlyAskedQuestionsAboutBioPay.PDF | 231438 | no | 5 |
| | | | f58be2b83a0cbeff1b5a9ed0af58bef4a1547c574 | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 12 | Non Patent Literature | 5_Bluetooth.pdf | 700237 | no | 8 |
| | | | 675d5a90dc91c30d44e7152edc22089c813cd017 | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 13 | Non Patent Literature | 6_Blum_DigitalRightsManagementMaySolveProblem.pdf | 351031 | no | 4 |
| | | | e8ce663b1db24690a87b812560b5ed9f31e76beb | | |
| Warnings: | | | | | |
| Information: | | | | | |

| | | | | | |
|---------------------|-----------------------|-------------------------------------------------------------------------|----------------------------------------------------|----|---|
| 14 | Non Patent Literature | 7_ContentProtectionPlanTargetsWirelessHomeNetworks.pdf | 132433 5d397d84fa7928a12105f4590637564af2a9242c | no | 2 |
| Warnings: | | | | | |
| Information: | | | | | |
| 15 | Non Patent Literature | 8_Debow_CreditDebitDebitsinMidwestSmartCardTest1.pdf | 594254 78ff42682fbb2dd161bef6499112d1f97f773234 | no | 4 |
| Warnings: | | | | | |
| Information: | | | | | |
| 16 | Non Patent Literature | 9_Dennis_DigitalPassportsNeedNotInfringeCivilLiberties.PDF | 77535 24ae9fe26440190d05c10b01aa592d83352da6b6 | no | 2 |
| Warnings: | | | | | |
| Information: | | | | | |
| 17 | Non Patent Literature | 10_Farouk_AuthenticationMechanismsinGrid.pdf | 1786086 f9bd310f701ec58b2788f8a851986f10807ef72 | no | 6 |
| Warnings: | | | | | |
| Information: | | | | | |
| 18 | Non Patent Literature | 11_Fasca_TheCircuitS3ViaFormalizeAgreement.pdf | 210928 3325a040d7997ed615a49a905ea69cdb458e650b | no | 1 |
| Warnings: | | | | | |
| Information: | | | | | |
| 19 | Non Patent Literature | 12_FirecrestShowshowTrulyCommerciallyMindedCompaniesExploitInternet.PDF | 169394 d008c66295878ba8e3ac42adff0e5122136889d6 | no | 2 |
| Warnings: | | | | | |
| Information: | | | | | |
| 20 | Non Patent Literature | 13_Kontzer_ThomsonBetsonSmartCards.pdf | 68204 5587094618733266a07c2f1f0b39239caaf52a6 | no | 1 |
| Warnings: | | | | | |
| Information: | | | | | |

| | | | | | |
|---------------------|-----------------------|----------------------------------------------------------------------|------------------------------------------|----|---|
| 21 | Non Patent Literature | 14_Lake_DownloadingForDollars.pdf | 292299 | no | 2 |
| | | | 23e56ad78fd98edecdd5e7e4c2f6bc66f4fdcd07 | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 22 | Non Patent Literature | 15_Lewis_SonyandVisainOnlineEntertainmentVenture.pdf | 35590 | no | 1 |
| | | | c930e89904c371df092b5654c9b9c5f07f82c67 | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 23 | Non Patent Literature | 16_Liu_ApracticalGuidetoBiometricSecurityTechnology.pdf | 1011821 | no | 6 |
| | | | 0479da4d7e51cc0b05071d0a60c30572fac09c83 | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 24 | Non Patent Literature | 17_Mclver_IdentificationandVerificationWorkingTogether.PDF | 346470 | no | 5 |
| | | | d6f48317f28051384463b2b59b9530cdd94df9c | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 25 | Non Patent Literature | 18_MicronasandThomsonMulti-mediaShowcaseaNewCopyProtectionSystem.pdf | 171001 | no | 3 |
| | | | a5e75600edf01d440f2c30084b75a9460f277291 | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 26 | Non Patent Literature | 19_Nilsson_MatchOnCardforJavaCards.PDF | 1010960 | no | 5 |
| | | | bc3316f6e26cb4500f067ea09c0bc5b07f475dfb | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 27 | Non Patent Literature | 20_Nordin_MatchOnCardTechnology.PDF | 1530413 | no | 7 |
| | | | a2874766d1daad27d26bc23b600eb7764ee348f9 | | |
| Warnings: | | | | | |
| Information: | | | | | |

| | | | | | |
|---------------------|-----------------------|-----------------------------------------------|------------------------------------------|----|----|
| 28 | Non Patent Literature | 21_Paget_TheSecurityBehindSecureExtranets.PDF | 322470 | no | 4 |
| | | | b30d1fd5c5cb30c1f257e9aded9cc56e72d33334 | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 29 | Non Patent Literature | 22_PCTISRWOUS2004038124_20050407.PDF | 448194 | no | 10 |
| | | | ac904a2af9fafd7dbffe84176187b0a2bf049f46 | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 30 | Non Patent Literature | 23_PCTISRWOUS0507535.pdf | 272019 | no | 6 |
| | | | 0f7fa6e4cade8010d43430117946c6154d345ace | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 31 | Non Patent Literature | 24_PCTISRWOUS2005043447_20070222.pdf | 340443 | no | 7 |
| | | | 608bbfb16483dfb2bc6ff20135e4677175ad754 | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 32 | Non Patent Literature | 25_PCTISRWOUS2005046843_20070301.PDF | 627297 | no | 10 |
| | | | fcc085033182f6aaf02e7e056385286bfe173c | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 33 | Non Patent Literature | 26_PCTISRWOUS2007011103_20080423.pdf | 479637 | no | 9 |
| | | | 0d907321c8c02f3e4fcedb91f4b65749608e9b85 | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 34 | Non Patent Literature | 27_PCTISRWOUS2007011105_20081020.PDF | 465459 | no | 10 |
| | | | c6ee62d5335b3f31b993beede7c5beb53871aed | | |
| Warnings: | | | | | |
| Information: | | | | | |

| | | | | | |
|---------------------|-----------------------|-----------------------------------------------------------------------------|------------------------------------------|----|----|
| 35 | Non Patent Literature | 28_PCTISRWOUS2007011104_20080626.PDF | 498603 | no | 9 |
| | | | 82adfaa1e3f369e942f1e55ff41ebb74ba8f628 | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 36 | Non Patent Literature | 29_PCTISRWOUS2007011102_20081003.PDF | 778422 | no | 11 |
| | | | b19054d955fef60b46999948052214235c5ddb4d | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 37 | Non Patent Literature | 30_Pope_OasisDigitalSignatureServices.pdf | 493952 | no | 4 |
| | | | 9998160eb998f79b5f95653019e143b4341ca592 | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 38 | Non Patent Literature | 31_SAFModuleTMLookIntoAuthentication.PDF | 404731 | no | 8 |
| | | | 656cb6fec0bbdd1d1071b05b709537d8699a93a5 | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 39 | Non Patent Literature | 32_Sapsford_SoundWavesCouldHelpEaseWebFraudWoes.pdf | 90624 | no | 2 |
| | | | b05276e81d72e8818dbf777ae278cf6b48c2f9c2 | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 40 | Non Patent Literature | 33_SayHelloToBluetooth.pdf | 1150886 | no | 5 |
| | | | 261d768946564b26394747b664e5942518217626 | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 41 | Non Patent Literature | 34_SmartCardAllianceReport_ContactlessTechnologyforSecurePhysicalAccess.pdf | 5128743 | no | 48 |
| | | | 11ef47b401a3899fa4a54720afd6282931e3ba5 | | |
| Warnings: | | | | | |
| Information: | | | | | |

| | | | | | |
|---------------------|-----------------------|------------------------------------------------------------------|------------------------------------------|----|----|
| 42 | Non Patent Literature | 35_SmartCardsandBiometricsWhitePaper.pdf | 1665050 | no | 22 |
| | | | daaf6997f62affecff4d9b32576ca94cfd17c639 | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 43 | Non Patent Literature | 36_ThomsonMultimediaUnveilsCopyProtectionProposal.pdf | 163108 | no | 2 |
| | | | c6c58a141502d6ef33125e91092fba6a91aaacee | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 44 | Non Patent Literature | 37_VanWinkle_BluetooththeKingofConnectivity.pdf | 559609 | no | 6 |
| | | | 49d06ef968ea109dfa9029e99cc3223411744450 | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 45 | Non Patent Literature | 38_Wade_UsingFingerprintsMakePaymentsAtPOSGainingPopularity1.pdf | 477290 | no | 3 |
| | | | 85cefa169c327fd75fd912858130f4874b1e954 | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 46 | Non Patent Literature | 39_Wallace_TheInternetUnplugged.pdf | 313111 | no | 3 |
| | | | 6e3224a5a1bdfd0fd5245ce5718d8a064ab58b4b | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 47 | Non Patent Literature | 40_Weber_IntheAgeofNapster.pdf | 163665 | no | 3 |
| | | | b00dd2c443a1a3ed351a0e9f64e7a003e86e71b7 | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 48 | Non Patent Literature | 41_WhatisaFile1.pdf | 62185 | no | 1 |
| | | | 40d942a8cb6813d987174f111b0fdb4c26996e1d | | |
| Warnings: | | | | | |
| Information: | | | | | |

| | | | | | |
|----|-----------------------|-------------------------------------------------------------------------|-----------------------------------------------|----|---|
| 49 | Non Patent Literature | 42_Yoshida_ContentProtection PlanTargetsWirelessHomeNetw orks.pdf | 133469 | no | 2 |
| | | | 1f2b82b7b78194fcdc5f09e3787f24189e4e1 e36a | | |

Warnings:

Information:

| | | | | | |
|----|----------------------|--------------|----------------------------------------------|----|---|
| 50 | Fee Worksheet (SB06) | fee-info.pdf | 30493 | no | 2 |
| | | | 74f4f05384cfa45387dd576a2c31adee6d11 1de8 | | |

Warnings:

Information:

| | |
|-------------------------------------|----------|
| Total Files Size (in bytes): | 33893463 |
|-------------------------------------|----------|

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

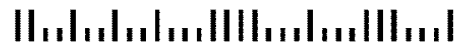
New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA VA 22313-1451

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE PAID
POSTEDIGITAL
NNNNN

Patent Law Works/Proxense
Greg Sueoka
310 East 4500 South, Suite 400
Salt Lake City, UT 84107



**Courtesy Reminder for
Application Serial No: 15/049,060**

Attorney Docket No: 10001-05488 US
Customer Number: 89194
Date of Electronic Notification: 11/15/2018

This is a courtesy reminder that new correspondence is available for this application. If you have not done so already, please review the correspondence. The official date of notification of the outgoing correspondence will be indicated on the form PTOL-90 accompanying the correspondence.

An email notification regarding the correspondence was sent to the following email address(es) associated with your customer number:

patents@patentlawworks.net
docketing@patentlawworks.net

To view your correspondence online or update your email addresses, please visit us anytime at <https://sportal.uspto.gov/secure/myportal/privatepair>. If you have any questions, please email the Electronic Business Center (EBC) at EBC@uspto.gov or call 1-866-217-9197.



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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes application details for 15/049,060 and 89194 7590, inventor John J. Giobbi, attorney 10001-05488 US, examiner VU, PHY ANH TRAN, art unit 2438, notification date 11/15/2018, delivery mode 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@patentlawworks.net
patents@patentlawworks.net

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

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 07/18/2018 has been entered.

Notice of Pre-AIA or AIA Status

The present application is being examined under the pre-AIA first to invent provisions.

Claim Objections

Claim 21 is objected to because of the following informalities:

Claim 21 recites the limitation “..a transaction being completed..” which should be “..**a the** transaction being completed..” Appropriate correction is required.

Response to Arguments

Applicant's arguments with respect to claims 1 and 3-21 have been considered but are moot in view of the new ground(s) of rejections.

Regarding 101 issues, in addition to the amendments, Applicant's arguments on pages 8-9 have been found persuasive. As such, the 101 rejections made the previous Office Action are hereby withdrawn.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting provided the reference application or patent either is shown to be commonly owned with the examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file

provisions of the AIA as explained in MPEP § 2159. See MPEP §§ 706.02(l)(1) - 706.02(l)(3) for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/patent/patents-forms. The filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp.

Claims 1, 4-7, 9, and 14-17 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1, 5-6, 9, 12 and 24-26 of U.S. Patent No. 8,886,954, claim 1 of the application over claim 1 of US Patent No. 8,352,730, and claims 1, 4, 6-10, 13-17 and 19-20 of the instant application over claims 1, 4-7, 9-10, and 12-18 of Patent No. 9,298,905 (which was application 14,521,982). Although the claims at issue are not identical, they are not patentably distinct from each other because the scopes of the claims are the same as exemplified below.

| Instant Application | US Patent 8,886,954 |
|------------------------------------------------|------------------------------------------------|
| Claim 1: A method comprising: | Claim 1: A method comprising: |

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>receiving, at a device, an ID code unique to the device from a third-party trusted authority;</p> <p>persistently storing biometric data of a legitimate user and an ID code on a device;</p> <p>receiving from a biometric sensor, scan data from a biometric scan performed using the biometric sensor, the device including the biometric sensor;</p> <p>comparing, using one or more processors, the scan data to the biometric data to determine whether the scan data matches the biometric data;</p> <p>responsive to a determination that the scan data matches the biometric data, wirelessly sending the ID code for comparison by a third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority, a financial transaction being completed responsive to an indication that the third-party trusted authority successfully authenticated the ID code.</p> | <p>persistently storing biometric data of a user and a plurality of codes and other data values comprising:</p> <p>a device ID code uniquely identifying an integrated device and a secret decryption value in a tamper proof format written to a storage element on the integrated device that is not capable of being subsequently altered;</p> <p>responsive to receiving a request for a biometric verification of the user, receiving scan data from a biometric scan;</p> <p>comparing the scan data to the biometric data to determine whether the scan data matches the biometric data;</p> <p>responsive to a determination that the scan data matches the biometric data, wirelessly sending one or more codes and other values from the plurality of codes and other data values for authentication to a third party that operates a trusted authority, wherein the one or more codes and other data values includes the device ID code; and</p> <p>receiving, at an application, an access message from the trusted authority indicating that the trusted authority successfully authenticated the one or more codes and other data values sent to the third party and allowing the user access to the application.</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| Instant Application | US Patent 8,352,730 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Claim 1:</p> <p>A method comprising:</p> <p>receiving, at a device, an ID code unique to the device from a third-party trusted authority;</p> <p>persistently storing biometric data of a legitimate user and an ID code on a device;</p> <p>receiving from a biometric sensor, scan data from a biometric scan performed using the biometric sensor;</p> <p>comparing, using one or more processors, the scan data to the biometric data to determine whether the scan data matches the biometric data;</p> <p>responsive to a determination that the scan data matches the biometric data, wirelessly sending the ID code for comparison by a third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority, a financial transaction being completed responsive to an indication that the third-party</p> | <p>Claim 1:</p> <p>A method for verifying a user during authentication of an integrated device, comprising the steps of:</p> <p>persistently storing biometric data of the user and a plurality of codes and other data values comprising a device ID code uniquely identifying the integrated device and a secret decryption value in a tamper proof format written to a storage element on the integrated device that is unable to be subsequently altered; wherein the biometric data is selected from a group consisting of a palm print, a retinal scan, an iris scan, a hand geometry, a facial recognition, a signature recognition and a voice recognition;</p> <p>responsive to receiving a request for a biometric verification of the user, receiving scan data from a biometric scan;</p> <p>comparing the scan data to the biometric data to determine whether the scan data matches the biometric data;</p> <p>responsive to a determination that the scan data matches the biometric data, wirelessly sending one or more codes from the plurality of codes and the other data values for authentication by an agent that is a third-party trusted authority possessing a list of device ID codes uniquely identifying legitimate integrated devices, wherein the one or</p> |

| | |
|-------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>trusted authority successfully authenticated the ID code.</p> | <p>more codes and other data values includes the device ID code; and</p> <p>responsive to authentication of the one or more codes and the other data values by the agent,</p> <p>receiving an access message from the agent allowing the user access to an application, wherein the application is selected from a group consisting of a casino machine, a keyless lock, a garage door opener, an ATM machine, a hard drive, computer software, a web site and a file.</p> |
|-------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Claim Rejections - 35 USC § 103

In the event the determination of the status of the application as subject to AIA 35 U.S.C. 102 and 103 (or as subject to pre-AIA 35 U.S.C. 102 and 103) is incorrect, any correction of the statutory basis for the rejection will not be considered a new ground of rejection if the prior art relied upon, and the rationale supporting the rejection, would be the same under either status.

The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-13 and 21 are rejected under pre-AIA 35 U.S.C. 102(b) as being anticipated by WO 01/35334 A1-hereinafter Kenneth, or, in the alternative, under pre-AIA 35 U.S.C. 103(a) as obvious over Kenneth.

Regarding claim 1, Kenneth discloses a method comprising:

receiving, at a device, an ID code unique to the device from a third-party trusted authority (*page 5, line 31-page 6, line 8, i.e.: account number is received from initialization machine*);

persistently storing biometric data of a legitimate user and the ID code on the device (*page 4, lines 26-33, page 5, lines 17-30, fingerprint information and account number are stored*);

receiving, from a biometric sensor, scan data from a biometric scan performed using the biometric sensor, the device including the biometric sensor (*page 6, line 27-page 7, line 8, fingerprint is received from scanner*);

comparing, using one or more processors, the scan data to the biometric data (*page 7, lines 5-10, fingerprint received from scanner is compared to fingerprint information stored*);

determining whether the scan data matches the biometric data (*page 7, lines 8-10, a match is determined based on the comparison of the fingerprint received from the scanner and the fingerprint information stored*); and

responsive to a determination that the scan data matches the biometric data, wirelessly sending the ID code for comparison by a third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority, a transaction being completed responsive to the third-party trusted authority

successfully authenticating the ID code (*page 5, line 34-page 6, line 8, page 7, lines 8-14, the account number is transmitted to the transaction machine. It is obviously if not inherently that the account number is then verified for authenticity by the initialization machine to determine whether the account number is valid.*)

Regarding claim 3, Kenneth discloses the method of claim 1. Kenneth also discloses receiving a request for biometric verification (*page 6, line 31-page 7, line 8, a fingerprint is received at the scanner*); and

when the device cannot verify the scan data as being from the legitimate user, the device does not send the ID code (*page 7, lines 5-19, if fingerprint received from scanner does not match with fingerprint information stored, then account number is not sent.*)

Regarding claim 4, Kenneth discloses the method of claim 1. Kenneth also discloses the biometric data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice (*page 4, lines 29-33, fingerprint.*)

Regarding claim 5, Kenneth discloses the method of claim 1. Kenneth also discloses the scan data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice (*page 4, line 34-page 5, line 4, fingerprint.*)

Regarding claim 6, Kenneth discloses the method of claim 1. Kenneth also discloses the device comprises one or more of a mobile phone, tablet, laptop, mp3 player, mobile gaming device, watch and a key fob (*page 9, line 7-9, wrist watch.*)

Regarding claim 7, Kenneth discloses the method of claim 1. Kenneth does not explicitly disclose completing the transaction includes accessing an application.

However, it is obviously if not inherently that at least an application for initializing the scanning of fingerprint is used, so that the user can be verified before additional information is provided in order to carry out the transaction.

Regarding claim 8, Kenneth discloses the method of claim 1. Kenneth also discloses completing the financial transaction includes accessing one or more of a casino machine, a keyless lock, an ATM machine, a web site, a file and a financial account (*page 5, line 31-page 6, line 8, bank account number.*)

Claim 9 is rejected for the same rationale as claim 1 above.

Regarding claim 10, Kenneth discloses the device of claim 9. Kenneth also obviously or inherently discloses the ID code is transmitted to the third-party trusted authority over a network (*page 5, line 34-page 6, line 8, page 7, lines 8-14, the account number is transmitted to the transaction machine. It is obvious if not inherent that the account number is then verified for authenticity by the initialization machine to determine whether the account number is valid.*)

Claim 11 is rejected for the same rationale as claim 4 above.

Claim 12 is rejected for the same rationale as claim 5 above.

Claim 13 is rejected for the same rationale as claim 6 above.

Regarding claim 21, Kenneth discloses the method of claim 1. Kenneth does not explicitly disclose a transaction being completed responsive to the third-party trusted authority successfully authenticating the ID code includes the third-party trusted authority sending an indication that the third-party trusted authority authenticated the ID code to another party.

However, it is obvious if not inherent that when the authenticity is checked in Kenneth (*page 7, lines 5-14*), this involves the transaction machine communicates the account number received to the initialization machine to verify. Then after the verification, the initialization machine sends back either an approval or a denial message to the transaction machine to inform whether or not the transaction can be completed in order to clearly communicate the status of the transaction to parties involved.

Claims 14-20 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Kenneth and in view of Flores et al. (US 2004/0022384 A1-hereinafter Flores.)

Regarding claim 14, Kenneth discloses a system, comprising:

a device that persistently stores biometric data of a legitimate user and an ID code in the device (*page 4, lines 26-33, page 5, lines 17-30, fingerprint information and account number are stored*), wherein the ID code is unique to the device and received from a third-party trusted authority (*page 5, line 31-page 6, line 8, i.e.: account number is received from initialization machine*), that wirelessly sends the ID code to the third-party trusted authority for authentication responsive to determining that scan data from a biometric scan performed using a biometric sensor matches the biometric data of the legitimate user, wherein a financial transaction is completed responsive to authentication of the ID code by the third-party trusted authority (*page 5, line 34-page 6, line 8, page 7, lines 8-14, the account number is transmitted to the transaction machine. It is obvious if not inherent that the account number is then verified for authenticity by the initialization machine to determine whether the account number is valid*); and

the third-party trusted authority operated by a third party, the third-party trusted authority storing a plurality of legitimate ID codes and authenticating the ID code received based on a comparison of the ID code received and the legitimate ID codes included in the plurality of the legitimate ID codes (*page 5, line 31-page 6, line 8, page 7, lines 5-14, page 8, line 32-page 9, line 6, the initialization machine verifies the account number received from the transaction machine from among a plurality of account numbers.*)

Kenneth does not explicitly disclose causes a visual indication, at the device, that a biometric authentication is requested.

However, Flores discloses causing at a device a visual indication that biometric verification of a user is requested (*[0025], PDE telephone 110 can provide an audio, visual and/or a text prompt instructing user that biometric information is required.*)

One of ordinary skill in the art at the time the invention was made would have been motivated to modify the method of Kenneth to include features disclose by Flores to provide clear indication of the information needed.

Claim 15 is rejected for the same rationale as claim 3 above.

Claim 16 is rejected for the same rationale as claims 6 & 13 above.

Claim 17 is rejected for the same rationale as claims 4 & 11 above.

Claim 18 is rejected for the same rationale as claims 5 & 12 above.

Claim 19 is rejected for the same rationale as claim 8 above.

Claim 20 is rejected for the same rationale as claim 10 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHY ANH TRAN VU whose telephone number is (571)270-7317. The examiner can normally be reached on Monday-Friday 7 am-1 pm.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi T Arani can be reached on (571) 272-3787. 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.

/PHY ANH T VU/
Examiner, Art Unit 2438

Notice of References Cited

Application/Control No.
15/049,060

Applicant(s)/Patent Under
Reexamination
Giobbi, John J.

Examiner
PHY ANH T VU

Art Unit
2438

Page 1 of 1

U.S. PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Name | CPC Classification | US Classification |
|---|---|--------------------------------------------------|-----------------|------------------------------|--------------------|-------------------|
| * | A | US-20020158121-A1 | 10-2002 | Stanford-Clark, Andrew James | G06Q20/341 | 235/375 |
| | B | | | | | |
| | C | | | | | |
| | D | | | | | |
| | E | | | | | |
| | F | | | | | |
| | G | | | | | |
| | H | | | | | |
| | I | | | | | |
| | J | | | | | |
| | K | | | | | |
| | L | | | | | |
| | M | | | | | |


FOREIGN PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Country | Name | CPC Classification |
|---|---|--------------------------------------------------|-----------------|---------|------|--------------------|
| | N | | | | | |
| | O | | | | | |
| | P | | | | | |
| | Q | | | | | |
| | R | | | | | |
| | S | | | | | |
| | T | | | | | |

NON-PATENT DOCUMENTS

| * | | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) |
|---|---|-------------------------------------------------------------------------------------------|
| | U | |
| | V | |
| | W | |
| | X | |

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

| | | |
|----------------------------------------------------------------------------------------------------------|----------------------------------------------|-------------------------------------------------------------------|
| Search Notes  | Application/Control No. 15/049,060 | Applicant(s)/Patent Under Reexamination Giobbi, John J. |
| | Examiner PHY ANH T VU | Art Unit 2438 |

| CPC - Searched* | | |
|-----------------|------|----------|
| Symbol | Date | Examiner |
| | | |

| CPC Combination Sets - Searched* | | |
|----------------------------------|------------------------|----------|
| Symbol | Date | Examiner |
| G06F 21/32 | 03/21/2016; 11/08/2018 | PVU |
| H04L 63/0861 | 03/21/2016 | PVU |
| H04L 9/321 | 12/22/2016 | PVU |
| G06F 21/35 | 11/08/2018 | |

| US Classification - Searched* | | | |
|-------------------------------|----------|------|----------|
| Class | Subclass | Date | Examiner |
| | | | |

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

| Search Notes | | |
|-----------------------|-----------------------------------------------------------|----------|
| Search Notes | Date | Examiner |
| Inventor names search | 03/21/2016 | PVU |
| Keywords search | 03/21/2016; 12/22/2016; 7/22/2017; 01/04/2018; 11/08/2018 | PVU |

| Interference Search | | | |
|---------------------|-----------------------|------|----------|
| US Class/CPC Symbol | US Subclass/CPC Group | Date | Examiner |
| | | | |

| | |
|-------------------------------------------|--|
| /PHY ANH T VU/ Examiner, Art Unit 2438 | |
|-------------------------------------------|--|

Doc code: IDS
 Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (01-10)
 Approved for use through 07/31/2012. OMB 0651-0031
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| | | |
|-------------------------------------------------------------------------------------------------|------------------------|-----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | 15049060 |
| | Filing Date | 2016-02-20 |
| | First Named Inventor | John J. Giobbi |
| | Art Unit | 2438 |
| | Examiner Name | Phy Anh Tran Vu |
| | Attorney Docket Number | 10001-05488 US |

| U.S.PATENTS | | | | | | | Remove |
|-------------------|---------|---------------|------------------------|------------|-------------------------------------------------|------------------------------------------------------------------------|--------|
| Examiner Initial* | Cite No | Patent Number | Kind Code ¹ | Issue Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear | |
| | 1 | | | | | | |

If you wish to add additional U.S. Patent citation information please click the Add button.

Add

| U.S.PATENT APPLICATION PUBLICATIONS | | | | | | | Remove |
|-------------------------------------|---------|--------------------|------------------------|------------------|-------------------------------------------------|------------------------------------------------------------------------|--------|
| Examiner Initial* | Cite No | Publication Number | Kind Code ¹ | Publication Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear | |
| | 1 | 20030225703 | | 2003-12-04 | Angel | | |

If you wish to add additional U.S. Published Application citation information please click the Add button.

Add

| FOREIGN PATENT DOCUMENTS | | | | | | | | Remove |
|--------------------------|---------|--------------------------------------|-----------------------------|------------------------|------------------|-------------------------------------------------|------------------------------------------------------------------------|----------------|
| Examiner Initial* | Cite No | Foreign Document Number ³ | Country Code ² i | Kind Code ⁴ | Publication Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear | T ⁵ |
| | 1 | | | | | | | |

If you wish to add additional Foreign Patent Document citation information please click the Add button

Add

| NON-PATENT LITERATURE DOCUMENTS | | | | | | | Remove |
|---------------------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|--|----------------|
| Examiner Initials* | Cite No | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published. | | | | | T ⁵ |
| | | | | | | | |

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

| | | |
|------------------------|-----------------|----------------|
| Application Number | | 15049060 |
| Filing Date | | 2016-02-20 |
| First Named Inventor | John J. Giobbi | |
| Art Unit | | 2438 |
| Examiner Name | Phy Anh Tran Vu | |
| Attorney Docket Number | | 10001-05488 US |

| | |
|---|--|
| 1 | |
|---|--|

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

| | | | |
|--------------------|----------------|-----------------|------------|
| Examiner Signature | /PHY ANH T VU/ | Date Considered | 11/09/2018 |
|--------------------|----------------|-----------------|------------|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

| | | | |
|-----------------------------------------------------------------------------------------------------|------------------------|-----------------|----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | | 15049060 |
| | Filing Date | | 2016-02-20 |
| | First Named Inventor | John J. Giobbi | |
| | Art Unit | | 2438 |
| | Examiner Name | Phy Anh Tran Vu | |
| | Attorney Docket Number | | 10001-05488 US |

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

| | | | |
|------------|------------------|---------------------|------------|
| Signature | /Paige Alsbury/ | Date (YYYY-MM-DD) | 2018-02-08 |
| Name/Print | Paige M. Alsbury | Registration Number | 72,965 |

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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

BIB DATA SHEET

CONFIRMATION NO. 2423

| | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|--------------------------------|
| SERIAL NUMBER 15/049,060 | FILING or 371(c) DATE 02/20/2016 RULE | CLASS 713 | GROUP ART UNIT 2438 | ATTORNEY DOCKET NO. 10001-05488 US | |
| APPLICANTS Proxense, LLC, Bend, OR; INVENTORS John J. Giobbi, Bend, OR; ** CONTINUING DATA ***** This application is a CON of 14/521,982 10/23/2014 PAT 9298905 which is a CON of 13/710,109 12/10/2012 PAT 8886954 which is a CON of 11/314,199 12/20/2005 PAT 8352730 which claims benefit of 60/652,765 02/14/2005 and claims benefit of 60/637,538 12/20/2004 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 03/07/2016 | | | | | |
| Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and Acknowledged <u>/PHY ANH TRAN VU/</u> Examiner's Signature | <input type="checkbox"/> Met after Allowance Initials | STATE OR COUNTRY OR | SHEETS DRAWINGS 6 | TOTAL CLAIMS 1 | INDEPENDENT CLAIMS 1 |
| ADDRESS Patent Law Works/Proxense Greg Sueoka 310 East 4500 South, Suite 400 Salt Lake City, UT 84107 UNITED STATES | | | | | |
| TITLE Biometric Personal Data Key (PDK) Authentication | | | | | |
| FILING FEE RECEIVED 730 | FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following: | | <input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit | | |

EAST Search History

EAST Search History (Prior Art)

| Ref # | Hits | Search Query | DBs | Default Operator | Plurals | Time Stamp |
|-------|------|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|------------------|---------|---------------------|
| | | "20040129787.pn. | US-PGPUB; USPAT | OR | OFF | 2018/11/08 12:04 |
| | | (indicat\$4 with flash\$4) with (biometri9298905 | US-PGPUB; USPAT | OR | OFF | 2018/04/04 08:38 |
| | | (indicat\$4 near10 flash\$4) with (biometric) | US-PGPUB; USPAT | OR | OFF | 2017/07/22 11:31 |
| | | (indicat\$4 with flash\$4) with (biometric) | US-PGPUB; USPAT | OR | OFF | 2017/07/22 11:29 |
| L1 | 1 | "20030225703".pn. | US-PGPUB; USPAT | OR | OFF | 2018/11/09 12:23 |
| S1 | 1 | "13710109" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 07:38 |
| S2 | 0 | "14521982" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 07:49 |
| S3 | 0 | "14521982" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 07:49 |
| S4 | 0 | "15049060".pn. | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:31 |
| S5 | 3 | "11314199" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:32 |
| S6 | 12 | "8352730" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:33 |
| S7 | 1 | "8352730".pn. | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:34 |
| S8 | 1 | "8886954".pn. | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:43 |
| S9 | 2764 | g06f21/32.cpc. and (biometric with authentikat\$3) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:52 |
| S10 | 1896 | g06f21/32.cpc. and (biometric with authentikat\$3) same (fob device) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:53 |
| S11 | 603 | g06f21/32.cpc. and (biometric with authentikat\$3) same (fob device) and (trusted or third\$party) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:53 |
| S12 | 365 | g06f21/32.cpc. and (biometric with authentikat\$3) same (fob device) and ((trusted or third\$party) with (approv\$3 or authentikat\$3)) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:54 |
| S13 | 81 | S12 and @ad<"20051220" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:54 |
| S14 | 0 | h04/63/0861cpc. and (biometric with authentikat\$3) same (fob device) and ((trusted or third\$party) with (approv\$3 or authentikat\$3)) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:00 |
| S15 | 0 | h04l63/0861cpc. and (biometric with authentikat\$3) same (fob | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:00 |

| | | | | | | |
|-----|------|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----|-----|------------------|
| | | device) and ((trusted or third\$party) with (approv\$3 or authenticat\$3)) | | | | |
| S16 | 237 | h04163/0861.cpc. and (biometric with authenticat\$3) same (fob device) and ((trusted or third\$party) with (approv\$3 or authenticat\$3)) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:00 |
| S17 | 38 | S16 and @ad<"20051220" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:01 |
| S18 | 82 | (giobbi).in. | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:03 |
| S19 | 5 | "11292330" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:04 |
| S20 | 1 | "6041410".pn. | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:54 |
| S21 | 311 | "6041410" | US-PGPUB; USPAT | OR | OFF | 2016/12/19 16:05 |
| S22 | 1 | "6041410".pn. | US-PGPUB; USPAT | OR | OFF | 2016/12/19 16:05 |
| S23 | 1 | "15049060" | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:17 |
| S24 | 4 | h0419/321.cpc. and (transmit\$4 send\$3) near10 (wireless\$3) same ((number ID SSN PIN)) same (financial bank) | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:23 |
| S25 | 1905 | (transmit\$4 send\$3) near10 (wireless\$3) same ((number ID SSN PIN)) same (financial bank) | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:24 |
| S26 | 233 | (transmit\$4 send\$3) near10 (wireless\$3) with ((number ID SSN PIN)) with (financial bank) | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:24 |
| S27 | 39 | S26 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:25 |
| S28 | 604 | (stor\$3 with (code ID account identifier) with fob) | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:39 |
| S29 | 0 | (stor\$3 with (code ID account identifier) with fob) and (trasmit\$4 near10 (code id account identifier)) | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:40 |
| S30 | 401 | (stor\$3 with (code ID account identifier) with fob) and (transmit\$4 near10 (code id account identifier)) | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:41 |
| S31 | 107 | S30 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:41 |
| S32 | 1 | "6041410".pn. and fob | US-PGPUB; USPAT | OR | OFF | 2016/12/22 12:57 |
| S33 | 1 | "8886954".pn. | US-PGPUB; USPAT | OR | OFF | 2016/12/23 08:50 |
| S34 | 1 | "8352730".pn..pn. | US-PGPUB; USPAT | OR | OFF | 2016/12/23 08:58 |
| S35 | 2 | "14521982" | US-PGPUB; USPAT | OR | OFF | 2016/12/23 09:00 |
| S36 | 16 | ("6018739" "6025780" "6237848" "7137008" "20010026619" | US-PGPUB; USPAT | OR | OFF | 2016/12/23 09:37 |

| | | | | | | |
|-----|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|----|-----|---------------------|
| | | "20020023032" "20020071559" "20020091646" "20020116615" "20020174348" "20030115474" "20030149744" "20030172037" "20040123127" "20050006452" "20120226907").pn. | | | | |
| S37 | 12 | ("6237848" "6325285" "7155416" "7278025" "7314164" "7341181" "7424134" "2020104006" "20020104019" "20040098597" "20050001028" "20050105734" "20070084523").pn. | US-PGPUB; USPAT | OR | OFF | 2016/12/23 09:39 |
| S38 | 7 | ("5623552" "6728397" "6879966" "7231068" "7349557" "7565329" "8678273").pn. | US-PGPUB; USPAT | OR | OFF | 2016/12/23 09:40 |
| S39 | 1 | "20040128162".pn. | US-PGPUB; USPAT | OR | OFF | 2017/07/22 11:37 |
| S40 | 563 | (biometric near3 prompt) | US-PGPUB; USPAT | OR | OFF | 2017/07/22 12:49 |
| S41 | 1 | (biometric near3 prompt) with (light) | US-PGPUB; USPAT | OR | OFF | 2017/07/22 12:49 |
| S42 | 63 | S40 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2017/07/22 12:50 |
| S43 | 1 | "8856539".pn. | US-PGPUB; USPAT | OR | OFF | 2018/01/04 12:29 |
| S44 | 1 | "20090016573".pn. | US-PGPUB; USPAT | OR | OFF | 2018/01/04 12:33 |
| S45 | 1 | "9298905".pn. | US-PGPUB; USPAT | OR | OFF | 2018/04/04 08:38 |
| S46 | 1 | "8886954".pn. | US-PGPUB; USPAT | OR | OFF | 2018/04/04 08:40 |
| S47 | 1 | "5317639".pn. | US-PGPUB; USPAT | OR | OFF | 2018/04/04 11:27 |
| S48 | 1 | "6185304".pn. | US-PGPUB; USPAT | OR | OFF | 2018/04/04 11:29 |
| S49 | 1955 | (security near3 card) same biometric | US-PGPUB; USPAT | OR | OFF | 2018/09/17 08:20 |
| S50 | 589 | (security adj card) same biometric | US-PGPUB; USPAT | OR | OFF | 2018/09/17 08:21 |
| S51 | 394 | (security adj card) same biometric and financial | US-PGPUB; USPAT | OR | OFF | 2018/09/17 08:21 |
| S52 | 134 | (security adj card) same biometric and (financial near3 transaction) | US-PGPUB; USPAT | OR | OFF | 2018/09/17 08:21 |
| S53 | 28 | S52 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2018/09/17 08:22 |
| S54 | 1 | "6068184".pn. | US-PGPUB; USPAT | OR | OFF | 2018/09/17 08:27 |
| S55 | 1 | "20050103837".pn. | US-PGPUB; USPAT | OR | OFF | 2018/09/17 08:29 |
| S56 | 1830 | (security adj card) and (biometric) and (authenticat\$4) | US-PGPUB; USPAT | OR | OFF | 2018/09/17 08:45 |
| S57 | 516 | (security adj card) and (biometric) and (POS retailer) and bank | US-PGPUB; USPAT | OR | OFF | 2018/09/17 08:46 |
| S58 | 516 | (security adj card) and (biometric) and (POS retailer) and bank and (number code) | US-PGPUB; USPAT | OR | OFF | 2018/09/17 08:46 |

| | | | | | | |
|-----|--------|---------------------------------------------------------------------------------------------------------------|-----------------|----|-----|------------------|
| S59 | 390 | (security adj card) and (biometric) and (POS retailer) and bank and (transmit\$4 send\$4) with (number code) | US-PGPUB; USPAT | OR | OFF | 2018/09/17 08:46 |
| S60 | 165 | (security adj card) and (biometric) and (POS retailer) and bank same (transmit\$4 send\$4) with (number code) | US-PGPUB; USPAT | OR | OFF | 2018/09/17 08:47 |
| S61 | 14 | S60 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2018/09/17 08:47 |
| S62 | 1098 | (security adj card) and biometric and (merchant retailer) | US-PGPUB; USPAT | OR | OFF | 2018/09/17 08:52 |
| S63 | 22 | "7389269" | US-PGPUB; USPAT | OR | OFF | 2018/09/17 08:54 |
| S64 | 1 | "7389269".pn. | US-PGPUB; USPAT | OR | OFF | 2018/09/17 08:54 |
| S65 | 1 | "6325285".pn. | US-PGPUB; USPAT | OR | OFF | 2018/09/17 09:07 |
| S66 | 513 | (security adj card) and (authorization near3 code) | US-PGPUB; USPAT | OR | OFF | 2018/09/17 09:15 |
| S67 | 231 | (security adj card) and biometric and (authorization near3 code) | US-PGPUB; USPAT | OR | OFF | 2018/09/17 09:15 |
| S68 | 46 | S67 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2018/09/17 09:15 |
| S69 | 2157 | (security adj card) and biometric | US-PGPUB; USPAT | OR | OFF | 2018/09/17 09:27 |
| S70 | 385 | S69 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2018/09/17 09:27 |
| S71 | 1709 | (security adj card) and biometric and transaction | US-PGPUB; USPAT | OR | OFF | 2018/09/17 09:28 |
| S72 | 308 | S71 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2018/09/17 09:28 |
| S73 | 579 | (security near3 card) same biometric and (account near3 number) | US-PGPUB; USPAT | OR | OFF | 2018/09/17 09:38 |
| S74 | 119426 | (security near3 card) same biometric and (transmitt\$4 send\$4) wotj (account near3 number) | US-PGPUB; USPAT | OR | OFF | 2018/09/17 09:38 |
| S75 | 78 | (security near3 card) same biometric and (transmitt\$4 send\$4) with (account near3 number) | US-PGPUB; USPAT | OR | OFF | 2018/09/17 09:38 |
| S76 | 45659 | "13" and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2018/09/17 09:39 |
| S77 | 14 | S75 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2018/09/17 09:39 |
| S78 | 102 | (security near3 card) same biometric and (transmitt\$4 send\$4) with (security near3 code) | US-PGPUB; USPAT | OR | OFF | 2018/09/17 09:46 |
| S79 | 8 | S78 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2018/09/17 09:46 |
| S80 | 1 | "15029884" | US-PGPUB; USPAT | OR | OFF | 2018/09/17 09:47 |
| S81 | 117 | stor\$4 with (security adj card) same (code) | US-PGPUB; USPAT | OR | OFF | 2018/09/17 09:49 |
| S82 | 15 | stor\$4 with (security adj card) | US-PGPUB; | OR | OFF | 2018/09/17 |

| | | | | | | |
|------|---------|----------------------------------------------------------------------------------------------------------------|--------------------|----|-----|---------------------|
| | | same (code same biometric) | USPAT | | | 09:49 |
| S83 | 247 | "6012049" | US-PGPUB; USPAT | OR | OFF | 2018/09/17 09:50 |
| S84 | 1 | "6012049".pn. | US-PGPUB; USPAT | OR | OFF | 2018/09/17 09:50 |
| S85 | 533 | (security near3 card) same biometric and (financial near5 transaction) | US-PGPUB; USPAT | OR | OFF | 2018/09/17 09:52 |
| S86 | 36 | (security near3 card) same biometric same(financial near5 transaction) | US-PGPUB; USPAT | OR | OFF | 2018/09/17 09:52 |
| S87 | 4949 | (security near3 card) and @ad< "20030101" | US-PGPUB; USPAT | OR | OFF | 2018/09/17 10:14 |
| S88 | 730 | (security near3 card) and (biometric) and @ad< "20030101" | US-PGPUB; USPAT | OR | OFF | 2018/09/17 10:14 |
| S89 | 621 | (security near3 card) and (biometric) and code and @ad< "20030101" | US-PGPUB; USPAT | OR | OFF | 2018/09/17 10:15 |
| S90 | 111 | (security near3 card) and (biometric) and (print with code) and @ad< "20030101" | US-PGPUB; USPAT | OR | OFF | 2018/09/17 10:15 |
| S91 | 136 | (security near3 card) and (biometric) and (pos) and @ad< "20030101" | US-PGPUB; USPAT | OR | OFF | 2018/09/17 10:21 |
| S92 | 121 | S91 not S90 | US-PGPUB; USPAT | OR | OFF | 2018/09/17 10:22 |
| S93 | 4146569 | (security near3 card) and (third\$party) @ad< "20030101" | US-PGPUB; USPAT | OR | OFF | 2018/09/17 10:27 |
| S94 | 268 | (security near3 card) and (third\$party) and @ad< "20030101" | US-PGPUB; USPAT | OR | OFF | 2018/09/17 10:27 |
| S95 | 1 | "6325285".pn. | US-PGPUB; USPAT | OR | OFF | 2018/09/17 11:21 |
| S96 | 800 | (security adj card) and (third\$party) and (transaction and financial\$) | US-PGPUB; USPAT | OR | OFF | 2018/09/17 11:38 |
| S97 | 146 | (security adj card) and (third\$party same bank) and (transaction and financial\$) | US-PGPUB; USPAT | OR | OFF | 2018/09/17 11:39 |
| S98 | 16 | S97 and @ad< "20041220" | US-PGPUB; USPAT | OR | OFF | 2018/09/17 11:39 |
| S99 | 29 | (security adj card) and (transmit\$4 send\$4) same (third\$party same bank) | US-PGPUB; USPAT | OR | OFF | 2018/09/17 11:43 |
| S100 | 2214 | (security adj card) and (transmit\$4 send\$4) same (third\$party bank provider) | US-PGPUB; USPAT | OR | OFF | 2018/09/17 11:44 |
| S101 | 1805 | (security adj card) and (transmit\$4 send\$4) same (third\$party bank provider) and (purchase) | US-PGPUB; USPAT | OR | OFF | 2018/09/17 11:45 |
| S102 | 1989 | (security adj card) and (transmit\$4 send\$4) same (third\$party bank provider) and (credit near3 card) | US-PGPUB; USPAT | OR | OFF | 2018/09/17 11:46 |
| S103 | 393 | (security adj card) and (transmit\$4 send\$4) same (authorization) same (third\$party bank provider) and | US-PGPUB; USPAT | OR | OFF | 2018/09/17 11:47 |

| | | | | | | |
|------|-------|-----------------------------------------------------------------------------------------------------------------------------|--------------------|----|-----|---------------------|
| | | (credit near3 card) | | | | |
| S104 | 65 | S103 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2018/09/17 11:50 |
| S105 | 197 | (security adj card) and (transmit\$4 send\$4) same (authorization) same (third\$party bank provider) and biometric | US-PGPUB; USPAT | OR | OFF | 2018/09/17 11:53 |
| S106 | 44 | S105 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2018/09/17 11:55 |
| S107 | 1 | "15029884" | US-PGPUB; USPAT | OR | OFF | 2018/11/08 09:22 |
| S108 | 2 | "20040022384" | US-PGPUB; USPAT | OR | OFF | 2018/11/08 09:23 |
| S109 | 1 | "20050103837" | US-PGPUB; USPAT | OR | OFF | 2018/11/08 09:31 |
| S110 | 96 | (security adj card) and (biometric) and (credit adj card near3 provider) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 09:38 |
| S111 | 891 | (security adj card) and (biometric) and (point near3 sale) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 09:40 |
| S112 | 0 | (security adj card) and (biometric) and (point near3 of near3 sale) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 09:41 |
| S113 | 1 | g06f21/32.cpc. and (fob with security near3 card) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 09:41 |
| S114 | 845 | g06f21/32.cpc. and (security near3 card) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 09:42 |
| S115 | 748 | g06f21/32.cpc. and (security near3 card) and biometric | US-PGPUB; USPAT | OR | OFF | 2018/11/08 09:42 |
| S116 | 378 | g06f21/32.cpc. and (security near3 card) and biometric and (third near3 party) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 09:42 |
| S117 | 318 | S116 and (biometric with authentikat\$3) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 09:42 |
| S118 | 98 | S116 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2018/11/08 09:43 |
| S119 | 198 | g06f21/32.cpc. and (authentikat\$4 with user with biometric) and (security adj card) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 10:07 |
| S120 | 43 | S119 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2018/11/08 10:07 |
| S121 | 19972 | (transmit\$4 wit credit near5 number) same (verif\$7) and (biometric) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 10:12 |
| S122 | 27016 | (authentikat\$4 with biometric) and (transmit\$4 wit credit near5 number) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 10:12 |
| S123 | 410 | (authentikat\$4 with biometric) and (transmit\$4 with credit near5 number) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 10:13 |
| S124 | 157 | (authentikat\$4 with biometric) and (transmit\$4 with credit near5 number) and (smart near3 card) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 10:13 |
| S125 | 15 | S124 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2018/11/08 10:13 |
| S126 | 216 | (authentikat\$4 with biometric same | US-PGPUB; | OR | OFF | 2018/11/08 |

| | | | | | | |
|------|------|--------------------------------------------------------------------------------------------------------------------------------|--------------------|----|-----|---------------------|
| | | card) and (transmit\$4 with credit near5 number) | USPAT | | | 10:16 |
| S127 | 24 | S126 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2018/11/08 10:16 |
| S128 | 1256 | (smart adj card) and ((authenticat\$4 verif\$) with (biometric)) and (transmit\$4 with (ID (credit near3 card near3 number))) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 11:06 |
| S129 | 162 | (smart adj card) and ((authenticat\$4 verif\$) with (biometric)) same (transmit\$4 with (ID (credit near3 card near3 number))) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 11:06 |
| S130 | 26 | S129 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2018/11/08 11:07 |
| S131 | 82 | g06f21/32.cpc. and (fob with smart near3 card) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 11:09 |
| S132 | 9 | S131 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2018/11/08 11:09 |
| S133 | 94 | (authenticat\$4 with biometric same card) and (transmit\$4 with credit near5 number) and (financial near3 transaction) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 11:15 |
| S134 | 13 | S133 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2018/11/08 11:15 |
| S135 | 461 | (smart adj card) with (biometric) and (authenticat\$4 with biometric) and financial near3 transaction | US-PGPUB; USPAT | OR | OFF | 2018/11/08 11:24 |
| S136 | 1148 | (smart adj card) with (biometric) and (authenticat\$4 with biometric) and (financial) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 11:25 |
| S137 | 0 | (security adj card with biometric) and (transmit\$4 send\$4) same (authorization) same (third\$party) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 11:26 |
| S138 | 47 | (security adj card with biometric) and (transmit\$4 send\$4) same (financial) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 11:27 |
| S139 | 11 | (security adj card with biometric) and (register\$4 with financial) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 11:28 |
| S140 | 5 | "10861864" | US-PGPUB; USPAT | OR | OFF | 2018/11/08 11:30 |
| S141 | 1 | "20040091136".pn. | US-PGPUB; USPAT | OR | OFF | 2018/11/08 11:32 |
| S142 | 1 | "20040148526".pn. | US-PGPUB; USPAT | OR | OFF | 2018/11/08 11:33 |
| S143 | 1 | "20030061172".pn. | US-PGPUB; USPAT | OR | OFF | 2018/11/08 11:34 |
| S144 | 1 | "20060016875".pn. | US-PGPUB; USPAT | OR | OFF | 2018/11/08 11:36 |
| S145 | 1 | "20040232224".pn. | US-PGPUB; USPAT | OR | OFF | 2018/11/08 11:37 |
| S146 | 4 | (hong\$ik near3 koo).in. | US-PGPUB; USPAT | OR | OFF | 2018/11/08 11:39 |
| S147 | 2 | "20070136211" | US-PGPUB; USPAT | OR | OFF | 2018/11/08 11:40 |

| | | | | | | |
|------|------|----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|----|-----|---------------------|
| S148 | 1 | "20040258281".pn. | US-PGPUB; USPAT | OR | OFF | 2018/11/08 11:45 |
| S149 | 142 | (fob with biometric) and (financial near3 transaction) and (third\$party) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 11:46 |
| S150 | 51 | S149 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2018/11/08 11:46 |
| S151 | 8 | (fob with biometric) and (security adj card) and (ID (account adj number)) and (financial near3 transaction) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 11:50 |
| S152 | 15 | g06f21/35.cpc. and (fob with biometric) and (financial near3 transaction) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 11:58 |
| S153 | 1 | "20040199469".pn. | US-PGPUB; USPAT | OR | OFF | 2018/11/08 12:00 |
| S154 | 1 | "20040139008".pn. | US-PGPUB; USPAT | OR | OFF | 2018/11/08 12:01 |
| S155 | 1 | "20040129787".pn. | US-PGPUB; USPAT | OR | OFF | 2018/11/08 12:04 |
| S156 | 1 | "20060000891".pn. | US-PGPUB; USPAT | OR | OFF | 2018/11/08 12:08 |
| S157 | 405 | g06f21/35.cpc. and (security near3 card) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 12:11 |
| S158 | 145 | g06f21/35.cpc. and (security near3 card) and (authentikat\$4 with biometric) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 12:11 |
| S159 | 13 | S158 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2018/11/08 12:11 |
| S160 | 1 | "20040236701".pn. | US-PGPUB; USPAT | OR | OFF | 2018/11/08 12:15 |
| S161 | 1276 | (authentikat\$4 with biometric) and (transmit\$4 send\$4) with (account near3 (ID number)) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 12:17 |
| S162 | 107 | (authentikat\$4 with biometric) with fob and (transmit\$4 send\$4) with (account near3 (ID number)) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 12:17 |
| S163 | 44 | S162 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2018/11/08 12:17 |
| S164 | 0 | (fob with biometric) with (financial with third\$party) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 12:19 |
| S165 | 83 | (fob with biometric) same (financial with third\$party) | US-PGPUB; USPAT | OR | OFF | 2018/11/08 12:19 |
| S166 | 33 | S165 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2018/11/08 12:19 |
| S167 | 1 | "20040129787".pn. | US-PGPUB; USPAT | OR | OFF | 2018/11/08 12:20 |
| S168 | 1 | "20060253710".pn. and (credit adj card near3 authentication near3 results) | US-PGPUB; USPAT | OR | ON | 2018/11/09 07:01 |
| S169 | 9 | "2001035334" | US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; | OR | ON | 2018/11/09 08:43 |

| | | | | | | |
|------|----------|---------------------------------------------------------------------------------------|----------------------------------------------------------------------------|----|----|---------------------|
| | | | IBM_TDB | | | |
| S170 | 14821343 | wo "2001035334" | US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB | OR | ON | 2018/11/09 08:43 |
| S171 | 0 | wo2001035334 | US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB | OR | ON | 2018/11/09 08:43 |
| S172 | 19 | "20010035334" | US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB | OR | ON | 2018/11/09 08:43 |
| S173 | 0 | wo2001035334 | US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB | OR | ON | 2018/11/09 08:44 |
| S174 | 9 | "2001035334" | US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB | OR | ON | 2018/11/09 08:44 |
| S175 | 715 | "5623552" | US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB | OR | ON | 2018/11/09 10:24 |
| S176 | 4 | "5623552".pn. | US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB | OR | ON | 2018/11/09 10:24 |
| S177 | 2 | "20020112177".pn. | US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB | OR | ON | 2018/11/09 10:29 |
| S178 | 2 | (fob with biometric) same (account near3 number) and (authorization near3 code) | US-PGPUB; USPAT; USOCR; FPRS; EPO; | OR | ON | 2018/11/09 10:31 |

| | | | | | | |
|------|-----|--------------------------------------------------------------------------------------|----------------------------------------------------------------------------|----|-----|---------------------|
| | | | JPO; DERWENT; IBM_TDB | | | |
| S179 | 2 | (fob with biometric) same (account near3 (number ID)) and (authorization near3 code) | US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB | OR | ON | 2018/11/09 10:32 |
| S180 | 193 | (fob with biometric) and (account near3 (number ID)) and (authorization near3 code) | US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB | OR | ON | 2018/11/09 10:32 |
| S181 | 57 | S180 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2018/11/09 10:32 |
| S182 | 0 | (fob with biometric) and (thid\$party) and (authorization near3 code) | US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB | OR | ON | 2018/11/09 10:40 |
| S183 | 182 | (fob with biometric) and (third\$party) and (authorization near3 code) | US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB | OR | ON | 2018/11/09 10:40 |
| S184 | 54 | S183 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2018/11/09 10:40 |

EAST Search History (Interference)

< This search history is empty >

11/ 9/ 2018 12:25:50 PM**C:\Users\pvu3\Documents\EAST\Workspaces\15049060.wsp**

**REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)**

| | | | | | | | |
|----------------------|----------------|-------------|------------|-------------------------------|-----------------|----------|------|
| Application Number | 15/049,060 | Filing Date | 2016-02-20 | Docket Number (if applicable) | 10001-05488 US | Art Unit | 2438 |
| First Named Inventor | John J. Giobbi | | | Examiner Name | Phy Anh Tran Vu | | |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, to any international application that does not comply with the requirements of 35 U.S.C. 371, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV.

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

Other _____

Enclosed

Amendment/Reply

Information Disclosure Statement (IDS)

Affidavit(s)/ Declaration(s)

Other _____

MISCELLANEOUS

Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____
(Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No _____

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Patent Practitioner Signature

Applicant Signature

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| Signature of Registered U.S. Patent Practitioner | | | |
|--------------------------------------------------|---------------------|---------------------|------------|
| Signature | /Matthew M. Holmes/ | Date (YYYY-MM-DD) | 2018-07-18 |
| Name | Matthew M. Holmes | Registration Number | 65160 |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

| | |
|---------------------------------------------|--------------------------------------------------|
| Application Number: | 15049060 |
| Filing Date: | 20-Feb-2016 |
| Title of Invention: | Biometric Personal Data Key (PDK) Authentication |
| First Named Inventor/Applicant Name: | John J. Giobbi |
| Filer: | Matthew M. Holmes/Andrea Dennis |
| Attorney Docket Number: | 10001-05488 US |

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|------------------------------------------|----------|----------|--------|----------------------|
| Basic Filing: | | | | |
| Pages: | | | | |
| Claims: | | | | |
| Miscellaneous-Filing: | | | | |
| Petition: | | | | |
| Patent-Appeals-and-Interference: | | | | |
| Post-Allowance-and-Post-Issuance: | | | | |
| Extension-of-Time: | | | | |

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|------------------------------------|----------|----------|--------|----------------------|
| Extension - 3 months with \$0 paid | 2253 | 1 | 700 | 700 |
| Miscellaneous: | | | | |
| RCE- 2ND AND SUBSEQUENT REQUEST | 2820 | 1 | 950 | 950 |
| Total in USD (\$) | | | | 1650 |

Electronic Acknowledgement Receipt

| | |
|---------------------------------------------|--------------------------------------------------|
| EFS ID: | 33216483 |
| Application Number: | 15049060 |
| International Application Number: | |
| Confirmation Number: | 2423 |
| Title of Invention: | Biometric Personal Data Key (PDK) Authentication |
| First Named Inventor/Applicant Name: | John J. Giobbi |
| Customer Number: | 89194 |
| Filer: | Matthew M. Holmes |
| Filer Authorized By: | |
| Attorney Docket Number: | 10001-05488 US |
| Receipt Date: | 18-JUL-2018 |
| Filing Date: | 20-FEB-2016 |
| Time Stamp: | 16:43:56 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

| | |
|------------------------------------------|-----------------------|
| Submitted with Payment | yes |
| Payment Type | CARD |
| Payment was successfully received in RAM | \$1650 |
| RAM confirmation Number | 071918INTEFSW16451400 |
| Deposit Account | |
| Authorized User | |

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

| | | | | | |
|--|--|--|--|--|--|
| | | | | | |
|--|--|--|--|--|--|

File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|-----------------|----------------------------------------------------|---------------------------------|------------------------------------------|------------------|------------------|
| 1 | Amendment Submitted/Entered with Filing of CPA/RCE | 05488US20180718_Amendme ntE.pdf | 201828 | no | 13 |
| | | | 2aa414c9667f988caa40cde578a1ebe6d0754e57 | | |

Warnings:

Information:

| | | | | | |
|---|-----------------------------------------|-----------------------------------------------------|------------------------------------------|----|---|
| 2 | Request for Continued Examination (RCE) | 05488US20180718_Requestfor ContinuedExamination.pdf | 36340 | no | 3 |
| | | | 2dc3223be80513b7633f89d27c931a4f80007a83 | | |

Warnings:

This is not a USPTO supplied RCE SB30 form.

Information:

| | | | | | |
|---|----------------------|--------------|-------------------------------------------|----|---|
| 3 | Fee Worksheet (SB06) | fee-info.pdf | 32618 | no | 2 |
| | | | 8a7d41caf4a0988b5f914a6e737ff0f40c1a59cd5 | | |

Warnings:

Information:

| | |
|-------------------------------------|--------|
| Total Files Size (in bytes): | 270786 |
|-------------------------------------|--------|

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

FIRST INVENTOR: John J. Giobbi
APPLICATION NO: 15/049,060
FILING DATE: February 20, 2016
TITLE: Biometric Personal Data Key (PDK) Authentication
EXAMINER: Phy Anh Tran Vu
GROUP ART UNIT: 2438
ATTY. DKT. NO: 10001-05488 US
CONFIRMATION NO: 2423

CERTIFICATE OF EFS-WEB TRANSMISSION UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on the date below.

Date: July 18, 2018 By: /Matthew M. Holmes/
Matthew M. Holmes, Reg. No. 65,160

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

AMENDMENT E

Responsive to the Final Office Action mailed on January 18, 2018, which sets a shortened statutory period for response that expires on April 18, 2018, and to the Advisory Action mailed on May 21, 2018, please consider the following remarks. Additionally, a three-month extension is requested and the fee for which is submitted herewith.

IN THE CLAIMS

All pending claims are reproduced below.

1. (Currently Amended) A method comprising:
receiving, at a device, an ID code unique to the device from a third-party trusted authority;
persistently storing biometric data of a legitimate user and ~~[[an]]~~the ID code on ~~[[a]]~~the device;
receiving, from a biometric sensor, scan data from a biometric scan performed using the biometric sensor, the device including the biometric sensor;
comparing, using one or more processors, the scan data to the biometric data;
determining to determine whether the scan data matches the biometric data; and
responsive to a determination that the scan data matches the biometric data,
wirelessly sending the ID code for comparison by a third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority, a ~~financial~~-transaction being completed responsive to the third-party trusted authority successfully authenticating the ID code.
2. (Cancelled).
3. (Currently Amended) The method of claim 1 comprising:
receiving ~~[[the]]~~a request for ~~[[the]]~~biometric verification; and
when the device cannot verify the scan data as being from the legitimate user, the device does not send the ID code.

4. (Previously Presented) The method of claim 1, wherein the biometric data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

5. (Previously Presented) The method of claim 1, wherein the scan data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

6. (Previously Presented) The method of claim 1, wherein the device comprises one or more of a mobile phone, tablet, laptop, mp3 player, mobile gaming device, watch and a key fob.

7. (Currently Amended) The method of claim 1, wherein completing the ~~financial~~ transaction includes accessing an application.

8. (Currently Amended) The method of claim 1, wherein completing the ~~financial~~ transaction includes accessing one or more of a casino machine, a keyless lock, an ATM machine, a web site, a file and a financial account.

9. (Currently Amended) A device comprising:
a persistent storage media that persistently stores biometric data of a legitimate user and an ID code that is unique to the device and received from a trusted third-party authority;
a biometric sensor;

a validation module, coupled to communicate with the persistent storage media, that causes a visual indication, at the device, that a biometric authentication is requested, that receives scan data from a biometric scan performed using ~~[[a]]the~~ biometric sensor for comparison against the biometric data, ~~and~~ that compares the scan data to the biometric data, and determines ~~to determine~~ whether the scan data matches the biometric data; and

a wireless communication module that, responsive to a determination that the scan data matches the biometric data, sends the ID code for comparison by ~~[[a]]the~~ third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority, a ~~financial~~ transaction being completed responsive to the third-party trusted authority successfully authenticating the ID code.

10. (Previously Presented) The device of claim 9, wherein the ID code is transmitted to the third-party trusted authority over a network.

11. (Previously Presented) The device of claim 9, wherein the biometric data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

12. (Previously Presented) The device of claim 9, wherein the scan data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

13. (Previously Presented) The device of claim 9, wherein the device comprises one or more of a mobile phone, tablet, laptop, mp3 player, mobile gaming device, watch and a key fob.

14. (Currently Amended) A system, comprising:

a device that persistently stores biometric data of a legitimate user and an ID code

in the device, wherein the ID code is unique to the device and received from a third-party trusted authority, that causes a visual indication, at the device, that a biometric authentication is requested, that wirelessly sends the ID code to ~~[[a]]~~the third-party trusted authority for authentication responsive to determining that scan data from a biometric scan performed using a biometric sensor matches the biometric data of the legitimate user, wherein a ~~financial~~-transaction is completed responsive to authentication of the ID code by the third-party trusted authority; and

the third-party trusted authority operated by a third party, the third-party trusted authority storing a plurality of legitimate ID codes and authenticating the ID code received based on a comparison of the ID code received and the legitimate ID codes included in the plurality of the legitimate ID codes.

15. (Previously Presented) The system of claim 14, wherein the device receives an authentication request, and in response, requests the biometric scan from a user to generate the scan data and, when the device cannot verify the scan data as being from the legitimate user, the device does not send the ID code.

16. (Previously Presented) The system of claim 14, wherein the device comprises one or more of a mobile phone, tablet, laptop, mp3 player, mobile gaming device, watch and a key fob.

17. (Previously Presented) The system of claim 14, wherein the biometric data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

18. (Previously Presented) The system of claim 14, wherein the scan data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

19. (Currently Amended) The system of claim 14, wherein completing the ~~financial~~-transaction includes accessing one or more of a casino machine, a keyless lock, an ATM machine, a web site, a file and a financial account.

20. (Currently Amended) The system of claim 14, wherein completing the ~~financial~~-transaction includes accessing an application.

21. (Currently Amended) The method of claim 1, wherein a ~~financial~~-transaction being completed responsive to the third-party trusted authority successfully authenticating the ID code includes the third-party trusted authority sending an indication that the third-party trusted authority authenticated the ID code to another party.

REMARKS

Claims 1 and 3-21 were presented for examination. Claims 1 and 3-21 stand rejected in the Office Action dated January 18, 2018. Claims 1, 3, 7-9, 14, and 19-21 are amended without acquiescing to the propriety of the rejections. Support for the amendments may be found throughout the Applicant's application, e.g., in paragraphs 26, 28, 32, 36 and figure 1. No new matter is added. Claims 1 and 3-21 are pending upon entry of this amendment.

Summary of Office Action

1. Claims 1, 4-7, 9, 14-17 were rejected on the ground of non-statutory double patenting as allegedly being unpatentable over claims 1, 5, 6, 9, 12, and 24-26 of U.S. Patent No. 8,886,954 and claim 1 over claim 1 of U.S. Patent No. 8,352,730, and claims 1, 4, 6-10, 13-17 and 19-20 of the instant application over claims 1, 4-7, 9-10 and 12-18 of Patent No. 9,298,905.

2. Claims 1 and 3-21 were rejected under 35 U.S.C. § 101 because the claimed invention is allegedly not directed to patent eligible subject matter.

3. Claims 1 and 3-21 were rejected under pre-AIA 35 U.S.C. § 103(a) as allegedly being unpatentable over Hsu et al. (U.S. Patent No. 6,041,410, hereinafter "Hsu") in view of Shreve et al. (U.S. Publication No. 2002/0109580, hereinafter "Shreve") and further in view of Flores et al. (U.S. Publication No. 2004/0022384, hereinafter "Flores").

Response to Double Patenting Rejection

Claims 1, 4-7, 9, 14-17 were rejected on the ground of non-statutory double patenting as allegedly being unpatentable over claims 1, 5-6, 9, 12 and 24-26 of U.S. Patent No. 8,886,954 and claim 1 over claim 1 of U.S. Patent No. 8,352,730, and claims 1, 4, 6-10, 13-17 and 19-20 of the instant application over claims 1, 4-7, 9-10 and 12-18 of Patent No. 9,298,905. The Applicant respectfully submits that the rejection is moot as the claims herein are amended, and the amended claims have not been evaluated or rejected on the basis of ground of non-statutory double patenting.

Response to Rejections under 35 U.S.C. § 101

Claims 1 and 3-21 are rejected under 35 U.S.C. § 101 because the claimed invention is allegedly not directed to patent eligible subject matter.

The independent claims are amended herein and have not been evaluated or rejected by the Office under §101. The Applicant respectfully requests that the Office evaluate the amended claims and withdraw the rejection under §101.

Additionally, Applicant respectfully directs the Office to paragraphs [0004]-[0007] in which the Applicant describes short-comings in authentication techniques that rely on a user “providing secret credentials” or use of an “access object” with or without additional use of memorized credentials. Amended claim 1 recites:

receiving, at a device, an ID code unique to the device from a third-party trusted authority;
persistently storing biometric data of a legitimate user and the ID code on the device;
receiving, from a biometric sensor, scan data from a biometric scan performed using the biometric sensor, the device including the biometric sensor;
comparing, using one or more processors, the scan data to the biometric data;

determining whether the scan data matches the biometric data; and responsive to a determination that the scan data matches the biometric data, wirelessly sending the ID code for comparison by a third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority, a transaction being completed responsive to the third-party trusted authority successfully authenticating the ID code.

Therefore, claim 1 is not directed to an abstract idea, but, rather, is directed to a specific improvement in technological process, e.g., authentication.

For at least the forgoing reasons, claim 1 withdrawal of the rejection under §101 is respectfully requested. Moreover, while the rejections under section 101 have been discussed with reference to claim 1, independent claims 9 and 14 are patent eligible for analogous reasons, as are all dependent claims depending from claims 1, 9 and 14. Accordingly, withdrawal of the rejection of claims 1 and 3-21 are rejected under 35 U.S.C. § 101 is respectfully requested.

Response to Rejections under 35 U.S.C. § 103

Claims 1 and 3-21 were rejected under pre-AIA 35 U.S.C. § 103(a) as allegedly being unpatentable over Hsu in view of Shreve, and further in view of Flores.

Applicant's amended claim 1 recites, in part:

receiving, at a device, an ID code unique to the device from a third-party trusted authority;
persistently storing ... the ID code on the device; ... and
responsive to a determination that the scan data matches the biometric data,
wirelessly sending the ID code ...

On page 11 of the Office Action, the Office indicates:

responsive to a determination that the scan data matches the biometric data, wirelessly sending the ID code for comparison by a third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority (*figure 4, step 60, column 7, lines 20-30, CRC is transmitted to the door*).

Therefore, the Office appears to analogize Hsu's CRC to the claimed "ID code." However, the claimed ID code is "unique to the device and received from the third-party trusted authority" and "persistently stor[ed] ... on the device." By contrast, Hsu discloses that the fob includes a cyclic redundancy code (CRC) generator," that generates the CRC, which "uniquely identifies the stored reference image," "from the reference image data," and the "CRC itself is not stored on the fob" and during a registration process "the door stores ... the user's CRC as derived from the user's reference fingerprint." *See Hsu 4:57-58; 5:1-6 and 48-65.*

Therefore, Hsu fails to describe, among other things:

- "[A]n ID code unique to the device," since the CRC uniquely identifies the stored reference image and not the fob. *Hsu 5:51-56.*
- "[A]n ID code [that is received] from a third-party trusted authority" as Hsu describes the CRC is generated by the CRC generator 30 on the fob. *See Hsu 4:57-58, 5:1-5 and 48-56.*
- "[P]ersistently storing ... the ID code on the device," as Hsu explicitly discloses that the "CRC itself is not stored in the fob." *See Hsu 5:57.*

On page 12 of the Office Action, the Office indicates agreement with the failure of Hsu to disclose "persistently storing ... the ID code on the device," and cites paragraph [0034] of Shreve. Specifically, the Office states:

However, Shreve discloses an ID code is persistently stored on a device (*[0034]*, *at least account number or ID code are stored on device*).

However, paragraph [0034] of Shreve describes:

[0034] As noted above, the transceiver device **12** sends a digitally encoded request signal **18** to the domain system **14** either upon initial activation by the user **16** or automatically. As illustrate in detail in **FIG. 2**, each domain system **14** preferably includes a base unit **22** and a service provider **24** that may be either directly or remotely connected to each other. Communication between the RKE fob device **12** and the domain system **14** is established once the base unit **22** receives the encoded request signal **18** from the fob device **12**. The base unit **22** forwards the request signal **18** to the service provider **24**, and the service provider **24**, acting as an issuing authority, determines whether to authorize the user's request and generates an authorization signal **20** corresponding thereto. The service provider **24** then sends the authorization signal **20** to the base unit **22** where the base unit **22** forwards the authorization signal **20** to the user's RKE fob device **12**.

The cited portion of Shreve at most describes “a digitally encoded request signal.”

The cited paragraph does not mention an account number or ID code. Paragraph [0035] of Shreve discloses that the “digitally encoded request signals 18 transmitted by the device 12 to the base unit 22 may be encoded with access codes such as a user identification (ID) code, a user account number ...”.

Neither paragraph [0034] nor [0035] describe that the ID code is either “from a third-party trusted authority” or that the “ID code [is] unique to the device.” Therefore, the proposed combination of fails to disclose each and every element of amended claim 1.

Furthermore, paragraph [0035] does not describe that the ID code is sent, but rather used to encode a request signal. Since something (e.g. a private key) may be used to encode a signal and is not necessarily sent, Shreve fails to disclose that the ID code on the fob is sent. This is problematic since the Office's proposed combination is with the CRC of Hsu, which is explicitly not stored on the fob but is transmitted. Accordingly, amended claim 1, as a whole, is not disclosed by the proposed combination of references, and the proposed

combination appears to be based on impermissible hindsight and lacks a valid motivation to combine an ID code that is stored on a fob and used to encode a signal, but the ID code is not sent, (Shreve) with a CRC that is not stored on a fob, but is transmitted (Hsu), much less does the proposed combination establish that “receiving, at a device, an ID code unique to the device from a third-party trusted authority,” “persistently storing biometric data of a legitimate user and the ID code on the device,” and “wirelessly sending the ID code for comparison by a third-party trusted authority against one or more previously registered ID codes” would be obvious in light of such a proposed combination.

Therefore, claim 1 is patentable over Hsu, whether alone or in combination with the other cited references, Shreve and Flores. The other independent claims, 9 and 14, are amended to contain analogous limitations to claim 1, and are, therefore, patentable for at least the same reasons.

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary since the dependent claims incorporate the elements of the independent claims and are therefore patentable over the cited references for at least the same reasons as those discussed above. Therefore, Applicant’s silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

Applicant respectfully requests withdrawal of the rejection of claims 1 and 3-21 under 35 U.S.C. § 103 and allowance of all claims.

CONCLUSION

Allowance of all claims is requested. If the Examiner believes that direct contact with Applicant's attorney will advance the prosecution of this case, the Examiner is encouraged to contact the undersigned as indicated below.

Respectfully submitted,
JOHN J. GIOBBI

Dated: July 18, 2018 By: /Matthew M. Holmes/
Matthew M. Holmes, Reg. No. 65,160
Attorney for Applicant
PATENT LAW WORKS LLP
310 East 4500 South, Suite 400
Salt Lake City, UT 84107
Tel.: (385) 232-7853
Fax: (801) 355-0160
Email: mholmes@patentlawworks.net

MMH



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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO. Includes sub-tables for EXAMINER, ART UNIT, PAPER NUMBER, NOTIFICATION DATE, DELIVERY MODE.

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@patentlawworks.net
patents@patentlawworks.net

| | | | |
|-----------------------------------------------------------------|--------------------------------------|----------------------------------------|--------------------------------------------------|
| Advisory Action Before the Filing of an Appeal Brief | Application No. 15/049,060 | Applicant(s) GIOBBI, JOHN J. | |
| | Examiner PHY ANH VU | Art Unit 2438 | AIA (First Inventor to File) Status No |

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

THE REPLY FILED 18 April 2018 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

NO NOTICE OF APPEAL FILED

1. The reply was filed after a final rejection. No Notice of Appeal has been filed. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114 if this is a utility or plant application. Note that RCEs are not permitted in design applications. The reply must be filed within one of the following time periods:

- a) The period for reply expires _____ months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action; or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- c) A prior Advisory Action was mailed more than 3 months after the mailing date of the final rejection in response to a first after-final reply filed within 2 months of the mailing date of the final rejection. The current period for reply expires _____ months from the mailing date of the prior Advisory Action or SIX MONTHS from the mailing date of the final rejection, whichever is earlier.

Examiner Note: If box 1 is checked, check either box (a), (b) or (c). ONLY CHECK BOX (b) WHEN THIS ADVISORY ACTION IS THE FIRST RESPONSE TO APPLICANT'S FIRST AFTER-FINAL REPLY WHICH WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. ONLY CHECK BOX (c) IN THE LIMITED SITUATION SET FORTH UNDER BOX (c). See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) or (c) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendments filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- a) They raise new issues that would require further consideration and/or search (see NOTE below);
 - b) They raise the issue of new matter (see NOTE below);
 - c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

- 4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
- 5. Applicant's reply has overcome the following rejection(s): _____.
- 6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
- 7. For purposes of appeal, the proposed amendment(s): (a) will not be entered, or (b) will be entered, and an explanation of how the new or amended claims would be rejected is provided below or appended.

AFFIDAVIT OR OTHER EVIDENCE

- 8. A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
- 9. The affidavit or other evidence filed after final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
- 10. The affidavit or other evidence filed after the date of filing the Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
- 11. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

- 12. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See continuation page.
- 13. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
- 14. Other: _____.

STATUS OF CLAIMS

15. The status of the claim(s) is (or will be) as follows:

- Claim(s) allowed: _____
- Claim(s) objected to: _____
- Claim(s) rejected: 1 and 3-21.
- Claim(s) withdrawn from consideration: _____

/PHY ANH VU/
Examiner, Art Unit 2438

Regarding 101 issues, on pages 8-10, Applicant argues that 1) the Office fails to identify the alleged abstract idea, 2) the Office fails to establish that the claim is directed to a judicially recognized exception and 3) in Classen a claim with "an immunization step that integrates an abstract idea of data comparison into a specific process of immunizing that lowers risk that immunized-patients will later develop chronic immunie-mediated diseases" was identified as eligible.

In response, Examiner respectfully disagrees, and submits that as responded in the Final Office Action dated 1/18/2018, 1) claim 1 is identified as directed to abstract idea, because the steps as recited in claim 1 include storing biometric information, receiving scan data, comparing scan data to stored biometric information, and based on the comparison a determination is made by a third party whether or not to allow user access. These steps are nothing more than data reception, data storage and decisions based on the data, which are well-understood, routine and conventional activities previously known to the industry. Conceptually, these steps are no different from a list of steps written down with pencil and paper for execution by a human being. These steps are similar to the court's decision identified as abstract idea (Classen-collecting and comparing known information), as Classen compares information of a treatment group to a control group.

2) The claimed invention is directed to a judicial exception (i.e., a law of nature, a natural phenomenon, or an abstract idea), without significant more. As indicated in the Final Office Action, claim 1 does not recite additional elements that amount to significantly more than the judicial exception because the limitations are merely instructions to implement the abstract idea on a computer and require no more than a generic computer to perform generic computer functions. A generic computer (or equivalent circuitry) to perform generic computer functions that are well-understood, routine and conventional activities previously known to the industry does not qualify as "significantly more."

3) In Step-Two of Alice/Mayo, the question is whether the claims require "something more" than the abstract idea that is sufficient to serve as a foundation for the invention. This "something more" require an inventive concept - a point of novelty sufficient to transform the idea into a patent eligible invention. In the instant Application, none of the storing, receiving, comparing and sending, were new or inventive. The claims in this case do not include any requirement for performing the claimed functions by use of anything but entirely conventional, generic technology. The claims therefore do not state inventive concept in the realm of application of the information-based abstract ideas. Merely requiring the storing, receiving, comparing and sending, to provide user access, by itself does not transform the otherwise-abstract processes of information collection and comparison. Here, the mere use of a computer does not:

- i) meaningfully limit the judicial exception,
- ii) improve another technology or technical field,
- iii) improve the functioning of a computer itself, or
- iv) add a specific limitation other than what is well-understood, routine, conventional activity in the field or unconventional steps that confine the claim to a particular useful application.

As such, the Applicant's arguments are not persuasive, thus claim 1 and its dependent claims have been identified and rejected under 35 U.S.C. 101 as being non-statutory as being directed to a Judicial Exception without significant more.

Regarding claims 9, 14 and and all their dependent claims, see response to claim 1 above.

Regarding 103 rejections, on page 11, Applicant seems to argue that Hsu alone or in combination with Shreve and Flores fails to disclose "a financial transaction being completed responsive to the third-party trusted authority successfully authenticating the ID code," as recited by claim 1.

In response, Examiner respectfully disagrees. As discussed in the Final Office Action, Hsu clearly discloses among other activities, a financial transaction can be completed by a user once the user has been successfully authenticated (figure 4, column 6, lines 24-34). For instance, when the user wants to carry out a financial transaction with the ATM, the financial transaction begins when the user places his/her finger over the sensor and actuates a switch, the user's finger print is scanned and is compared to the stored reference fingerprint (column 4, lines 40-42). Once the user's fingerprint is determined to match with the stored fingerprint, the financial transaction continues with generating and transmitting the CRC (ID code) to the door (third-party trusted authority)(column 5, line 48-column 6, line 2). At this point, the financial transaction continues with the door authenticating the CRC received. Upon successfully authenticating the CRC, the door is open to allow the financial transaction to be completed by the user. As such, contrasting to the Applicant's argument, Hsu discloses "a financial transaction being completed responsive to the third-party trusted authority successfully authenticating the ID code,"

OK TO ENTER: /P.T.V/

05/16/2018

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

FIRST INVENTOR: John J. Giobbi
APPLICATION NO: 15/049,060
FILING DATE: February 20, 2016
TITLE: Biometric Personal Data Key (PDK) Authentication
EXAMINER: Phy Anh Tran Vu
GROUP ART UNIT: 2438
ATTY. DKT. NO: 10001-05488 US
CONFIRMATION NO: 2423

CERTIFICATE OF EFS-WEB TRANSMISSION UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on the date below.

Date: April 18, 2018 By: /Matthew M. Holmes/
Matthew M. Holmes, Reg. No. 65,160

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

AMENDMENT D

Responsive to the Final Office Action mailed on January 18, 2018, which sets a shortened statutory period for response that expires on April 18, 2018, please consider the following remarks.

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

FIRST INVENTOR: John J. Giobbi
APPLICATION NO: 15/049,060
FILING DATE: February 20, 2016
TITLE: Biometric Personal Data Key (PDK) Authentication
EXAMINER: Phy Anh Tran Vu
GROUP ART UNIT: 2438
ATTY. DKT. NO: 10001-05488 US
CONFIRMATION NO: 2423

CERTIFICATE OF EFS-WEB TRANSMISSION UNDER 37 CFR § 1.8

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on the date below.

Date: April 18, 2018 By: /Matthew M. Holmes/
Matthew M. Holmes, Reg. No. 65,160

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

AMENDMENT D

Responsive to the Final Office Action mailed on January 18, 2018, which sets a shortened statutory period for response that expires on April 18, 2018, please consider the following remarks.

IN THE CLAIMS

All pending claims are reproduced below.

1. (Previously Presented) A method comprising:
persistently storing biometric data of a legitimate user and an ID code on a device;
receiving, from a biometric sensor, scan data from a biometric scan performed
using the biometric sensor;
comparing, using one or more processors, the scan data to the biometric data to
determine whether the scan data matches the biometric data; and
responsive to a determination that the scan data matches the biometric data,
wirelessly sending the ID code for comparison by a third-party trusted
authority against one or more previously registered ID codes maintained
by the third-party trusted authority, a financial transaction being
completed responsive to the third-party trusted authority successfully
authenticating the ID code.
2. (Cancelled).
3. (Previously Presented) The method of claim 1 comprising:
receiving the request for the biometric verification; and
when the device cannot verify the scan data as being from the legitimate user, the
device does not send the ID code.
4. (Previously Presented) The method of claim 1, wherein the biometric data
includes data generated from one or more of a finger, palm, a retina, an iris, a hand
geometry, a face, a signature and a voice.

5. (Previously Presented) The method of claim 1, wherein the scan data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

6. (Previously Presented) The method of claim 1, wherein the device comprises one or more of a mobile phone, tablet, laptop, mp3 player, mobile gaming device, watch and a key fob.

7. (Previously Presented) The method of claim 1, wherein completing the financial transaction includes accessing an application.

8. (Previously Presented) The method of claim 1, wherein completing the financial transaction includes accessing one or more of a casino machine, a keyless lock, an ATM machine, a web site, a file and a financial account.

9. (Previously Presented) A device comprising:
a persistent storage media that persistently stores biometric data of a legitimate user and an ID code;
a validation module, coupled to communicate with the persistent storage media, that causes a visual indication, at the device, that a biometric authentication is requested, that receives scan data from a biometric scan performed using a biometric sensor for comparison against the biometric data and that compares the scan data to the biometric data to determine whether the scan data matches the biometric data; and

a wireless communication module that, responsive to a determination that the scan data matches the biometric data, sends the ID code for comparison by a third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority, a financial transaction being completed responsive to the third-party trusted authority successfully authenticating the ID code.

10. (Previously Presented) The device of claim 9, wherein the ID code is transmitted to the third-party trusted authority over a network.

11. (Previously Presented) The device of claim 9, wherein the biometric data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

12. (Previously Presented) The device of claim 9, wherein the scan data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

13. (Previously Presented) The device of claim 9, wherein the device comprises one or more of a mobile phone, tablet, laptop, mp3 player, mobile gaming device, watch and a key fob.

14. (Previously Presented) A system, comprising:
a device that persistently stores biometric data of a legitimate user and an ID code in the device, that causes a visual indication, at the device, that a biometric

authentication is requested, that wirelessly sends the ID code to a third-party trusted authority for authentication responsive to determining that scan data from a biometric scan performed using a biometric sensor matches the biometric data of the legitimate user, wherein a financial transaction is completed responsive to authentication of the ID code by the third-party trusted authority; and

the third-party trusted authority operated by a third party, the third-party trusted authority storing a plurality of legitimate ID codes and authenticating the ID code received based on a comparison of the ID code received and the legitimate ID codes included in the plurality of the legitimate ID codes.

15. (Previously Presented) The system of claim 14, wherein the device receives an authentication request, and in response, requests the biometric scan from a user to generate the scan data and, when the device cannot verify the scan data as being from the legitimate user, the device does not send the ID code.

16. (Previously Presented) The system of claim 14, wherein the device comprises one or more of a mobile phone, tablet, laptop, mp3 player, mobile gaming device, watch and a key fob.

17. (Previously Presented) The system of claim 14, wherein the biometric data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

18. (Previously Presented) The system of claim 14, wherein the scan data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

19. (Previously Presented) The system of claim 14, wherein completing the financial transaction includes accessing one or more of a casino machine, a keyless lock, an ATM machine, a web site, a file and a financial account.

20. (Previously Presented) The system of claim 14, wherein completing the financial transaction includes accessing an application.

21. (Previously Presented) The method of claim 1, wherein a financial transaction being completed responsive to the third-party trusted authority successfully authenticating the ID code includes the third-party trusted authority sending an indication that the third-party trusted authority authenticated the ID code to another party.

REMARKS

Claims 1 and 3-21 were presented for examination. Claims 1 and 3-21 stand rejected in the Office Action dated January 18, 2018 (herein, "OA"). Applicant traverses the rejections of all claims. No new matter is added. Claims 1 and 3-21 are pending upon entry of this amendment.

Interview Summary

Applicant wishes to thank Examiner Vu for engaging in a telephone interview on April 3, 2018, with Applicant's representative, Matthew Holmes. During the telephone interview, the parties discussed the rejections and possible solutions, including a discussion of the 101 rejections, and a discussion regarding the phrase, "a financial transaction being completed responsive to the third-party trusted authority successfully authenticating the ID code." No agreement was reached.

Summary of Office Action

1. Claims 1, 4-7, 9, 14-17 are rejected on the ground of non-statutory double patenting as allegedly being unpatentable over claims 1, 5, 6, 9, 12, and 24-26 of U.S. Patent No. 8,886,954 and claim 1 over claim 1 of U.S. Patent No. 8,352,730, and claims 1, 4, 6-10, 13-17 and 19-20 of the instant application over claims 1, 4-7, 9-10 and 12-18 of Patent No. 9,298,905.

3. Claims 1 and 3-21 are rejected under 35 U.S.C. § 101 because the claimed invention is allegedly not directed to patent eligible subject matter.

4. Claims 1 and 3-21 are rejected under pre-AIA 35 U.S.C. § 103(a) as allegedly being unpatentable over Hsu et al. (U.S. Patent No. 6,041,410, hereinafter “Hsu”) in view of Shreve et al. (U.S. Publication No. 2002/0109580, hereinafter “Shreve”) and further in view of Flores et al. (U.S. Publication No. 2004/0022384, hereinafter “Flores”).

Response to Double Patenting Rejection

Claims 1, 4-7, 9, 14-17 are rejected on the ground of non-statutory double patenting as allegedly being unpatentable over claims 1, 5-6, 9, 12 and 24-26 of U.S. Patent No. 8,886,954 and claim 1 over claim 1 of U.S. Patent No. 8,352,730, and claims 1, 4, 6-10, 13-17 and 19-20 of the instant application over claims 1, 4-7, 9-10 and 12-18 of Patent No. 9,298,905. Applicant respectfully requests that the double patenting rejection be held in abeyance until it is determined that there is allowable subject matter, at which time Applicant will respond to the rejection or file a terminal disclaimer.

Response to Rejections under 35 U.S.C. § 101

Claims 1 and 3-21 are rejected under 35 U.S.C. § 101 because the claimed invention is allegedly not directed to patent eligible subject matter.

On pages 8-9, the OA states,

“Claim 1 is directed to a method as recited. The method of claim 1 generally includes steps that stores biometric data, receiving a request for biometric data, causing a visual indication, comparing scan data to the stored biometric data, sending codes to a third-party for authentication, receiving an access message from the third-party, and allow user to access application. Collectively, these steps are directed to an abstract idea of itself and is similar to the court’s decision identified as abstract idea (Classen-Collecting and Comparing Known Information). Although claim 1 also recites that the storing in on an integrated device, this does not add anything substantive to the performance of the

method, because the use of computers to hold data, receiving a request for biometric data, comparing scan data to the stored biometric data, sending codes to a third-party for authentication, receiving an access message from the third-party, and allow user to access application is well-established, and is therefore abstract without significant more. The claim does not include additional elements that are sufficient to amount to significantly more than the judicial exception. Based upon consideration of all of the relevant factors with respect to the claim as a whole, claim 1 simply instructs the practitioner to implement the abstract idea with routine conventional activity. A generic computer to perform generic computer functions that are well-understood, routine and conventional activities previously known to the industry does not qualify as significantly more. Therefore, claim 1 and its dependent claims are rejected for the above reason.”

As an initial matter, the Office fails to identify the alleged abstract idea. The Office merely states “Collectively, these steps are directed to an abstract idea of itself and is similar to the court’s decision identified as abstract idea (Classen-Collecting and Comparing Known Information),” but does not articulate what the “abstract idea of itself” is alleged to be. For at least this reason, withdrawal of the rejection and allowance of the claims or a new office action articulating the alleged abstract idea is respectfully requested.

Additionally, with regard to step 2A, the Office fails to establish that the claim is directed to a judicially recognized exception. As noted above, the Office fails to identify the alleged abstract idea itself, and, therefore, also fails to make a prima facie case of subject matter eligibility. If it was the Office’s intent to allege that the abstract idea is comparing known information, the Applicant respectfully submits that, while the claim recites comparing, the claim when considered as a whole is not directed to a comparison, and is, therefore, subject matter eligible under step 2A.

Furthermore, Applicant respectfully points out that the collecting and comparing known information that was identified as ineligible, in *Classen*, was “comparing the incidence, prevalence, frequency or severity of said chronic immune-mediated disorder or

the level of a marker of such a disorder, in the treatment group, with that in the control group.” However, *Classen* identified, as patent eligible, a claim with “an immunization step that integrates an abstract idea of data comparison into a specific process of immunizing that lowers the risk that immunized patients will later develop chronic immune-mediated diseases.” See MPEP 2106.05(A) and *Classen Immunotherapies Inc. v. Biogen IDEC*, 659 F.3d 1057, 1066-68, 100 USPQ2d 1492, 1499-1502 (Fed. Cir. 2011).

Applicant’s claim 1 recites “responsive to a determination that the scan data matches the biometric data, wirelessly sending the ID code ... a financial transaction being completed responsive to the third party trusted authority successfully authenticating the ID code.” Therefore, the claim integrates the result of the analysis into a specific and tangible method (e.g. sending an ID code and/or a process for completing a transaction), which is analogous to the immunization step in *Classen*. Claim 1 is, therefore, more analogous to the claims indicated as subject eligible under step 2B in *Classen*, and is patent eligible for at least this reason.

While the rejections under section 101 have been discussed with reference to claim 1, independent claims 9 and 14 are patent eligible for analogous reasons, as are all dependent claims depending from claims 1, 9 and 14. Accordingly, withdrawal of the rejection of claims 1 and 3-21 are rejected under 35 U.S.C. § 101 is respectfully requested.

Response to Rejections under 35 U.S.C. § 103

Claims 1 and 3-21 are rejected under pre-AIA 35 U.S.C. § 103(a) as allegedly being unpatentable over Hsu in view of Shreve, and further in view of Flores.

Claim 1 recites, in part, “a financial transaction being completed **responsive to the third-party trusted authority** successfully authenticating the ID code.” On page 3, the OA states, “Hsu discloses in an example that if a user wants access to an ATM to carry out a financial transaction, the user must first be successfully authenticating by a third-party trusted authority, which is in a form of a door (figure 4; column 5, line 65-column 6, lines 2, and 24-34) using CRC. Once the door has successfully authenticating the user using the CRC, then the user is permitted to carry out [the] desired financial transaction (column 6, lines 24-34; column 7, lines 32-34). Thus it is clear, that a financial transaction being completed has to be in respons[e] to an indication that the third-party trusted authority [is]successfully authenticating the ID code.”

Furthermore, on page 11, the OA states, “Once the door has successfully authenticat[ed] the user using the CRC, then the user is permitted to carry out [the] desired financial transaction.” Applicant respectfully disagrees.

Below, are the referenced portions of Hsu.

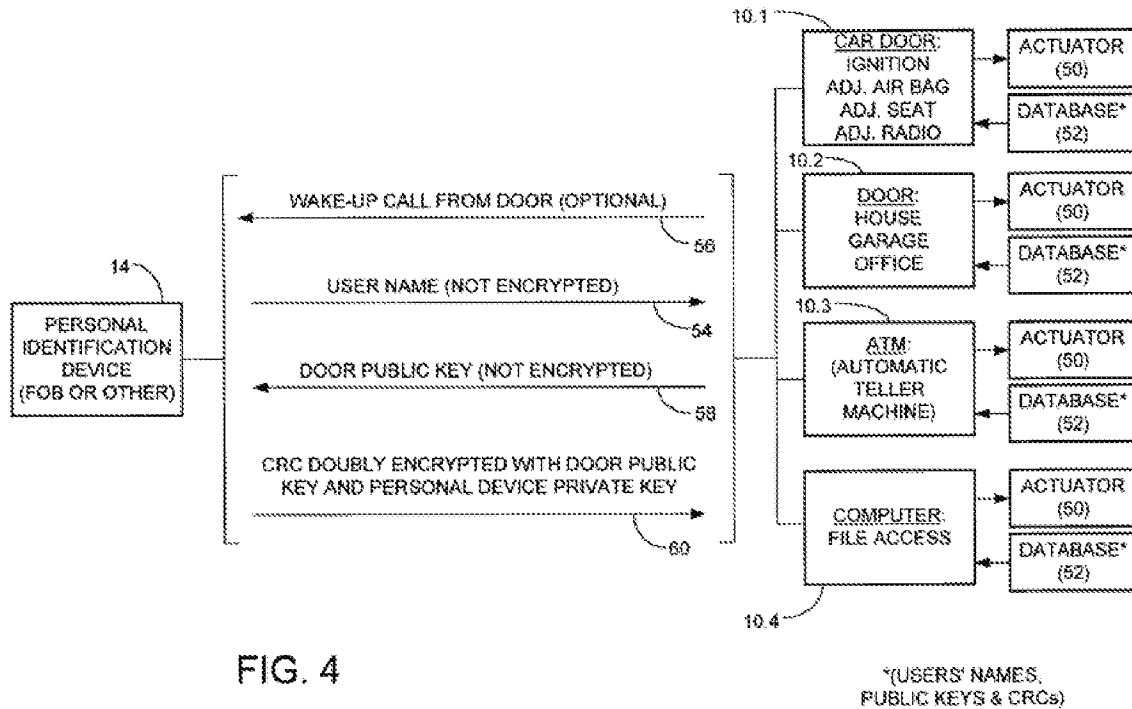


FIG. 4

CRC as derived from the user's reference fingerprint. If the door 10 provides access to a financial institution, for example, the user will register by bringing his or her fob 14

to the institution, and transmitting the fingerprint CRC from the fob to the door receiver 15. In the registration mode, the

FIG. 4 shows the communications that pass between the fob 14 or other personal identification device and a door 10, four different forms of which are shown, including a car door 10.1, a building door 10.2, an automatic teller machine (ATM) 10.3, and a computer 10.4. Each door 10 has an actuator 50, to perform some desired operation, such as opening the door, and each door also has a database 52 in which is stored the user name, the user fob public encryption key and the user CRC, for each user registered to use the door.

to the door. If there is a match, the door 10 signals its actuator 50 to open the door or to perform some other desired operation.

The cited portions of Hsu, at most, describe "communications that pass between the fob 14 ... and a door 10" to "an automatic teller machine (ATM)." Further, if the code

from the fob matches the authentication database, “the door 10 signals its actuator 50 to open the door.” A door controlling physical access to an ATM machine does not explicitly describe anything about a financial transaction responsive to the door authenticating the user, much less “a financial transaction being completed **responsive to** the third-party trusted authority successfully authenticating the ID code,” as recited by claim 1.

Additionally, Hsu does not inherently describe “a financial transaction being completed responsive to the third-party trusted authority successfully authenticating the ID code,” as a financial transaction is not necessarily completed when “the door 10 signals its actuator 50 to open the door.” This is evident because the user may choose one of several actions including, for example, (1) entering through the door and gaining physical access to the ATM machine, but not being able to authorize a transaction on the ATM machine, (2) choosing to immediately abandon the effort, and not even enter the door (e.g., user receives an important alert at that moment and immediately returns home), and (3) entering the door, then exiting without interacting with the ATM machine (e.g., the user just ducked into the ATM room to avoid inclement weather). While Hsu describes using the fob to gain physical access to the ATM, Hsu does not describe that the user of the fob, once having physical access to the machine, is “permitted to carry out [the] desired financial transaction,” much less that a financial transaction is completed responsive to door 10 authenticating that fob. Accordingly, Hsu fails to disclose or suggest “a financial transaction being completed **responsive to** the third-party trusted authority successfully authenticating the ID code,” as recited by claim 1.

Therefore, claim 1 is patentable over Hsu, whether alone or in combination with the other cited references, Shreve and Flores. The other independent claims, 9 and 14,

contain a similar limitation as claim 1 and are therefore patentable for at least the same reasons.

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary since the dependent claims incorporate the elements of the independent claims and are therefore patentable over the cited references for at least the same reasons as those discussed above. Therefore, Applicant's silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

Applicant respectfully requests withdrawal of the rejection of claims 1 and 3-21 under 35 U.S.C. § 103 and allowance of all claims.

CONCLUSION

Allowance of all claims is requested. If the Examiner believes that direct contact with Applicant's attorney will advance the prosecution of this case, the Examiner is encouraged to contact the undersigned as indicated below.

Respectfully submitted,
JOHN J. GIOBBI

Dated: April 18, 2018 By: /Matthew M. Holmes/
Matthew M. Holmes, Reg. No. 65,160
Attorney for Applicant
PATENT LAW WORKS LLP
310 East 4500 South, Suite 400
Salt Lake City, UT 84107
Tel.: (385) 232-7853
Fax: (801) 355-0160
Email: mholmes@patentlawworks.net

MMH:DAD

Electronic Acknowledgement Receipt

| | |
|---------------------------------------------|--------------------------------------------------|
| EFS ID: | 32378828 |
| Application Number: | 15049060 |
| International Application Number: | |
| Confirmation Number: | 2423 |
| Title of Invention: | Biometric Personal Data Key (PDK) Authentication |
| First Named Inventor/Applicant Name: | John J. Giobbi |
| Customer Number: | 89194 |
| Filer: | Matthew M. Holmes |
| Filer Authorized By: | |
| Attorney Docket Number: | 10001-05488 US |
| Receipt Date: | 18-APR-2018 |
| Filing Date: | 20-FEB-2016 |
| Time Stamp: | 18:25:57 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

| | |
|------------------------|----|
| Submitted with Payment | no |
|------------------------|----|

File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|-----------------|-----------------------------|-----------------------------------|--------------------------------------------------------|------------------|------------------|
| 1 | Response After Final Action | 05488US20180418Amendment D.pdf | 152635 3041e03f2f4855f080dfae46f1010d3280aba b9e | no | 15 |

Warnings:

Petitioner's Exhibit 1002, Page 1677

Information:

| | |
|-------------------------------------|--------|
| Total Files Size (in bytes): | 152635 |
|-------------------------------------|--------|

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | |
|-----------------------------------------------------------------------------------|---------------------------------------------------|----------------------------------|---------------------------------------|
| PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875 | Application or Docket Number 15/049,060 | Filing Date 02/20/2016 | <input type="checkbox"/> To be Mailed |
|-----------------------------------------------------------------------------------|---------------------------------------------------|----------------------------------|---------------------------------------|

ENTITY: LARGE SMALL MICRO

APPLICATION AS FILED – PART I

| FOR | NUMBER FILED | NUMBER EXTRA | RATE (\$) | FEE (\$) |
|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------|----------|
| <input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small> | N/A | N/A | N/A | |
| <input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small> | N/A | N/A | N/A | |
| <input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small> | N/A | N/A | N/A | |
| TOTAL CLAIMS <small>(37 CFR 1.16(i))</small> | minus 20 = | * | X \$ = | |
| INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small> | minus 3 = | * | X \$ = | |
| <input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small> | If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). | | | |
| <input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small> | | | | |
| * If the difference in column 1 is less than zero, enter "0" in column 2. | | | TOTAL | |

APPLICATION AS AMENDED – PART II

| | (Column 1) | (Column 2) | (Column 3) | PRESENT EXTRA | RATE (\$) | ADDITIONAL FEE (\$) | |
|------------------|-------------------|---------------------------------------------------------------------------------------------------------|------------------------------------|---------------|-----------------|---------------------|--|
| AMENDMENT | 04/18/2018 | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | | | | |
| | | * 20 | Minus | ** 20 | = 0 | X \$50 = 0 | |
| | | * 3 | Minus | ***3 | = 0 | X \$230 = 0 | |
| | | <input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small> | | | | | |
| | | <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small> | | | | | |
| | | | | | TOTAL ADD'L FEE | 0 | |

| | (Column 1) | (Column 2) | (Column 3) | PRESENT EXTRA | RATE (\$) | ADDITIONAL FEE (\$) | |
|------------------|------------|---------------------------------------------------------------------------------------------------------|------------------------------------|---------------|-----------------|---------------------|--|
| AMENDMENT | | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | | | | |
| | | * | Minus | ** | = | X \$ = | |
| | | * | Minus | *** | = | X \$ = | |
| | | <input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small> | | | | | |
| | | <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small> | | | | | |
| | | | | | TOTAL ADD'L FEE | | |

LIE
JAMES MASON

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
15/049,060 02/20/2016 John J. Giobbi 10001-05488 US 2423

89194 7590 04/11/2018
Patent Law Works/Proxense
Greg Sueoka
310 East 4500 South, Suite 400
Salt Lake City, UT 84107

EXAMINER

VU, PHY ANH TRAN

ART UNIT PAPER NUMBER

2438

NOTIFICATION DATE DELIVERY MODE

04/11/2018

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@patentlawworks.net
patents@patentlawworks.net

| | | | |
|----------------------------------------------|--------------------------------------|----------------------------------------|--|
| Applicant-Initiated Interview Summary | Application No. 15/049,060 | Applicant(s) GIOBBI, JOHN J. | |
| | Examiner PHY ANH VU | Art Unit 2438 | |

All participants (applicant, applicant's representative, PTO personnel):

- (1) PHY ANH VU. (3) Dave Duncan.
(2) Matthew Holmes. (4) _____.

Date of Interview: 03 April 2018.

Type: Telephonic Video Conference
 Personal [copy given to: applicant applicant's representative]

Exhibit shown or demonstration conducted: Yes No.
If Yes, brief description: _____.

Issues Discussed 101 112 102 103 Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 1.

Identification of prior art discussed: _____.

Substance of Interview

(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

Applicant's representative, Mr. Matthew Holmes gave a brief overview of the inventive concept. Mr. Holmes also argued that Hsu does not disclose the limitation "...a financial transaction being completed responsive to the third-party trusted authority successfully authenticating the ID code" to which the Examiner disagreed. No agreement was reached.

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

Attachment

/PHY ANH VU/
Examiner, Art Unit 2438

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

For Discussion Purposes Only; Not for Entry on the Record

INTERVIEW AGENDA

FIRST INVENTOR: John J. Giobbi
APPLICATION NO: 15/049,060
FILING DATE: February 20, 2016
TITLE: Biometric Personal Data Key (PDK) Authentication
EXAMINER: Phy Vu
GROUP ART UNIT: 2438
ATTY. DKT. NO: 10001-05488 US
CONFIRMATION NO: 2423

Time: Tuesday, April 3, 2018; 11:00 AM EST

Participants: Matt Holmes, Reg. No. 65,160; phone: (385) 232-7853

Applicant's Representative would like to discuss the rejections under section 101 including how the present claims differ from those of Classen.

Applicant's Representative would like to discuss the rejections under section 103. More particularly, Applicant's Representative would like to discuss the Examiner's interpretation of the term "responsive" in the claim language "a financial transaction being completed **responsive** to the third-party trusted authority successfully authenticating the ID code." Particularly, Hsu does not appear to disclose that the ATM transaction is responsive to the alleged third-party authentication in the form of the door as argued by the Office on page 3 of the OA.

| | | |
|-------------------------------------------------------------------------------------------------|------------------------|-----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | 15049060 |
| | Filing Date | 2016-02-20 |
| | First Named Inventor | John J. Giobbi |
| | Art Unit | 2438 |
| | Examiner Name | Phy Anh Tran Vu |
| | Attorney Docket Number | 10001-05488 US |

U.S.PATENTS Remove

| Examiner Initial* | Cite No | Patent Number | Kind Code ¹ | Issue Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear |
|-------------------|---------|---------------|------------------------|------------|-------------------------------------------------|------------------------------------------------------------------------|
| | 1 | | | | | |

If you wish to add additional U.S. Patent citation information please click the Add button. Add

U.S.PATENT APPLICATION PUBLICATIONS Remove

| Examiner Initial* | Cite No | Publication Number | Kind Code ¹ | Publication Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear |
|-------------------|---------|--------------------|------------------------|------------------|-------------------------------------------------|------------------------------------------------------------------------|
| | 1 | 20030225703 | | 2003-12-04 | Angel | |

If you wish to add additional U.S. Published Application citation information please click the Add button. Add

FOREIGN PATENT DOCUMENTS Remove

| Examiner Initial* | Cite No | Foreign Document Number ³ | Country Code ² i | Kind Code ⁴ | Publication Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear | T ⁵ |
|-------------------|---------|--------------------------------------|-----------------------------|------------------------|------------------|-------------------------------------------------|------------------------------------------------------------------------|----------------|
| | 1 | | | | | | | |

If you wish to add additional Foreign Patent Document citation information please click the Add button Add

NON-PATENT LITERATURE DOCUMENTS Remove

| Examiner Initials* | Cite No | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published. | T ⁵ |
|--------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| | | | |

| | | |
|-----------------------------------------------------------------------------------------------------|------------------------|-----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | 15049060 |
| | Filing Date | 2016-02-20 |
| | First Named Inventor | John J. Giobbi |
| | Art Unit | 2438 |
| | Examiner Name | Phy Anh Tran Vu |
| | Attorney Docket Number | 10001-05488 US |

| | |
|---|--|
| 1 | |
|---|--|

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

| | | | |
|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

| | | |
|-----------------------------------------------------------------------------------------------------|------------------------|-----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | 15049060 |
| | Filing Date | 2016-02-20 |
| | First Named Inventor | John J. Giobbi |
| | Art Unit | 2438 |
| | Examiner Name | Phy Anh Tran Vu |
| | Attorney Docket Number | 10001-05488 US |

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

| | | | |
|------------|------------------|---------------------|------------|
| Signature | /Paige Alsbury/ | Date (YYYY-MM-DD) | 2018-02-08 |
| Name/Print | Paige M. Alsbury | Registration Number | 72,965 |

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

| | |
|---------------------------------------------|--------------------------------------------------|
| Application Number: | 15049060 |
| Filing Date: | 20-Feb-2016 |
| Title of Invention: | Biometric Personal Data Key (PDK) Authentication |
| First Named Inventor/Applicant Name: | John J. Giobbi |
| Filer: | Paige McDede Alsbury/Kristi LaMont |
| Attorney Docket Number: | 10001-05488 US |

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|------------------------------------------|----------|----------|--------|----------------------|
| Basic Filing: | | | | |
| Pages: | | | | |
| Claims: | | | | |
| Miscellaneous-Filing: | | | | |
| Petition: | | | | |
| Patent-Appeals-and-Interference: | | | | |
| Post-Allowance-and-Post-Issuance: | | | | |
| Extension-of-Time: | | | | |

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|-----------------------------------------|----------|----------|--------|----------------------|
| Miscellaneous: | | | | |
| SUBMISSION- INFORMATION DISCLOSURE STMT | 2806 | 1 | 120 | 120 |
| Total in USD (\$) | | | | 120 |

Electronic Acknowledgement Receipt

| | |
|---------------------------------------------|--------------------------------------------------|
| EFS ID: | 31735506 |
| Application Number: | 15049060 |
| International Application Number: | |
| Confirmation Number: | 2423 |
| Title of Invention: | Biometric Personal Data Key (PDK) Authentication |
| First Named Inventor/Applicant Name: | John J. Giobbi |
| Customer Number: | 89194 |
| Filer: | Paige McDede Alsbury |
| Filer Authorized By: | |
| Attorney Docket Number: | 10001-05488 US |
| Receipt Date: | 08-FEB-2018 |
| Filing Date: | 20-FEB-2016 |
| Time Stamp: | 11:49:41 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

| | |
|------------------------------------------|-----------------------|
| Submitted with Payment | yes |
| Payment Type | CARD |
| Payment was successfully received in RAM | \$120 |
| RAM confirmation Number | 020818INTEFSW11523200 |
| Deposit Account | |
| Authorized User | |

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

| | | | | | |
|--|--|--|--|--|--|
| | | | | | |
|--|--|--|--|--|--|

File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|-----------------|----------------------------------------------------|--------------------------|------------------------------------------|------------------|------------------|
| 1 | Information Disclosure Statement (IDS) Form (SB08) | 05488US_20180208_IDS.pdf | 611964 | no | 4 |
| | | | efb3ed6b804221af09b13ca3e3d33d7b6dbce2f6 | | |

Warnings:

Information:

| | | | | | |
|---|----------------------|--------------|------------------------------------------|----|---|
| 2 | Fee Worksheet (SB06) | fee-info.pdf | 30537 | no | 2 |
| | | | af2c74128434c4f246172a6fde4d3b35f1253bc8 | | |

Warnings:

Information:

| | |
|-------------------------------------|--------|
| Total Files Size (in bytes): | 642501 |
|-------------------------------------|--------|

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
15/049,060 02/20/2016 John J. Giobbi 10001-05488 US 2423

89194 7590 01/18/2018
Patent Law Works/Proxense
Greg Sueoka
201 South Main Street, Suite 250
Salt Lake City, UT 84111

Table with 1 column: EXAMINER

VU, PHY ANH TRAN

Table with 2 columns: ART UNIT, PAPER NUMBER

2438

Table with 2 columns: NOTIFICATION DATE, DELIVERY MODE

01/18/2018

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@patentlawworks.net
patents@patentlawworks.net

DETAILED ACTION

This Office Action is in response to the Arguments filed 10/31/2017.

Notice of Pre-AIA or AIA Status

The present application is being examined under the pre-AIA first to invent provisions.

Response to Arguments

Applicant's arguments filed 10/31/2017 have been fully considered but they are not persuasive.

Regarding 101 rejections, on pages 8-9, Applicant seems to argue that the Examiner fails to identify a judicial exception and also fails to describe how it is similar to what the courts have identified as abstract ideas.

In response, Examiner respectfully disagrees. As detailed in the previous Office Action, claim 1 is directed to a concept of access control by authenticating user's biometric information prior to providing access to the user. The method of claim 1 generally includes steps that stores biometric data, receiving a request for biometric data, causing a visual indication, comparing scan data to the stored biometric data, sending codes to a third-party for authentication, receiving an access message from the third-party, and allow user to access application. These steps similar to the court's decision identified as abstract idea (***Classen-Collecting and Comparing Known Information***). Upon consideration of all of the relevant factors with respect to the claim

Art Unit: 2438

as a whole, claim 1 simply instructs the practitioner to implement the abstract idea with routine conventional activity. A generic computer to perform generic computer functions that are well- understood, routine and conventional activities previously known to the industry does not qualify as significantly more. Therefore, claim 1 and its dependent claims are rejected for the above reason. As such, Applicant's argument is not persuasive.

Regarding claim 1, on pages 9-11, Applicant seems to argue that Hsu does not disclose "a financial transaction [is] completed responsive to the third-party trusted authority successfully authenticating the ID code.

In response, Examiner respectfully disagrees, and Applicant is reminded that column 1, lines 10-20 portion that the Applicant cited in Hsu is located under the "Background of The Invention" of Hsu, in which Hsu's invention is to improve upon. As clearly discussed in the previous Office Action, Hsu does not explicitly disclose a financial transaction being completed responsive to an indication that the third-party trusted authority successfully authenticating the ID code. However, it is inherent that a financial transaction being completed is in responsive to an indication that the third-party trusted authority successfully authenticating the ID code. As Hsu discloses in an example that if a user wants access to an ATM to carry out a financial transaction, the user must first be successfully authenticating by a third-party trusted authority, which is in a form of a door (*figure 4; column 5, line 65-column 6, lines 2, and 24-34*) using CRC. Once the door has successfully authenticating the user using the CRC, then the user is

Art Unit: 2438

permitted to carry out desired financial transaction (*column 6, lines 24-34; column 7, lines 32-34*). Thus it is clear, that a financial transaction being completed has to be in responsive to an indication that the third-party trusted authority successfully authenticating the ID code. As such, contrasting to the Applicant's argument, Hsu clearly discloses the limitation argues above.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting provided the reference application or patent either is shown to be

Art Unit: 2438

commonly owned with the examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP §§ 706.02(l)(1) - 706.02(l)(3) for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/patent/patents-forms. The filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp.

Claims 1, 4-7, 9, and 14-17 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1, 5-6, 9, 12 and 24-26 of U.S. Patent No. 8,886,954, claim 1 of the application over claim 1 of US Patent No. 8,352,730, and claims 1, 4, 6-10, 13-17 and 19-20 of the instant application over claims 1, 4-7, 9-10, and 12-18 of Patent No. 9,298,905 (which was application 14,521,982). Although the claims at issue are not identical, they are not patentably distinct from each other because the scopes of the claims are the same.

| Instant Application | US Patent 8,886,954 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Claim 1:</p> <p>A method comprising:</p> <p> persistently storing biometric data of a legitimate user and an ID code on a device;</p> <p> receiving from a biometric sensor, scan data from a biometric scan performed using the biometric sensor;</p> <p> comparing, using one or more processors, the scan data to the biometric data to determine whether the scan data matches the biometric data;</p> <p> responsive to a determination that the scan data matches the biometric data, wirelessly sending the ID code for comparison by a third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority, a financial transaction being completed responsive to an indication that the third-party trusted authority successfully authenticated the ID code.</p> | <p>Claim 1:</p> <p>A method comprising:</p> <p> persistently storing biometric data of a user and a plurality of codes and other data values comprising a device ID code uniquely identifying an integrated device and a secret decryption value in a tamper proof format written to a storage element on the integrated device that is not capable of being subsequently altered;</p> <p> responsive to receiving a request for a biometric verification of the user, receiving scan data from a biometric scan;</p> <p> comparing the scan data to the biometric data to determine whether the scan data matches the biometric data;</p> <p> responsive to a determination that the scan data matches the biometric data, wirelessly sending one or more codes and other values from the plurality of codes and other data values for authentication to a third party that operates a trusted authority, wherein the one or more codes and other data values includes the device ID code; and</p> <p> receiving, at an application, an access message from the trusted authority indicating that the trusted authority successfully authenticated the one or more codes and other data values sent to the third party and allowing the user access to the application.</p> |

| Instant Application | US Patent 8,352,730 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Claim 1:</p> <p>A method comprising:</p> <p>persistently storing biometric data of a legitimate user and an ID code on a device;</p> <p>receiving from a biometric sensor, scan data from a biometric scan performed using the biometric sensor;</p> <p>comparing, using one or more processors, the scan data to the biometric data to determine whether the scan data matches the biometric data;</p> <p>responsive to a determination that the scan data matches the biometric data, wirelessly sending the ID code for comparison by a third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority, a financial transaction being completed responsive to an indication that the third-party trusted authority successfully authenticated the ID</p> | <p>Claim 1:</p> <p>A method for verifying a user during authentication of an integrated device, comprising the steps of:</p> <p>persistently storing biometric data of the user and a plurality of codes and other data values comprising a device ID code uniquely identifying the integrated device and a secret decryption value in a tamper proof format written to a storage element on the integrated device that is unable to be subsequently altered; wherein the biometric data is selected from a group consisting of a palm print, a retinal scan, an iris scan, a hand geometry, a facial recognition, a signature recognition and a voice recognition;</p> <p>responsive to receiving a request for a biometric verification of the user, receiving scan data from a biometric scan;</p> <p>comparing the scan data to the biometric data to determine whether the scan data matches the biometric data;</p> <p>responsive to a determination that the scan data matches the biometric data, wirelessly sending one or more codes from the plurality of codes and the other data values for authentication by an agent that is a third-party trusted authority possessing a list of device ID codes uniquely identifying legitimate integrated devices, wherein the one or more codes</p> |

| | |
|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>code.</p> | <p>and other data values includes the device ID code; and responsive to authentication of the one or more codes and the other data values by the agent, receiving an access message from the agent allowing the user access to an application, wherein the application is selected from a group consisting of a casino machine, a keyless lock, a garage door opener, an ATM machine, a hard drive, computer software, a web site and a file.</p> |
|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 and 3-21 are rejected under 35 U.S.C. because the claimed invention is not directed to patent eligible subject matter. Based upon consideration of all of the relevant factors with respect to the claim as a whole, claims 1-20 are determined to be directed to an abstract idea. The rationale for this determination is explained below:

Claim 1 is directed to a method as recited. The method of claim 1 generally includes steps that stores biometric data, receiving a request for biometric data, causing a visual indication, comparing scan data to the stored biometric data, sending codes to a third-party for authentication, receiving an access message from the third-party, and

Art Unit: 2438

allow user to access application. Collectively, these steps are directed to an abstract idea of itself and is similar to the court's decision identified as abstract idea (***Classen-Collecting and Comparing Known Information***). Although claim 1 also recites that the storing in on an integrated device, this does not add anything substantive to the performance of the method, because the use of computers to hold data, receiving a request for biometric data, comparing scan data to the stored biometric data, sending codes to a third-party for authentication, receiving an access message from the third-party, and allow user to access application is well-established, and is therefore abstract without significant more. The claim does not include additional elements that are sufficient to amount to significantly more than the judicial exception. Based upon consideration of all of the relevant factors with respect to the claim as a whole, claim 1 simply instructs the practitioner to implement the abstract idea with routine conventional activity. A generic computer to perform generic computer functions that are well-understood, routine and conventional activities previously known to the industry does not qualify as significantly more. Therefore, claim 1 and its dependent claims are rejected for the above reason.

Claims 9 and 14 are directed to device and system that have functionalities corresponding substantially to the method of claims 1, 3-8 and 21. These functionalities are directed to an abstract idea for similar reasons as detailed above with respect to claims 1, 3-8 and 21 above. The claims only recite performing the functions at a high level of generality relating to the abstract idea such that substantially all practical applications are covered.

Art Unit: 2438

Therefore, these claims and their dependent claims 10-13 and 15-20 would also preempt substantially all practical applications of the abstract idea, and therefore the claims are not patent eligible.

Claim Rejections - 35 USC § 103

The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3-21 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Hsu et al. (US Patent 6,041,410 hereinafter Hsu,) Shreve et al. (US 2002/0109580 A1-hereinafter Shreve) and further in view of Flores et al. (US 2004/0022384 A1-hereinafter Flores).

Regarding claim 1, Hsu discloses a method comprising:

persistently storing biometric data of a legitimate user on a device (*figure 3; element 32, column 4, lines 15-25; column 7, lines 6-9, and 63-65, user's biometric information is stored in fob*);

responsive to receiving a request for a biometric verification of a user, receiving, from a biometric sensor, scan data from a biometric scan performed using the biometric sensor (*column 4, lines 40-45, fingerprint from sensor is received*);

Art Unit: 2438

comparing, using one or more processors, the scan data to the biometric data to determine whether the scan data matches the biometric data (*column 4, lines 40-45; received fingerprint is compared to a reference fingerprint image*);

responsive to a determination that the scan data matches the biometric data, wirelessly sending the ID code for comparison by a third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority (*figure 4, step 60, column 7, lines 20-30, CRC is transmitted to the door*).

Hsu does not explicitly disclose causing, at the device, a visual indication that the biometric verification of the user is requested, the ID code is persistently stored on a device and a financial transaction being completed responsive to an indication that the third-party trusted authority successfully authenticating the ID code.

However, it is inherent that a financial transaction being completed is in responsive to an indication that the third-party trusted authority successfully authenticating the ID code. As Hsu discloses in an example that if a user wants access to an ATM to carry out a financial transaction, the user must first be successfully authenticating by a third-party trusted authority, which is in a form of a door (*figure 4; column 5, line 65-column 6, lines 2, and 24-34*) using CRC. Once the door has successfully authenticating the user using the CRC, then the user is permitted to carry out desired financial transaction (*column 6, lines 24-34; column 7, lines 32-34*). Thus it is clear, that a financial transaction being completed has to be in responsive to an indication that the third-party trusted authority successfully authenticating the ID code.

Hsu does not disclose causing, at the device, a visual indication that the biometric verification of the user is requested and the ID code is persistently stored on the device.

However, Shreve discloses an ID code is persistently stored on a device (*[0034], at least account number or ID code are stored on device*).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the feature discloses by Shreve into the method of Hsu to provide a quick and convenient way of authenticating users while enhancing the security level of the method.

Hsu and Shreve do not explicitly disclose causing, at the device, a visual indication that the biometric verification of the user is requested.

However, Flores discloses causing at a device a visual indication that biometric verification of the user is requested (*[0025], PDE telephone 110 can provide an audio, visual, and/or a text prompt instructing user that biometric information is required*).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the feature discloses by Flores into the method of Hsu and Shreve to provide a clear indication of the information needed.

Regarding claim 3, Hsu, Shreve and Flores disclose the method of claim 1. Hsu and further discloses receiving the request for the biometric verification (*column 4, lines 40-45, user places a finger over the sensor*); and,

Art Unit: 2438

when the device cannot verify the scan data as being from the legitimate user, the device does not send the ID code (*column 5, lines 42-65, CRC is not generated and sent if fingerprint does not match with the stored fingerprint*).

Regarding claim 4, Hsu, Shreve and Flores disclose the method of claim 1. Hsu further disclose the biometric data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice (*column 4, lines 31-39, fingerprint, print pattern, iris*).

Regarding claim 5, Hsu, Shreve and Flores disclose the method of claim 1. Hsu further discloses the scan data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice (*column 4, lines 31-39, fingerprint, print pattern, iris*).

Regarding claim 6, Hsu, Shreve and Flores disclose the method of claim 1. Hsu further discloses the device comprises one or more of a mobile phone, tablet, laptop, mp3 player, mobile gaming device, watch and a key fob (*figure 1; column 4, lines 26-30, fob*).

Regarding claim 7, Hsu, Shreve and Flores discloses the method of claim 1. Hsu also disclose completing the financial transaction includes accessing an application (*figure 4; column 6, lines 24-34, financial application of the ATM*).

Art Unit: 2438

Regarding claim 8, Hsu, Shreve and Flores disclose the method of claim 1. Hsu also discloses completing the financial transaction includes accessing one or more of a casino machine, a keyless lock, an ATM machine, a web site, a file and a financial account (*figure 4, column 6, lines 24-34, ATM machine*).

Claim 9 is rejected for the same rationale as claim 1 above.

Regarding claim 10, Hsu and Shreve disclose the device of claim 9. Hsu further discloses the ID code is transmitted to the third-party trusted authority over a network (*figure 4; column 7, lines 24-34, CRC is transmitted to door*).

Claim 11 is rejected for the same rationale as claim 4 above.

Claim 12 is rejected for the same rationale as claim 5 above.

Claim 13 is rejected for the same rationale as claim 6 above.

Regarding claim 14, Hsu discloses a system, comprising:

a device that persistently stores biometric data of a legitimate user in the device (*figure 3; element 32, column 4, lines 15-25; column 7, lines 6-9, and 63-65, user's biometric information is stored in fob*), that wirelessly sends the ID code to a third-party trusted authority for authentication responsive to determining that scan data from a biometric scan performed using a biometric sensor matches the biometric data of the legitimate user (*figure 4; step 60, column 4, lines 40-45; column 7, lines 20-30, received*

Art Unit: 2438

fingerprint is compared to a reference fingerprint image, if fingerprint matches with reference fingerprint, CRC is transmitted to the door), and a financial transaction is completed responsive to authentication of the ID code by the third-party trusted authority (column 6, lines 24-34; column 7, lines 32-34, a desired financial operation is done); and

the third-party trusted authority operated by a third party, the third-party trusted authority storing a plurality of legitimate ID codes and authenticating the ID code received based on a comparison of the ID code received and the legitimate ID codes included in the plurality of the legitimate ID codes (*column 5, lines 60-65; column 6, lines 2-4, door stores account number, user name or other identifying information*).

Hsu does not disclose that a visual indication, at the device, that a biometric authentication is requested, and the ID code is persistently stored in the device.

However, Shreve discloses an ID code is persistently stored in a device (*[0034], at least account number or ID code are stored on device*).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the feature discloses by Shreve into the method of Hsu to provide a quick and convenient way of authenticating users while enhancing the security level of the method.

Hsu and Shreve do not explicitly disclose causing, at the device, a visual indication that the biometric verification of the user is requested.

Art Unit: 2438

However, Flores discloses causing at a device a visual indication that biometric verification of the user is requested (*[0025], PDE telephone 110 can provide an audio, visual, and/or a text prompt instructing user that biometric information is required*).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the feature discloses by Flores into the method of Hsu and Shreve to provide a clear indication of the information needed.

Claim 15 is rejected for the same rationale as claim 3 above.

Claim 16 is rejected for the same rationale as claim 6 above.

Claim 17 is rejected for the same rationale as claim 4 above.

Claim 18 is rejected for the same rationale as claim 5 above.


Claim 19 is rejected for the same rationale as claim 8 above.

Claim 20 is rejected for the same rationale as claim 7 above.

Regarding claim 21, Hsu, Shreve and Flores disclose the method of claim 1. Hsu also discloses a financial transaction being completed responsive to the third-party authority successfully authenticating the ID code includes the third-party trusted authority sending an indication that the third-party trusted authority authenticated the ID code to another party (*column 7, lines 17-34, the door sends signal to the actuator to open the door*).

/TAGHI ARANI/

Supervisory Patent Examiner, Art Unit 2438

| | | |
|--------------------------------------------------------------------------------------------------------------|------------------------------------------------|-----------------------------------------------------------------------|
| Search Notes  | Application/Control No. 15049060 | Applicant(s)/Patent Under Reexamination GIOBBI, JOHN J. |
| | Examiner PHY ANH VU | Art Unit 2438 |

| CPC- SEARCHED | | |
|---------------|------|----------|
| Symbol | Date | Examiner |
| | | |

| CPC COMBINATION SETS - SEARCHED | | |
|---------------------------------|------------|----------|
| Symbol | Date | Examiner |
| G06F 21/32 | 03/21/2016 | PVU |
| H04L 63/0861 | 03/21/2016 | PVU |
| H04L 9/321 | 12/22/2016 | PVU |


| US CLASSIFICATION SEARCHED | | | |
|----------------------------|----------|------|----------|
| Class | Subclass | Date | Examiner |
| | | | |

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

| SEARCH NOTES | | |
|-----------------------|--------------------------------------------------------|----------|
| Search Notes | Date | Examiner |
| Inventor names search | 03/21/2016 | PVU |
| Keywords search | 03/21/2016; 12/22/2016; 7/22/2017; 01/04/2018 | PVU |

| INTERFERENCE SEARCH | | | |
|-------------------------|-------------------------|------|----------|
| US Class/ CPC Symbol | US Subclass / CPC Group | Date | Examiner |
| | | | |

| | |
|--|--|
| | |
|--|--|

| | | |
|-----------------------------------------------------------------------------------------------------------------|--------------------------------------------|-------------------------------------------------------------------|
| Index of Claims  | Application/Control No. 15049060 | Applicant(s)/Patent Under Reexamination GIOBBI, JOHN J. |
| | Examiner PHY ANH VU | Art Unit 2438 |

| | |
|---|-----------------|
| ✓ | Rejected |
| = | Allowed |

| | |
|---|-------------------|
| - | Cancelled |
| ÷ | Restricted |

| | |
|---|---------------------|
| N | Non-Elected |
| I | Interference |

| | |
|---|-----------------|
| A | Appeal |
| O | Objected |

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

| CLAIM | | DATE | | | | | | | |
|-------|----------|------------|------------|------------|------------|--|--|--|--|
| Final | Original | 03/21/2016 | 12/23/2016 | 07/22/2017 | 01/04/2018 | | | | |
| | 1 | ✓ | ✓ | ✓ | ✓ | | | | |
| | 2 | | ✓ | - | - | | | | |
| | 3 | | ✓ | ✓ | ✓ | | | | |
| | 4 | | ✓ | ✓ | ✓ | | | | |
| | 5 | | ✓ | ✓ | ✓ | | | | |
| | 6 | | ✓ | ✓ | ✓ | | | | |
| | 7 | | ✓ | ✓ | ✓ | | | | |
| | 8 | | ✓ | ✓ | ✓ | | | | |
| | 9 | | ✓ | ✓ | ✓ | | | | |
| | 10 | | ✓ | ✓ | ✓ | | | | |
| | 11 | | ✓ | ✓ | ✓ | | | | |
| | 12 | | ✓ | ✓ | ✓ | | | | |
| | 13 | | ✓ | ✓ | ✓ | | | | |
| | 14 | | ✓ | ✓ | ✓ | | | | |
| | 15 | | ✓ | ✓ | ✓ | | | | |
| | 16 | | ✓ | ✓ | ✓ | | | | |
| | 17 | | ✓ | ✓ | ✓ | | | | |
| | 18 | | ✓ | ✓ | ✓ | | | | |
| | 19 | | ✓ | ✓ | ✓ | | | | |
| | 20 | | ✓ | ✓ | ✓ | | | | |
| | 21 | | | ✓ | ✓ | | | | |

EAST Search History

EAST Search History (Prior Art)

| Ref # | Hits | Search Query | DBs | Default Operator | Plurals | Time Stamp |
|-------|------|----------------------------------------------------------------------------------------------------|-----------------|------------------|---------|------------------|
| | | (indicat\$4 near10 flash\$4) with (biometric) | US-PGPUB; USPAT | OR | OFF | 2017/07/22 11:31 |
| | | (indicat\$4 with flash\$4) with (biometric) | US-PGPUB; USPAT | OR | OFF | 2017/07/22 11:29 |
| L1 | 1 | "8856539".pn. | US-PGPUB; USPAT | OR | OFF | 2018/01/04 12:29 |
| L2 | 1 | "20090016573".pn. | US-PGPUB; USPAT | OR | OFF | 2018/01/04 12:33 |
| S1 | 1 | "13710109" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 07:38 |
| S2 | 0 | "14521982" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 07:49 |
| S3 | 0 | "14521982" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 07:49 |
| S4 | 0 | "15049060".pn. | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:31 |
| S5 | 3 | "11314199" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:32 |
| S6 | 12 | "8352730" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:33 |
| S7 | 1 | "8352730".pn. | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:34 |
| S8 | 1 | "8886954".pn. | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:43 |
| S9 | 2764 | g06f21/32.cpc. and (biometric with authenticat\$3) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:52 |
| S10 | 1896 | g06f21/32.cpc. and (biometric with authenticat\$3) same (fob device) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:53 |
| S11 | 603 | g06f21/32.cpc. and (biometric with authenticat\$3) same (fob device) and (trusted or third\$party) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:53 |
| S12 | 365 | g06f21/32.cpc. and (biometric with authenticat\$3) same (fob device) and ((trusted | US-PGPUB; | OR | OFF | 2016/03/21 08:54 |

| | | | | | | |
|-----|------|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----|-----|------------------|
| | | or third\$party) with (approv\$3 or authenticat\$3)) | USPAT | | | |
| S13 | 81 | S12 and @ad<"20051220" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:54 |
| S14 | 0 | h04/63/0861cpc. and (biometric with authenticat\$3) same (fob device) and ((trusted or third\$party) with (approv\$3 or authenticat\$3)) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:00 |
| S15 | 0 | h04/63/0861cpc. and (biometric with authenticat\$3) same (fob device) and ((trusted or third\$party) with (approv\$3 or authenticat\$3)) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:00 |
| S16 | 237 | h04/63/0861.cpc. and (biometric with authenticat\$3) same (fob device) and ((trusted or third\$party) with (approv\$3 or authenticat\$3)) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:00 |
| S17 | 38 | S16 and @ad<"20051220" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:01 |
| S18 | 82 | (giobbi).in. | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:03 |
| S19 | 5 | "11292330" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:04 |
| S20 | 1 | "6041410".pn. | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:54 |
| S21 | 311 | "6041410" | US-PGPUB; USPAT | OR | OFF | 2016/12/19 16:05 |
| S22 | 1 | "6041410".pn. | US-PGPUB; USPAT | OR | OFF | 2016/12/19 16:05 |
| S23 | 1 | "15049060" | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:17 |
| S24 | 4 | h04/19/321.cpc. and (transmit\$4 send\$3) near10 (wireless\$3) same ((number ID SSN PIN)) same (financial bank) | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:23 |
| S25 | 1905 | (transmit\$4 send\$3) near10 (wireless\$3) same ((number ID SSN PIN)) same (financial bank) | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:24 |
| S26 | 233 | (transmit\$4 send\$3) near10 (wireless\$3) with ((number ID SSN PIN)) with (financial bank) | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:24 |
| S27 | 39 | S26 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:25 |
| S28 | 604 | (stor\$3 with (code ID account identifier) with fob) | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:39 |
| S29 | 0 | (stor\$3 with (code ID account identifier) with fob) and (trasmit\$4 near10 (code id account identifier)) | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:40 |
| S30 | 401 | (stor\$3 with (code ID account identifier) with | US- | OR | OFF | 2016/12/22 |

| | | | | | | |
|-----|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|----|-----|---------------------|
| | | (fob) and (transmit\$4 near10 (code id account identifier)) | PGPUB; USPAT | | | 11:41 |
| S31 | 107 | S30 and @ad<"20041220" | US- PGPUB; USPAT | OR | OFF | 2016/12/22 11:41 |
| S32 | 1 | "6041410".pn. and fob | US- PGPUB; USPAT | OR | OFF | 2016/12/22 12:57 |
| S33 | 1 | "8886954".pn. | US- PGPUB; USPAT | OR | OFF | 2016/12/23 08:50 |
| S34 | 1 | "8352730".pn..pn. | US- PGPUB; USPAT | OR | OFF | 2016/12/23 08:58 |
| S35 | 2 | "14521982" | US- PGPUB; USPAT | OR | OFF | 2016/12/23 09:00 |
| S36 | 16 | ("6018739" "6025780" "6237848" "7137008" "20010026619" "20020023032" "20020071559" "20020091646" "20020116615" "20020174348" "20030115474" "20030149744" "20030172037" "20040123127" "20050006452" "20120226907").pn. | US- PGPUB; USPAT | OR | OFF | 2016/12/23 09:37 |
| S37 | 12 | ("6237848" "6325285" "7155416" "7278025" "7314164" "7341181" "7424134" "2020104006" "20020104019" "20040098597" "20050001028" "20050105734" "20070084523").pn. | US- PGPUB; USPAT | OR | OFF | 2016/12/23 09:39 |
| S38 | 7 | ("5623552" "6728397" "6879966" "7231068" "7349557" "7565329" "8678273").pn. | US- PGPUB; USPAT | OR | OFF | 2016/12/23 09:40 |
| S39 | 1 | "20040128162".pn. | US- PGPUB; USPAT | OR | OFF | 2017/07/22 11:37 |
| S40 | 563 | (biometric near3 prompt) | US- PGPUB; USPAT | OR | OFF | 2017/07/22 12:49 |
| S41 | 1 | (biometric near3 prompt) with (light) | US- PGPUB; USPAT | OR | OFF | 2017/07/22 12:49 |
| S42 | 63 | S40 and @ad<"20041220" | US- PGPUB; USPAT | OR | OFF | 2017/07/22 12:50 |

EAST Search History (Interference)

< This search history is empty >

1/ 4/ 2018 12:37:57 PM**C:\Users\pvu3\Documents\EAST\Workspaces\15049060.wsp**

Doc code: IDS
 Doc description: Information Disclosure Statement (IDS) Filed

PTO/SB/08a (03-15)
 Approved for use through 07/31/2016. OMB 0651-0031
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| | | |
|-------------------------------------------------------------------------------------------------|------------------------|-----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | 15049060 |
| | Filing Date | 2016-02-20 |
| | First Named Inventor | John J. Giobbi |
| | Art Unit | 2438 |
| | Examiner Name | Phy Anh Tran Vu |
| | Attorney Docket Number | 10001-05488 US |

| U.S.PATENTS | | | | | | | Remove |
|-------------------|---------|---------------|------------------------|------------|-------------------------------------------------|------------------------------------------------------------------------|--------|
| Examiner Initial* | Cite No | Patent Number | Kind Code ¹ | Issue Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear | |
| | 1 | | | | | | |

If you wish to add additional U.S. Patent citation information please click the Add button. Add

| U.S.PATENT APPLICATION PUBLICATIONS | | | | | | | Remove |
|-------------------------------------|---------|--------------------|------------------------|------------------|-------------------------------------------------|------------------------------------------------------------------------|--------|
| Examiner Initial* | Cite No | Publication Number | Kind Code ¹ | Publication Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear | |
| | 1 | 20090016573 | A1 | 2009-01-15 | McAfee, II, et al. | | |

If you wish to add additional U.S. Published Application citation information please click the Add button. Add

| FOREIGN PATENT DOCUMENTS | | | | | | | | Remove |
|--------------------------|---------|--------------------------------------|-----------------------------|------------------------|------------------|-------------------------------------------------|------------------------------------------------------------------------|----------------|
| Examiner Initial* | Cite No | Foreign Document Number ³ | Country Code ² i | Kind Code ⁴ | Publication Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear | T ⁵ |
| | 1 | | | | | | | |

If you wish to add additional Foreign Patent Document citation information please click the Add button. Add

| NON-PATENT LITERATURE DOCUMENTS | | | | | | | Remove |
|---------------------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|--|----------------|
| Examiner Initials* | Cite No | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published. | | | | | T ⁵ |
| | | | | | | | |

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

| | | |
|------------------------|-----------------|--|
| Application Number | 15049060 | |
| Filing Date | 2016-02-20 | |
| First Named Inventor | John J. Giobbi | |
| Art Unit | 2438 | |
| Examiner Name | Phy Anh Tran Vu | |
| Attorney Docket Number | 10001-05488 US | |

| | |
|---|--|
| 1 | |
|---|--|

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

| | | | |
|--------------------|----------------|-----------------|------------|
| Examiner Signature | /PHY ANH T VU/ | Date Considered | 01/04/2018 |
|--------------------|----------------|-----------------|------------|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

Doc code: IDS

PTO/SB/08a (03-15)

Doc description: Information Disclosure Statement (IDS) Filed

Approved for use through 07/31/2016. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| | | | | |
|-------------------------------------------------------------------------------------------------|------------------------|-----------------|------------|--|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | | 15049060 | |
| | Filing Date | | 2016-02-20 | |
| | First Named Inventor | John J. Giobbi | | |
| | Art Unit | 2438 | | |
| | Examiner Name | Phy Anh Tran Vu | | |
| | Attorney Docket Number | 10001-05488 US | | |

| U.S.PATENTS | | | | | | |
|-------------------|---------|---------------|------------------------|------------|-------------------------------------------------|------------------------------------------------------------------------|
| Examiner Initial* | Cite No | Patent Number | Kind Code ¹ | Issue Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear |
| | 1 | 8856539 | | 2014-10-07 | Weiss | |

If you wish to add additional U.S. Patent citation information please click the Add button.

| U.S.PATENT APPLICATION PUBLICATIONS | | | | | | |
|-------------------------------------|---------|--------------------|------------------------|------------------|-------------------------------------------------|------------------------------------------------------------------------|
| Examiner Initial* | Cite No | Publication Number | Kind Code ¹ | Publication Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear |
| | 1 | | | | | |

If you wish to add additional U.S. Published Application citation information please click the Add button.

| FOREIGN PATENT DOCUMENTS | | | | | | | | |
|--------------------------|---------|--------------------------------------|-----------------------------|------------------------|------------------|-------------------------------------------------|------------------------------------------------------------------------|--------------------------|
| Examiner Initial* | Cite No | Foreign Document Number ³ | Country Code ² i | Kind Code ⁴ | Publication Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear | T ⁵ |
| | 1 | | | | | | | <input type="checkbox"/> |

If you wish to add additional Foreign Patent Document citation information please click the Add button

| NON-PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Examiner Initials* | Cite No | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published. | T ⁵ |
| | | | |

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

| | | | |
|------------------------|-----------------|------------|--|
| Application Number | | 15049060 | |
| Filing Date | | 2016-02-20 | |
| First Named Inventor | John J. Giobbi | | |
| Art Unit | 2438 | | |
| Examiner Name | Phy Anh Tran Vu | | |
| Attorney Docket Number | 10001-05488 US | | |

| | | | |
|--|---|--|--------------------------|
| | 1 | | <input type="checkbox"/> |
|--|---|--|--------------------------|

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

| | | | |
|--------------------|----------------|-----------------|------------|
| Examiner Signature | /PHY ANH T VU/ | Date Considered | 01/04/2018 |
|--------------------|----------------|-----------------|------------|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

| | | | | |
|-------------------------------------------------------------------------------------------------|------------------------|-----------------|------------|--|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | | 15049060 | |
| | Filing Date | | 2016-02-20 | |
| | First Named Inventor | John J. Giobbi | | |
| | Art Unit | 2438 | | |
| | Examiner Name | Phy Anh Tran Vu | | |
| | Attorney Docket Number | 10001-05488 US | | |

| U.S.PATENTS | | | | | | |
|-------------------|---------|---------------|------------------------|------------|-------------------------------------------------|------------------------------------------------------------------------|
| Examiner Initial* | Cite No | Patent Number | Kind Code ¹ | Issue Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear |
| | 1 | 8856539 | | 2014-10-07 | Weiss | |

If you wish to add additional U.S. Patent citation information please click the Add button.

| U.S.PATENT APPLICATION PUBLICATIONS | | | | | | |
|-------------------------------------|---------|--------------------|------------------------|------------------|-------------------------------------------------|------------------------------------------------------------------------|
| Examiner Initial* | Cite No | Publication Number | Kind Code ¹ | Publication Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear |
| | 1 | | | | | |

If you wish to add additional U.S. Published Application citation information please click the Add button.

| FOREIGN PATENT DOCUMENTS | | | | | | | | |
|--------------------------|---------|--------------------------------------|-----------------------------|------------------------|------------------|-------------------------------------------------|------------------------------------------------------------------------|--------------------------|
| Examiner Initial* | Cite No | Foreign Document Number ³ | Country Code ² i | Kind Code ⁴ | Publication Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear | T ⁵ |
| | 1 | | | | | | | <input type="checkbox"/> |

If you wish to add additional Foreign Patent Document citation information please click the Add button

| NON-PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| Examiner Initials* | Cite No | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published. | T ⁵ |
| | | | |

| | | |
|-----------------------------------------------------------------------------------------------------|------------------------|-----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | 15049060 |
| | Filing Date | 2016-02-20 |
| | First Named Inventor | John J. Giobbi |
| | Art Unit | 2438 |
| | Examiner Name | Phy Anh Tran Vu |
| | Attorney Docket Number | 10001-05488 US |

| | | | |
|--|---|--|--------------------------|
| | 1 | | <input type="checkbox"/> |
|--|---|--|--------------------------|

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

| | | | |
|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

| | | |
|-----------------------------------------------------------------------------------------------------|------------------------|-----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | 15049060 |
| | Filing Date | 2016-02-20 |
| | First Named Inventor | John J. Giobbi |
| | Art Unit | 2438 |
| | Examiner Name | Phy Anh Tran Vu |
| | Attorney Docket Number | 10001-05488 US |

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

- See attached certification statement.
- The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.
- A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

| | | | |
|------------|------------------|---------------------|------------|
| Signature | /Paige Alsbury/ | Date (YYYY-MM-DD) | 2017-12-21 |
| Name/Print | Paige M. Alsbury | Registration Number | 72,965 |

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

| | |
|---------------------------------------------|--------------------------------------------------|
| Application Number: | 15049060 |
| Filing Date: | 20-Feb-2016 |
| Title of Invention: | Biometric Personal Data Key (PDK) Authentication |
| First Named Inventor/Applicant Name: | John J. Giobbi |
| Filer: | Paige McDede Alsbury/Kate Fayad |
| Attorney Docket Number: | 10001-05488 US |

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|------------------------------------------|----------|----------|--------|----------------------|
| Basic Filing: | | | | |
| Pages: | | | | |
| Claims: | | | | |
| Miscellaneous-Filing: | | | | |
| Petition: | | | | |
| Patent-Appeals-and-Interference: | | | | |
| Post-Allowance-and-Post-Issuance: | | | | |
| Extension-of-Time: | | | | |

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|-----------------------------------------|----------|----------|--------|----------------------|
| Miscellaneous: | | | | |
| SUBMISSION- INFORMATION DISCLOSURE STMT | 2806 | 1 | 90 | 90 |
| Total in USD (\$) | | | | 90 |

Electronic Acknowledgement Receipt

| | |
|---------------------------------------------|--------------------------------------------------|
| EFS ID: | 31306958 |
| Application Number: | 15049060 |
| International Application Number: | |
| Confirmation Number: | 2423 |
| Title of Invention: | Biometric Personal Data Key (PDK) Authentication |
| First Named Inventor/Applicant Name: | John J. Giobbi |
| Customer Number: | 89194 |
| Filer: | Paige McDede Alsbury |
| Filer Authorized By: | |
| Attorney Docket Number: | 10001-05488 US |
| Receipt Date: | 21-DEC-2017 |
| Filing Date: | 20-FEB-2016 |
| Time Stamp: | 18:13:18 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

| | |
|------------------------------------------|-----------------------|
| Submitted with Payment | yes |
| Payment Type | CARD |
| Payment was successfully received in RAM | \$90 |
| RAM confirmation Number | 122217INTEFSW18134500 |
| Deposit Account | |
| Authorized User | |

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

| | | | | | |
|--|--|--|--|--|--|
| | | | | | |
|--|--|--|--|--|--|

File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|-----------------|----------------------------------------------------|----------------------------------------------------------|---------------------------------------------------|------------------|------------------|
| 1 | Information Disclosure Statement (IDS) Form (SB08) | 05488_US_2017_12_21_Information_Disclosure_Statement.pdf | 61129 b1788546853792a6d908bf48575f9d73fb2e258d | no | 4 |

Warnings:

Information:

This is not an USPTO supplied IDS fillable form

| | | | | | |
|---|----------------------|--------------|--------------------------------------------------|----|---|
| 2 | Fee Worksheet (SB06) | fee-info.pdf | 30586 da9ac5e2be78524c1fb16815194e74fabd8e13a | no | 2 |
|---|----------------------|--------------|--------------------------------------------------|----|---|

Warnings:

Information:

| | |
|-------------------------------------|-------|
| Total Files Size (in bytes): | 91715 |
|-------------------------------------|-------|

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

FIRST INVENTOR: John J. Giobbi
APPLICATION NO: 15/049,060
FILING DATE: February 20, 2016
TITLE: Biometric Personal Data Key (PDK) Authentication
EXAMINER: Phy Anh Tran Vu
GROUP ART UNIT: 2438
ATTY. DKT. NO: 10001-05488 US
CONFIRMATION NO: 2423

CERTIFICATE OF EFS-WEB TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on October 31, 2017.

By: /Matthew Holmes/
Matthew Holmes, Reg. No. 65,160

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

AMENDMENT C

Responsive to the Non-Final Office Action mailed on July 31, 2017, which sets a shortened statutory period for response that expires on October 31, 2017, please enter the following amendment and consider the following remarks.

IN THE CLAIMS

All pending claims are reproduced below.

1. (Currently Amended) A method comprising:
persistently storing biometric data of a legitimate user and an ID code on a device;
receiving, from a biometric sensor, scan data from [[the]] a biometric scan performed
using the biometric sensor;
comparing, using one or more processors, the scan data to the biometric data to determine
whether the scan data matches the biometric data; and
responsive to a determination that the scan data matches the biometric data, wirelessly
sending the ID code for comparison by a third-party trusted authority against one
or more previously registered ID codes maintained by the third-party trusted
authority, a financial transaction being completed responsive to the third-party
trusted authority successfully authenticating the ID code.
2. (Cancelled).
3. (Previously Presented) The method of claim 1 comprising:
receiving the request for the biometric verification; and
when the device cannot verify the scan data as being from the legitimate user, the device
does not send the ID code.
4. (Previously Presented) The method of claim 1, wherein the biometric data
includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a
face, a signature and a voice.

5. (Previously Presented) The method of claim 1, wherein the scan data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

6. (Previously Presented) The method of claim 1, wherein the device comprises one or more of a mobile phone, tablet, laptop, mp3 player, mobile gaming device, watch and a key fob.

7. (Previously Presented) The method of claim 1, wherein completing the financial transaction includes accessing an application.

8. (Previously Presented) The method of claim 1, wherein completing the financial transaction includes accessing one or more of a casino machine, a keyless lock, an ATM machine, a web site, a file and a financial account.

9. (Previously Presented) A device comprising:
a persistent storage media that persistently stores biometric data of a legitimate user and an ID code;
a validation module, coupled to communicate with the persistent storage media, that causes a visual indication, at the device, that a biometric authentication is requested, that receives scan data from a biometric scan performed using a biometric sensor for comparison against the biometric data and that compares the scan data to the biometric data to determine whether the scan data matches the biometric data; and

a wireless communication module that, responsive to a determination that the scan data matches the biometric data, sends the ID code for comparison by a third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority, a financial transaction being completed responsive to the third-party trusted authority successfully authenticating the ID code.

10. (Previously Presented) The device of claim 9, wherein the ID code is transmitted to the third-party trusted authority over a network.

11. (Previously Presented) The device of claim 9, wherein the biometric data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

12. (Previously Presented) The device of claim 9, wherein the scan data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

13. (Previously Presented) The device of claim 9, wherein the device comprises one or more of a mobile phone, tablet, laptop, mp3 player, mobile gaming device, watch and a key fob.

14. (Previously Presented) A system, comprising:
a device that persistently stores biometric data of a legitimate user and an ID code in the device, that causes a visual indication, at the device, that a biometric

authentication is requested, that wirelessly sends the ID code to a third-party trusted authority for authentication responsive to determining that scan data from a biometric scan performed using a biometric sensor matches the biometric data of the legitimate user, wherein a financial transaction is completed responsive to authentication of the ID code by the third-party trusted authority; and the third-party trusted authority operated by a third party, the third-party trusted authority storing a plurality of legitimate ID codes and authenticating the ID code received based on a comparison of the ID code received and the legitimate ID codes included in the plurality of the legitimate ID codes.

15. (Previously Presented) The system of claim 14, wherein the device receives an authentication request, and in response, requests the biometric scan from a user to generate the scan data and, when the device cannot verify the scan data as being from the legitimate user, the device does not send the ID code.

16. (Previously Presented) The system of claim 14, wherein the device comprises one or more of a mobile phone, tablet, laptop, mp3 player, mobile gaming device, watch and a key fob.

17. (Previously Presented) The system of claim 14, wherein the biometric data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

18. (Previously Presented) The system of claim 14, wherein the scan data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

19. (Previously Presented) The system of claim 14, wherein completing the financial transaction includes accessing one or more of a casino machine, a keyless lock, an ATM machine, a web site, a file and a financial account.

20. (Previously Presented) The system of claim 14, wherein completing the financial transaction includes accessing an application.

21. (Previously Presented) The method of claim 1, wherein a financial transaction being completed responsive to the third-party trusted authority successfully authenticating the ID code includes the third-party trusted authority sending an indication that the third-party trusted authority authenticated the ID code to another party.

REMARKS

Claims 1 and 3-21 were presented for examination. Claims 1 and 3-21 stand rejected in the Office Action dated July 31, 2017 (herein, "OA"). Claim 1 is amended. Support for the amendments may be found throughout the specification. No new matter is added. Claims 1 and 3-21 are pending upon entry of this amendment.

Summary of Office Action

1. Claim 1 is objected to for informalities.
2. Claims 1, 4-7, 9, 14-17 are rejected on the ground of non-statutory double patenting as allegedly being unpatentable over claims 1, 5-6, 9, 12 and 24-26 of U.S. Patent No. 8,886,954 and claim 1 over claim 1 of U.S. Patent No. 8,352,730, and claims 1, 4, 6-10, 13-17 and 19-20 of the instant application over claims 1, 4-7, 9-10 and 12-18 of Patent No. 9,298,905.
3. Claims 1 and 3-21 are rejected under 35 U.S.C. § 101 because the claimed invention is allegedly not directed to patent eligible subject matter.
4. Claims 1 and 3-21 are rejected under pre-AIA 35 U.S.C. § 103(a) as allegedly being unpatentable over Hsu et al. (U.S. Patent No. 6,041,410, hereinafter "Hsu") in view of Shreve et al. (U.S. Publication No. 2002/0109580, hereinafter "Shreve") and further in view of Flores et al. (U.S. Publication No. 2004/0022384, hereinafter "Flores").

Response to Claim Objection

Claim 1 is objected to for informalities. Claim 1 is amended as suggested. Applicant respectfully requests withdrawal of the objection.

Response to Double Patenting Rejection

Claims 1, 4-7, 9, 14-17 are rejected on the ground of non-statutory double patenting as allegedly being unpatentable over claims 1, 5-6, 9, 12 and 24-26 of U.S. Patent No. 8,886,954 and claim 1 over claim 1 of U.S. Patent No. 8,352,730, and claims 1, 4, 6-10, 13-17 and 19-20 of the instant application over claims 1, 4-7, 9-10 and 12-18 of Patent No. 9,298,905. Applicant respectfully requests that the double patenting rejection be held in abeyance until it is determined that there is allowable subject matter, at which time Applicant will respond to the rejection or file a terminal disclaimer.

Response to Rejections under 35 U.S.C. § 101

Claims 1 and 3-21 are rejected under 35 U.S.C. § 101 because the claimed invention is allegedly not directed to patent eligible subject matter. On page 8, the OA states:

Claim 1 is directed to a method as recited. The method of claim 1 generally includes steps that stores biometric data, receiving a request for biometric data, causing a visual indication, comparing scan data to the stored biometric data, sending codes to a third-party for authentication, receiving an access message from the third-party, and allow user to access application. These steps are merely abstraction and do not refer or clearly require any particular machine to the steps to be performed. Collectively, these

Applicant respectfully reminds the Examiner that the proper analysis is whether the claim as a whole is directed to a patent ineligible concept. *See e.g.* May 19, 2016 Memo to Patent Examining Corps page 1. Therefore, the OA's analysis of these "these steps" individually is improper and further fails to identify an abstract idea to which the claim as a whole is directed. The OA continues, on page 8 to state:

clearly require any particular machine to the steps to be performed. Collectively, these steps are directed to an abstract idea of itself and is similar to the court's decision identified as abstract idea (***Comparing New and stored information using rules to identify options***). Although claim 1 also recites that the storing in on an integrated

Applicant respectfully reminds the Examiner that the Examiner must identify the judicial exception by referring to what is recited (i.e., set forth or described) in the claim and explain why it is considered an exception. *See e.g.* May 4, 2016 Memo to Patent Examining Corps page 2. In the above cited portion of the OA, the Examiner does not identify a judicial exception, but merely identifies "an abstract idea itself." Since no judicial exception is identified, the OA also fails to explain why it is a judicial and further fails to describe how it is similar to what the courts have identified as abstract ideas. The OA further fails to explain how an "abstract idea itself" is similar to what the courts have identified as abstract ideas. Accordingly, the Examiner fails to establish a prima facie case of subject matter ineligibility and withdrawal of the rejections under section 101 is respectfully requested for all claims.

Response to Rejections under 35 U.S.C. § 103

The rejections under pre-AIA 35 U.S.C. § 103(a) as allegedly being unpatentable over Hsu in view of Shreve and further in view of Flores are traversed herein.

Claim 1 recites, in part, “a financial transaction being completed responsive to the third-party trusted authority successfully authenticating the ID code.” On page 10, the OA indicates that Hsu fails to explicitly disclose this claim element. However, the OA argues inherency.

Specifically, the OA states:

However, it is inherent that a financial transaction being completed is in responsive to an indication that the third-party trusted authority successfully authenticating the ID code. As Hsu discloses in an example that if a user wants access to an ATM to carry out a financial transaction, the user must first be successfully authenticating by a third-party trusted authority, which is in a form of a door (*figure 4; column 5, line 65-column 6, lines 2, and 24-34*) using CRC. Once the door has successfully authenticating the user using the CRC, then the user is permitted to carry out desired financial transaction (*column 6, lines 24-34; column 7, lines 32-34*). Thus it is clear, that a financial transaction being completed has to be in responsive to an indication that the third-party trusted authority successfully authenticating the ID code.

Thus, the OA asserts that the “third party trusted authority [] is in the form of a door.”

However, column 1, lines 10-20 of Hsu discloses:

combination. This traditional approach is, of course, still widely used to limit access to a variety of enclosed spaces, including rooms, buildings, automobiles and safe deposit boxes in banks. In recent years, mechanical locks have been supplanted by electronic ones actuated by encoded plastic cards, as used, for example, for access to hotel room doors, or to bank automatic teller machines (ATMs). In the latter case, the user of the plastic card as a “key” to a bank account must also supply a personal identification number (PIN) before access is granted.

Therefore, Hsu discloses usage “of the plastic card as a “key” to a bank account.” and “supply[ing] a personal identification number (PIN) before access is granted” once a user has

access to an enclosed space occupied by an ATM. Therefore, Hsu does not disclose that “a financial transaction [is] completed responsive to the third-party trusted authority [in the form of a door] successfully authenticating the ID code,” as the OA appears to argue.

Neither Shreve nor Flores remedy the deficiencies of Hsu and the OA does not argue that they do. Accordingly, Applicants respectfully submit that the proposed combination of references fail to disclose each and every element of amended claim 1.

Independent claims 9 and 14 include elements similar to claim 1 and are, therefore, allowable for at least the same reasons. All other claims are dependent on claims 1, 9 and 14, and are therefore allowable for at least the same reasons. Applicant therefore respectfully requests that Examiner withdraw the § 103 rejections for all claims.

CONCLUSION

Allowance of all claims is requested. If the Examiner believes that direct contact with Applicant's attorney will advance the prosecution of this case, the Examiner is encouraged to contact the undersigned as indicated below.

Respectfully submitted,
JOHN J. GIOBBI

Dated: October 31, 2017 By: /Matthew M. Holmes/
Matthew M. Holmes, Reg. No. 65,160
Attorney for Applicant
PATENT LAW WORKS LLP
201 South Main Street, Suite 250
Salt Lake City, UT 84111
Tel.: (385) 232-7853
Fax: (801) 355-0160
Email: mholmes@patentlawworks.net

MMH;

Electronic Acknowledgement Receipt

| | |
|---------------------------------------------|--------------------------------------------------|
| EFS ID: | 30819335 |
| Application Number: | 15049060 |
| International Application Number: | |
| Confirmation Number: | 2423 |
| Title of Invention: | Biometric Personal Data Key (PDK) Authentication |
| First Named Inventor/Applicant Name: | John J. Giobbi |
| Customer Number: | 89194 |
| Filer: | Matthew M. Holmes |
| Filer Authorized By: | |
| Attorney Docket Number: | 10001-05488 US |
| Receipt Date: | 31-OCT-2017 |
| Filing Date: | 20-FEB-2016 |
| Time Stamp: | 19:31:28 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

| | |
|------------------------|----|
| Submitted with Payment | no |
|------------------------|----|

File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|-----------------|----------------------|---------------------------------------|----------------------------------------------------------------------------|------------------|------------------|
| 1 | | 05488US_2017-10-31_Amend mentC.pdf | 717828 <small>dd608356c2ef45df3ec512832be83223581 39a34</small> | yes | 12 |

| Multipart Description/PDF files in .zip description | | | |
|------------------------------------------------------------|--|--------------|------------|
| Document Description | | Start | End |
| Amendment/Req. Reconsideration-After Non-Final Reject | | 1 | 1 |
| Claims | | 2 | 6 |
| Applicant Arguments/Remarks Made in an Amendment | | 7 | 12 |

Warnings:

Information:

| | |
|-------------------------------------|--------|
| Total Files Size (in bytes): | 717828 |
|-------------------------------------|--------|

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | |
|-----------------------------------------------------------------------------------|---------------------------------------------------|----------------------------------|---------------------------------------|
| PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875 | Application or Docket Number 15/049,060 | Filing Date 02/20/2016 | <input type="checkbox"/> To be Mailed |
|-----------------------------------------------------------------------------------|---------------------------------------------------|----------------------------------|---------------------------------------|

ENTITY: LARGE SMALL MICRO

APPLICATION AS FILED – PART I

| FOR | NUMBER FILED | NUMBER EXTRA | RATE (\$) | FEE (\$) |
|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------|----------|
| <input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small> | N/A | N/A | N/A | |
| <input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small> | N/A | N/A | N/A | |
| <input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small> | N/A | N/A | N/A | |
| TOTAL CLAIMS <small>(37 CFR 1.16(i))</small> | minus 20 = | * | X \$ = | |
| INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small> | minus 3 = | * | X \$ = | |
| <input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small> | If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). | | | |
| <input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small> | | | | |
| * If the difference in column 1 is less than zero, enter "0" in column 2. | | | TOTAL | |

APPLICATION AS AMENDED – PART II

| | (Column 1) | (Column 2) | (Column 3) | PRESENT EXTRA | RATE (\$) | ADDITIONAL FEE (\$) |
|------------------|---------------------------------------------------------------------------------------------------------|----------------------------------|------------|------------------------------------|-----------------|---------------------|
| AMENDMENT | 10/31/2017 | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | | |
| | Total <small>(37 CFR 1.16(i))</small> | * 20 | Minus | ** 20 | = 0 | X \$40 = 0 |
| | Independent <small>(37 CFR 1.16(h))</small> | * 3 | Minus | ***3 | = 0 | X \$210 = 0 |
| | <input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small> | | | | | |
| | <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small> | | | | | |
| | | | | | TOTAL ADD'L FEE | 0 |

| | (Column 1) | (Column 2) | (Column 3) | PRESENT EXTRA | RATE (\$) | ADDITIONAL FEE (\$) |
|------------------|---------------------------------------------------------------------------------------------------------|----------------------------------|------------|------------------------------------|-----------------|---------------------|
| AMENDMENT | | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | | |
| | Total <small>(37 CFR 1.16(i))</small> | * | Minus | ** | = | X \$ = |
| | Independent <small>(37 CFR 1.16(h))</small> | * | Minus | *** | = | X \$ = |
| | <input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small> | | | | | |
| | <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small> | | | | | |
| | | | | | TOTAL ADD'L FEE | |

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
ANITA JOHNSON

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

| | | |
|-----------------------------------------------------------------------------------------------------|------------------------|-----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | 15049060 |
| | Filing Date | 2016-02-20 |
| | First Named Inventor | John J. Giobbi |
| | Art Unit | 2438 |
| | Examiner Name | Phy Anh Tran Vu |
| | Attorney Docket Number | 10001-05488 US |

| U.S.PATENTS | | | | | | | Remove |
|-------------------|---------|---------------|------------------------|------------|-------------------------------------------------|------------------------------------------------------------------------|--------|
| Examiner Initial* | Cite No | Patent Number | Kind Code ¹ | Issue Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear | |
| | 1 | | | | | | |

If you wish to add additional U.S. Patent citation information please click the Add button. Add

| U.S.PATENT APPLICATION PUBLICATIONS | | | | | | | Remove |
|-------------------------------------|---------|--------------------|------------------------|------------------|-------------------------------------------------|------------------------------------------------------------------------|--------|
| Examiner Initial* | Cite No | Publication Number | Kind Code ¹ | Publication Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear | |
| | 1 | 20090016573 | A1 | 2009-01-15 | McAfee, II, et al. | | |

If you wish to add additional U.S. Published Application citation information please click the Add button. Add

| FOREIGN PATENT DOCUMENTS | | | | | | | | Remove |
|--------------------------|---------|--------------------------------------|-----------------------------|------------------------|------------------|-------------------------------------------------|------------------------------------------------------------------------|----------------|
| Examiner Initial* | Cite No | Foreign Document Number ³ | Country Code ² i | Kind Code ⁴ | Publication Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear | T ⁵ |
| | 1 | | | | | | | |

If you wish to add additional Foreign Patent Document citation information please click the Add button Add

| NON-PATENT LITERATURE DOCUMENTS | | | | | | | | Remove |
|---------------------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|--|--|----------------|
| Examiner Initials* | Cite No | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published. | | | | | | T ⁵ |
| | | | | | | | | |

| | | |
|-----------------------------------------------------------------------------------------------------|------------------------|-----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | 15049060 |
| | Filing Date | 2016-02-20 |
| | First Named Inventor | John J. Giobbi |
| | Art Unit | 2438 |
| | Examiner Name | Phy Anh Tran Vu |
| | Attorney Docket Number | 10001-05488 US |

| | |
|---|--|
| 1 | |
|---|--|

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

| | | | |
|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

| | | |
|-----------------------------------------------------------------------------------------------------|------------------------|-----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | 15049060 |
| | Filing Date | 2016-02-20 |
| | First Named Inventor | John J. Giobbi |
| | Art Unit | 2438 |
| | Examiner Name | Phy Anh Tran Vu |
| | Attorney Docket Number | 10001-05488 US |

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

| | | | |
|------------|------------------|---------------------|------------|
| Signature | /Paige Alsbury/ | Date (YYYY-MM-DD) | 2017-10-10 |
| Name/Print | Paige M. Alsbury | Registration Number | 72,965 |

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Acknowledgement Receipt

| | |
|---------------------------------------------|--------------------------------------------------|
| EFS ID: | 30606017 |
| Application Number: | 15049060 |
| International Application Number: | |
| Confirmation Number: | 2423 |
| Title of Invention: | Biometric Personal Data Key (PDK) Authentication |
| First Named Inventor/Applicant Name: | John J. Giobbi |
| Customer Number: | 89194 |
| Filer: | Paige McDede Alsbury |
| Filer Authorized By: | |
| Attorney Docket Number: | 10001-05488 US |
| Receipt Date: | 10-OCT-2017 |
| Filing Date: | 20-FEB-2016 |
| Time Stamp: | 12:54:33 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

| | |
|------------------------|----|
| Submitted with Payment | no |
|------------------------|----|

File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|-----------------|----------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|------------------|------------------|
| 1 | Information Disclosure Statement (IDS) Form (SB08) | 05488US2017-10-10-InformationDisclosureStatement.pdf | 1034979 bf97bd54e8c02211e9d0a89593e4885d7a92e59f | no | 4 |

Warnings:

Petitioner's Exhibit 1002, Page 1745

Information:

Total Files Size (in bytes): 1034979

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
15/049,060 02/20/2016 John J. Giobbi 10001-05488 US 2423

89194 7590 07/31/2017
Patent Law Works/Proxense
Greg Sueoka
201 South Main Street, Suite 250
Salt Lake City, UT 84111

EXAMINER

VU, PHY ANH TRAN

ART UNIT PAPER NUMBER

2438

NOTIFICATION DATE DELIVERY MODE

07/31/2017

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@patentlawworks.net
patents@patentlawworks.net

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

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 06/30/2017 has been entered.

Notice of Pre-AIA or AIA Status

The present application is being examined under the pre-AIA first to invent provisions.

Claim Objections

Claim 1 is objected to because of the following informalities:

Claim 1 recites the limitation “..the biometric scan..” in line 5, which should be “..~~the~~ a biometric scan..” “. Appropriate correction is required.

Response to Arguments

Applicant's arguments with respect to claims 1, 9 and 14 have been considered but are moot in view of the new ground(s) of rejections as detailed below.

Regarding 101 issues, on page 8-9, Applicant argues that the amended claim 1 is directed to significantly more than an "abstract idea" because it recites authentication of a user in a certain way with the concrete, computer-implemented actions.

In response, Examiner respectfully disagrees, and submits that claim 1 with the amended feature do not amount to significantly more than an abstract idea because the step of "causing, at the device, a visual indication that the biometric verification of the user is requested" is recited as performing generic computer function routinely used in biometric authentication. The combination of steps/elements is no more than the sum of their parts, and provides nothing more than mere biometric authentication using generic computing/network devices. Therefore, claim 1 does not provide significantly more. See *Fairwarning IP, LLC v. Iatric System, Inc.* (Fed. Cir. 2016) for details; see also *Interlectual Ventures LLC v. Symantec Corp.* (Fed. Cir. 2016) and *Affinity Labs of Texas LLC v. Amazon.com Inc.* (Fed. Cir. 2016).

Regarding claims 9 and 14, please see the arguments for claim 1 above.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference

Art Unit: 2438

claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on nonstatutory double patenting provided the reference application or patent either is shown to be commonly owned with the examined application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP §§ 706.02(l)(1) - 706.02(l)(3) for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/patent/patents-forms. The filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For

Art Unit: 2438

more information about eTerminal Disclaimers, refer to www.uspto.gov/patents/process/file/efs/guidance/eTD-info-I.jsp.

Claims 1, 4-7, 9, and 14-17 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1, 5-6, 9, 12 and 24-26 of U.S. Patent No. 8,886,954, claim 1 of the application over claim 1 of US Patent No. 8,352,730, and claims 1, 4, 6-10, 13-17 and 19-20 of the instant application over claims 1, 4-7, 9-10, and 12-18 of Patent No. 9,298,905 (which was application 14,521,982). Although the claims at issue are not identical, they are not patentably distinct from each other because the scopes of the claims are the same.

| Instant Application | US Patent 8,886,954 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Claim 1:</p> <p>A method comprising:</p> <p style="padding-left: 40px;">persistently storing biometric data of a legitimate user and an ID code on a device;</p> <p style="padding-left: 40px;">responsive to receiving a request for a biometric verification of a user, causing, at the device, a visual indication that the biometric verification of the user is requested, receiving from a biometric sensor, scan data from a biometric scan performed using the biometric sensor;</p> <p style="padding-left: 40px;">comparing, using one or more processors, the</p> | <p>Claim 1:</p> <p>A method comprising:</p> <p style="padding-left: 40px;">persistently storing biometric data of a user and a plurality of codes and other data values comprising a device ID code uniquely identifying an integrated device and a secret decryption value in a tamper proof format written to a storage element on the integrated device that is not capable of being subsequently altered;</p> <p style="padding-left: 40px;">responsive to receiving a request for a biometric verification of the user, receiving scan data from a biometric scan;</p> <p style="padding-left: 40px;">comparing the scan data to the biometric data to determine whether the scan data matches the biometric data;</p> |

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>scan data to the biometric data to determine whether the scan data matches the biometric data;</p> <p>responsive to a determination that the scan data matches the biometric data, wirelessly sending the ID code for comparison by a third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority, a financial transaction being completed responsive to an indication that the third-party trusted authority successfully authenticated the ID code.</p> | <p>responsive to a determination that the scan data matches the biometric data, wirelessly sending one or more codes and other values from the plurality of codes and other data values for authentication to a third party that operates a trusted authority, wherein the one or more codes and other data values includes the device ID code; and</p> <p>receiving, at an application, an access message from the trusted authority indicating that the trusted authority successfully authenticated the one or more codes and other data values sent to the third party and allowing the user access to the application.</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| Instant Application | US Patent 8,352,730 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Claim 1:</p> <p>A method comprising:</p> <p>persistently storing biometric data of a legitimate user and an ID code on a device;</p> <p>responsive to receiving a request for a biometric</p> | <p>Claim 1:</p> <p>A method for verifying a user during authentication of an integrated device, comprising the steps of:</p> <p>persistently storing biometric data of the user and a plurality of codes and other data values comprising a device ID code uniquely identifying the integrated device and a secret decryption value in a tamper proof format written to a storage element on the integrated device that is unable to be subsequently altered; wherein the biometric data is selected from a group consisting of a palm print, a retinal scan, an iris scan, a hand geometry, a facial recognition, a signature recognition and a voice recognition;</p> <p>responsive to receiving a request for a biometric</p> |

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>verification of a user, causing, at the device, a visual indication that the biometric verification of the user is requested, receiving from a biometric sensor, scan data from a biometric scan performed using the biometric sensor;</p> <p>comparing, using one or more processors, the scan data to the biometric data to determine whether the scan data matches the biometric data;</p> <p>responsive to a determination that the scan data matches the biometric data, wirelessly sending the ID code for comparison by a third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority, a financial transaction being completed responsive to an indication that the third-party trusted authority successfully authenticated the ID code.</p> | <p>verification of the user, receiving scan data from a biometric scan;</p> <p>comparing the scan data to the biometric data to determine whether the scan data matches the biometric data;</p> <p>responsive to a determination that the scan data matches the biometric data, wirelessly sending one or more codes from the plurality of codes and the other data values for authentication by an agent that is a third-party trusted authority possessing a list of device ID codes uniquely identifying legitimate integrated devices, wherein the one or more codes and other data values includes the device ID code;</p> <p>and</p> <p>responsive to authentication of the one or more codes and the other data values by the agent,</p> <p>receiving an access message from the agent</p> <p>allowing the user access to an application, wherein the application is selected from a group consisting of a casino machine, a keyless lock, a garage door opener, an ATM machine, a hard drive, computer software, a web site and a file.</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Art Unit: 2438

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 and 3-21 are rejected under 35 U.S.C. because the claimed invention is not directed to patent eligible subject matter. Based upon consideration of all of the relevant factors with respect to the claim as a whole, claims 1-20 are determined to be directed to an abstract idea. The rationale for this determination is explained below:

Claim 1 is directed to a method as recited. The method of claim 1 generally includes steps that stores biometric data, receiving a request for biometric data, causing a visual indication, comparing scan data to the stored biometric data, sending codes to a third-party for authentication, receiving an access message from the third-party, and allow user to access application. These steps are merely abstraction and do not refer or clearly require any particular machine to the steps to be performed. Collectively, these steps are directed to an abstract idea of itself and is similar to the court's decision identified as abstract idea (***Comparing New and stored information using rules to identify options***). Although claim 1 also recites that the storing in on an integrated device, this does not add anything substantive to the performance of the method, because the use of computers to hold data, receiving a request for biometric data, comparing scan data to the stored biometric data, sending codes to a third-party for authentication, receiving an access message from the third-party, and allow user to access application is well-established, and is therefore abstract without significant more. The claim does not include additional elements that are sufficient to amount to significantly more than the judicial exception. Based upon consideration of all of the relevant factors with respect to the claim as a whole, claim 1 simply instructs the

Art Unit: 2438

practitioner to implement the abstract idea with routine conventional activity. A generic computer to perform generic computer functions that are well- understood, routine and conventional activities previously known to the industry does not qualify as significantly more. Therefore, claim 1 and its dependent claims are rejected for the above reason.

Claims 9 and 14 are directed to device and system that have functionalities corresponding substantially to the method of claims 1 and 2-8. These functionalities are directed to an abstract idea for similar reasons as detailed above with respect to claims 1-8 above. The claims only recite performing the functions at a high level of generality relating to the abstract idea such that substantially all practical applications are covered.

Therefore, these claims and their dependent claims 10-13 and 15-20 would also preempt substantially all practical applications of the abstract idea, and therefore the claims are not patent eligible.

Claim Rejections - 35 USC § 103

The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3-21 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Hsu et al. (US Patent 6,041,410 hereinafter Hsu,) Shreve et al. (US 2002/0109580 A1-hereinafter Shreve) and further in view of Flores et al. (US 2004/0022384 A1-hereinafter Flores).

Art Unit: 2438

Regarding claim 1, Hsu discloses a method comprising:

persistently storing biometric data of a legitimate user on a device (*figure 3; element 32, column 4, lines 15-25; column 7, lines 6-9, and 63-65, user's biometric information is stored in fob*);

responsive to receiving a request for a biometric verification of a user, receiving, from a biometric sensor, scan data from a biometric scan performed using the biometric sensor (*column 4, lines 40-45, fingerprint from sensor is received*);

comparing, using one or more processors, the scan data to the biometric data to determine whether the scan data matches the biometric data (*column 4, lines 40-45; received fingerprint is compared to a reference fingerprint image*);

responsive to a determination that the scan data matches the biometric data, wirelessly sending the ID code for comparison by a third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority (*figure 4, step 60, column 7, lines 20-30, CRC is transmitted to the door*).

Hsu does not explicitly disclose causing, at the device, a visual indication that the biometric verification of the user is requested, the ID code is persistently stored on a device and a financial transaction being completed responsive to an indication that the third-party trusted authority successfully authenticating the ID code.

However, it is inherent that a financial transaction being completed is in responsive to an indication that the third-party trusted authority successfully authenticating the ID code. As Hsu discloses in an example that if a user wants access to an ATM to carry out a financial transaction, the user must first be successfully

Art Unit: 2438

authenticating by a third-party trusted authority, which is in a form of a door (*figure 4; column 5, line 65-column 6, lines 2, and 24-34*) using CRC. Once the door has successfully authenticating the user using the CRC, then the user is permitted to carry out desired financial transaction (*column 6, lines 24-34; column 7, lines 32-34*). Thus it is clear, that a financial transaction being completed has to be in responsive to an indication that the third-party trusted authority successfully authenticating the ID code.

Hsu does not disclose causing, at the device, a visual indication that the biometric verification of the user is requested and the ID code is persistently stored on the device.

However, Shreve discloses an ID code is persistently stored on a device (*[0034], at least account number or ID code are stored on device*).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the feature discloses by Shreve into the method of Hsu to provide a quick and convenient way of authenticating users while enhancing the security level of the method.

Hsu and Shreve do not explicitly disclose causing, at the device, a visual indication that the biometric verification of the user is requested.

However, Flores discloses causing at a device a visual indication that biometric verification of the user is requested (*[0025], PDE telephone 110 can provide an audio, visual, and/or a text prompt instructing user that biometric information is required*).

Art Unit: 2438

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the feature disclosed by Flores into the method of Hsu and Shreve to provide a clear indication of the information needed.

Regarding claim 3, Hsu, Shreve and Flores disclose the method of claim 1. Hsu and further discloses receiving the request for the biometric verification (*column 4, lines 40-45, user places a finger over the sensor*); and,

when the device cannot verify the scan data as being from the legitimate user, the device does not send the ID code (*column 5, lines 42-65, CRC is not generated and sent if fingerprint does not match with the stored fingerprint*).

Regarding claim 4, Hsu, Shreve and Flores disclose the method of claim 1. Hsu further discloses the biometric data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice (*column 4, lines 31-39, fingerprint, print pattern, iris*).

Regarding claim 5, Hsu, Shreve and Flores disclose the method of claim 1. Hsu further discloses the scan data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice (*column 4, lines 31-39, fingerprint, print pattern, iris*).

Art Unit: 2438

Regarding claim 6, Hsu, Shreve and Flores disclose the method of claim 1. Hsu further discloses the device comprises one or more of a mobile phone, tablet, laptop, mp3 player, mobile gaming device, watch and a key fob (*figure 1; column 4, lines 26-30, fob*).

Regarding claim 7, Hsu, Shreve and Flores discloses the method of claim 1. Hsu also disclose completing the financial transaction includes accessing an application (*figure 4; column 6, lines 24-34, financial application of the ATM*).

Regarding claim 8, Hsu, Shreve and Flores disclose the method of claim 1. Hsu also discloses completing the financial transaction includes accessing one or more of a casino machine, a keyless lock, an ATM machine, a web site, a file and a financial account (*figure 4, column 6, lines 24-34, ATM machine*).

Claim 9 is rejected for the same rationale as claim 1 above.

Regarding claim 10, Hsu and Shreve disclose the device of claim 9. Hsu further discloses the ID code is transmitted to the third-party trusted authority over a network (*figure 4; column 7, lines 24-34, CRC is transmitted to door*).

Claim 11 is rejected for the same rationale as claim 4 above.

Claim 12 is rejected for the same rationale as claim 5 above.

Claim 13 is rejected for the same rationale as claim 6 above.

Regarding claim 14, Hsu discloses a system, comprising:

a device that persistently stores biometric data of a legitimate user in the device (*figure 3; element 32, column 4, lines 15-25; column 7, lines 6-9, and 63-65, user's biometric information is stored in fob*), that wirelessly sends the ID code to a third-party trusted authority for authentication responsive to determining that scan data from a biometric scan performed using a biometric sensor matches the biometric data of the legitimate user (*figure 4; step 60, column 4, lines 40-45; column 7, lines 20-30, received fingerprint is compared to a reference fingerprint image, if fingerprint matches with reference fingerprint, CRC is transmitted to the door*), and a financial transaction is completed responsive to authentication of the ID code by the third-party trusted authority (*column 6, lines 24-34; column 7, lines 32-34, a desired financial operation is done*); and

the third-party trusted authority operated by a third party, the third-party trusted authority storing a plurality of legitimate ID codes and authenticating the ID code received based on a comparison of the ID code received and the legitimate ID codes included in the plurality of the legitimate ID codes (*column 5, lines 60-65; column 6, lines 2-4, door stores account number, user name or other identifying information*).

Hsu does not disclose that a visual indication, at the device, that a biometric authentication is requested, and the ID code is persistently stored in the device.

Art Unit: 2438

However, Shreve discloses an ID code is persistently stored in a device (*[0034], at least account number or ID code are stored on device*).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the feature discloses by Shreve into the method of Hsu to provide a quick and convenient way of authenticating users while enhancing the security level of the method.

Hsu and Shreve do not explicitly disclose causing, at the device, a visual indication that the biometric verification of the user is requested.

However, Flores discloses causing at a device a visual indication that biometric verification of the user is requested (*[0025], PDE telephone 110 can provide an audio, visual, and/or a text prompt instructing user that biometric information is required*).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the feature discloses by Flores into the method of Hsu and Shreve to provide a clear indication of the information needed.

Claim 15 is rejected for the same rationale as claim 3 above.

Claim 16 is rejected for the same rationale as claim 6 above.

Claim 17 is rejected for the same rationale as claim 4 above.

Claim 18 is rejected for the same rationale as claim 5 above.

Claim 19 is rejected for the same rationale as claim 8 above.

Claim 20 is rejected for the same rationale as claim 7 above.

Art Unit: 2438

Regarding claim 21, Hsu, Shreve and Flores disclose the method of claim 1. Hsu also discloses a financial transaction being completed responsive to the third-party authority successfully authenticating the ID code includes the third-party trusted authority sending an indication that the third-party trusted authority authenticated the ID code to another party (*column 7, lines 17-34, the door sends signal to the actuator to open the door*).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHY ANH VU whose telephone number is (571)270-7317. The examiner can normally be reached on M-F 8:00-2:00pm EST.

Examiner interviews are available via telephone, in-person, and video conferencing using a USPTO supplied web-based collaboration tool. To schedule an interview, applicant is encouraged to use the USPTO Automated Interview Request (AIR) at <http://www.uspto.gov/interviewpractice>.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani can be reached on 571-272-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2438

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.

/PHY ANH VU/
Examiner, Art Unit 2438

| | | | |
|-----------------------------------|---------------------------------------|------------------------------------------------------------|-------------|
| Notice of References Cited | Application/Control No. 15/049,060 | Applicant(s)/Patent Under Reexamination GIOBBI, JOHN J. | |
| | Examiner PHY ANH VU | Art Unit 2438 | Page 1 of 1 |

U.S. PATENT DOCUMENTS

| * | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Name | CPC Classification | US Classification |
|---|--------------------------------------------------|-----------------|--------------------|--------------------|-------------------|
| * | A US-2004/0022384 A1 | 02-2004 | Flores, Romelia H. | H04M3/38 | 379/265.13 |
| B | US- | | | | |
| C | US- | | | | |
| D | US- | | | | |
| E | US- | | | | |
| F | US- | | | | |
| G | US- | | | | |
| H | US- | | | | |
| I | US- | | | | |
| J | US- | | | | |
| K | US- | | | | |
| L | US- | | | | |
| M | US- | | | | |

FOREIGN PATENT DOCUMENTS

| * | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Country | Name | CPC Classification |
|---|--------------------------------------------------|-----------------|---------|------|--------------------|
| N | | | | | |
| O | | | | | |
| P | | | | | |
| Q | | | | | |
| R | | | | | |
| S | | | | | |
| T | | | | | |

NON-PATENT DOCUMENTS

| * | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Country | Name | CPC Classification |
|---|--------------------------------------------------|-------------------------------------------------------------------------------------------|---------|------|--------------------|
| | | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) | | | |
| U | | | | | |
| V | | | | | |
| W | | | | | |
| X | | | | | |

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.




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

BIB DATA SHEET

CONFIRMATION NO. 2423

| | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|--------------------------------|
| SERIAL NUMBER 15/049,060 | FILING or 371(c) DATE 02/20/2016 RULE | CLASS 713 | GROUP ART UNIT 2438 | ATTORNEY DOCKET NO. 10001-05488 US | |
| APPLICANTS Proxense, LLC, Bend, OR; INVENTORS John J. Giobbi, Bend, OR; ** CONTINUING DATA ***** This application is a CON of 14/521,982 10/23/2014 PAT 9298905 which is a CON of 13/710,109 12/10/2012 PAT 8886954 which is a CON of 11/314,199 12/20/2005 PAT 8352730 which claims benefit of 60/652,765 02/14/2005 and claims benefit of 60/637,538 12/20/2004 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 03/07/2016 | | | | | |
| Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and Acknowledged <u>/PHY ANH TRAN VU/</u> Examiner's Signature | <input type="checkbox"/> Met after Allowance Initials | STATE OR COUNTRY OR | SHEETS DRAWINGS 6 | TOTAL CLAIMS 1 | INDEPENDENT CLAIMS 1 |
| ADDRESS Patent Law Works/Proxense Greg Sueoka 201 South Main Street, Suite 250 Salt Lake City, UT 84111 UNITED STATES | | | | | |
| TITLE Biometric Personal Data Key (PDK) Authentication | | | | | |
| FILING FEE RECEIVED 730 | FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following: | | <input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit | | |

| | | |
|--------------------------------------------------------------------------------------------------------------|------------------------------------------------|-----------------------------------------------------------------------|
| Search Notes  | Application/Control No. 15049060 | Applicant(s)/Patent Under Reexamination GIOBBI, JOHN J. |
| | Examiner PHY ANH VU | Art Unit 2438 |

| CPC- SEARCHED | | |
|---------------|------|----------|
| Symbol | Date | Examiner |
| | | |

| CPC COMBINATION SETS - SEARCHED | | |
|---------------------------------|------------|----------|
| Symbol | Date | Examiner |
| G06F 21/32 | 03/21/2016 | PVU |
| H04L 63/0861 | 03/21/2016 | PVU |
| H04L 9/321 | 12/22/2016 | PVU |


| US CLASSIFICATION SEARCHED | | | |
|----------------------------|----------|------|----------|
| Class | Subclass | Date | Examiner |
| | | | |

* See search history printout included with this form or the SEARCH NOTES box below to determine the scope of the search.

| SEARCH NOTES | | |
|-----------------------|-----------------------------------------|----------|
| Search Notes | Date | Examiner |
| Inventor names search | 03/21/2016 | PVU |
| Keywords search | 03/21/2016; 12/22/2016; 7/22/2017 | PVU |

| INTERFERENCE SEARCH | | | |
|-------------------------|-------------------------|------|----------|
| US Class/ CPC Symbol | US Subclass / CPC Group | Date | Examiner |
| | | | |

| | |
|--|--|
| | |
|--|--|

| | | |
|-----------------------------------------------------------------------------------------------------------------|--------------------------------------------|-------------------------------------------------------------------|
| Index of Claims  | Application/Control No. 15049060 | Applicant(s)/Patent Under Reexamination GIOBBI, JOHN J. |
| | Examiner PHY ANH VU | Art Unit 2438 |

| | |
|---|-----------------|
| ✓ | Rejected |
| = | Allowed |

| | |
|---|-------------------|
| - | Cancelled |
| ÷ | Restricted |

| | |
|---|---------------------|
| N | Non-Elected |
| I | Interference |

| | |
|---|-----------------|
| A | Appeal |
| O | Objected |

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

| CLAIM | | DATE | | | | | | | |
|-------|----------|------------|------------|------------|--|--|--|--|--|
| Final | Original | 03/21/2016 | 12/23/2016 | 07/22/2017 | | | | | |
| | 1 | ✓ | ✓ | ✓ | | | | | |
| | 2 | | ✓ | - | | | | | |
| | 3 | | ✓ | ✓ | | | | | |
| | 4 | | ✓ | ✓ | | | | | |
| | 5 | | ✓ | ✓ | | | | | |
| | 6 | | ✓ | ✓ | | | | | |
| | 7 | | ✓ | ✓ | | | | | |
| | 8 | | ✓ | ✓ | | | | | |
| | 9 | | ✓ | ✓ | | | | | |
| | 10 | | ✓ | ✓ | | | | | |
| | 11 | | ✓ | ✓ | | | | | |
| | 12 | | ✓ | ✓ | | | | | |
| | 13 | | ✓ | ✓ | | | | | |
| | 14 | | ✓ | ✓ | | | | | |
| | 15 | | ✓ | ✓ | | | | | |
| | 16 | | ✓ | ✓ | | | | | |
| | 17 | | ✓ | ✓ | | | | | |
| | 18 | | ✓ | ✓ | | | | | |
| | 19 | | ✓ | ✓ | | | | | |
| | 20 | | ✓ | ✓ | | | | | |
| | 21 | | | ✓ | | | | | |

EAST Search History

EAST Search History (Prior Art)

| Ref # | Hits | Search Query | DBs | Default Operator | Plurals | Time Stamp |
|-------|------|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------|------------------|---------|------------------|
| | | (indicat\$4 near10 flash\$4) with (biometric) | US-PGPUB; USPAT | OR | OFF | 2017/07/22 11:31 |
| | | (indicat\$4 with flash\$4) with (biometric) | US-PGPUB; USPAT | OR | OFF | 2017/07/22 11:29 |
| S1 | 1 | "13710109" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 07:38 |
| S2 | 0 | "14521982" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 07:49 |
| S3 | 0 | "14521982" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 07:49 |
| S4 | 0 | "15049060".pn. | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:31 |
| S5 | 3 | "11314199" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:32 |
| S6 | 12 | "8352730" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:33 |
| S7 | 1 | "8352730".pn. | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:34 |
| S8 | 1 | "8886954".pn. | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:43 |
| S9 | 2764 | g06f21/32.cpc. and (biometric with authenticat\$3) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:52 |
| S10 | 1896 | g06f21/32.cpc. and (biometric with authenticat\$3) same (fob device) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:53 |
| S11 | 603 | g06f21/32.cpc. and (biometric with authenticat\$3) same (fob device) and (trusted or third\$party) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:53 |
| S12 | 365 | g06f21/32.cpc. and (biometric with authenticat\$3) same (fob device) and ((trusted or third\$party) with (approv\$3 or authenticat\$3)) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:54 |
| S13 | 81 | S12 and @ad< "20051220" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:54 |
| S14 | 0 | h04/63/0861cpc. and (biometric with | US- | OR | OFF | 2016/03/21 |

| | | | | | | |
|-----|------|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------|----|-----|------------------|
| | | authentica\$3) same (fob device) and ((trusted or third\$party) with (approv\$3 or authentica\$3)) | US-PGPUB; USPAT | | | 09:00 |
| S15 | 0 | h04i63/0861.cpc. and (biometric with authentica\$3) same (fob device) and ((trusted or third\$party) with (approv\$3 or authentica\$3)) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:00 |
| S16 | 237 | h04i63/0861.cpc. and (biometric with authentica\$3) same (fob device) and ((trusted or third\$party) with (approv\$3 or authentica\$3)) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:00 |
| S17 | 38 | S16 and @ad<"20051220" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:01 |
| S18 | 82 | (giobbi).in. | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:03 |
| S19 | 5 | "11292330" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:04 |
| S20 | 1 | "6041410".pn. | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:54 |
| S21 | 311 | "6041410" | US-PGPUB; USPAT | OR | OFF | 2016/12/19 16:05 |
| S22 | 1 | "6041410".pn. | US-PGPUB; USPAT | OR | OFF | 2016/12/19 16:05 |
| S23 | 1 | "15049060" | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:17 |
| S24 | 4 | h04i9/321.cpc. and (transmit\$4 send\$3) near10 (wireless\$3) same ((number ID SSN PIN)) same (financial bank) | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:23 |
| S25 | 1905 | (transmit\$4 send\$3) near10 (wireless\$3) same ((number ID SSN PIN)) same (financial bank) | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:24 |
| S26 | 233 | (transmit\$4 send\$3) near10 (wireless\$3) with ((number ID SSN PIN)) with (financial bank) | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:24 |
| S27 | 39 | S26 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:25 |
| S28 | 604 | (stor\$3 with (code ID account identifier) with fob) | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:39 |
| S29 | 0 | (stor\$3 with (code ID account identifier) with fob) and (trasmit\$4 near10 (code id account identifier)) | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:40 |
| S30 | 401 | (stor\$3 with (code ID account identifier) with fob) and (transmit\$4 near10 (code id account identifier)) | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:41 |
| S31 | 107 | S30 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:41 |
| S32 | 1 | "6041410".pn. and fob | US- | OR | OFF | 2016/12/22 |

| | | | | | | |
|-----|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|----|-----|---------------------|
| | | | PGPUB; USPAT | | | 12:57 |
| S33 | 1 | "8886954".pn. | US- PGPUB; USPAT | OR | OFF | 2016/12/23 08:50 |
| S34 | 1 | "8352730".pn..pn. | US- PGPUB; USPAT | OR | OFF | 2016/12/23 08:58 |
| S35 | 2 | "14521982" | US- PGPUB; USPAT | OR | OFF | 2016/12/23 09:00 |
| S36 | 16 | ("6018739" "6025780" "6237848" "7137008" "20010026619" "20020023032" "20020071559" "20020091646" "20020116615" "20020174348" "20030115474" "20030149744" "20030172037" "20040123127" "20050006452" "20120226907").pn. | US- PGPUB; USPAT | OR | OFF | 2016/12/23 09:37 |
| S37 | 12 | ("6237848" "6325285" "7155416" "7278025" "7314164" "7341181" "7424134" "2020104006" "20020104019" "20040098597" "20050001028" "20050105734" "20070084523").pn. | US- PGPUB; USPAT | OR | OFF | 2016/12/23 09:39 |
| S38 | 7 | ("5623552" "6728397" "6879966" "7231068" "7349557" "7565329" "8678273").pn. | US- PGPUB; USPAT | OR | OFF | 2016/12/23 09:40 |
| S39 | 1 | "20040128162".pn. | US- PGPUB; USPAT | OR | OFF | 2017/07/22 11:37 |
| S40 | 563 | (biometric near3 prompt) | US- PGPUB; USPAT | OR | OFF | 2017/07/22 12:49 |
| S41 | 1 | (biometric near3 prompt) with (light) | US- PGPUB; USPAT | OR | OFF | 2017/07/22 12:49 |
| S42 | 63 | S40 and @ad<"20041220" | US- PGPUB; USPAT | OR | OFF | 2017/07/22 12:50 |

EAST Search History (Interference)

<This search history is empty>

7/ 22/ 2017 3:10:23 PM**C:\Users\pvu3\Documents\EAST\Workspaces\15049060.wsp**

| | | |
|-------------------------------------------------------------------------------------------------|------------------------|-----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | 15049060 |
| | Filing Date | 2016-02-20 |
| | First Named Inventor | John J. Giobbi |
| | Art Unit | 2438 |
| | Examiner Name | Phy Anh Tran Vu |
| | Attorney Docket Number | 10001-05488 US |

| U.S.PATENTS | | | | | | | Remove |
|-------------------|---------|---------------|------------------------|------------|-------------------------------------------------|------------------------------------------------------------------------|--------|
| Examiner Initial* | Cite No | Patent Number | Kind Code ¹ | Issue Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear | |
| | 1 | | | | | | |

If you wish to add additional U.S. Patent citation information please click the Add button.

Add

| U.S.PATENT APPLICATION PUBLICATIONS | | | | | | | Remove |
|-------------------------------------|---------|--------------------|------------------------|------------------|-------------------------------------------------|------------------------------------------------------------------------|--------|
| Examiner Initial* | Cite No | Publication Number | Kind Code ¹ | Publication Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear | |
| | 1 | 20020055908 | | 2002-05-09 | Di Giorgio et al. | | |
| | 2 | 20040039909 | | 2004-02-26 | Cheng | | |
| | 3 | 20050002028 | | 2005-01-06 | Kasapi et al. | | |

If you wish to add additional U.S. Published Application citation information please click the Add button.

Add

| FOREIGN PATENT DOCUMENTS | | | | | | | | Remove |
|--------------------------|---------|--------------------------------------|---------------------------|------------------------|------------------|-------------------------------------------------|------------------------------------------------------------------------|----------------|
| Examiner Initial* | Cite No | Foreign Document Number ³ | Country Code ² | Kind Code ⁴ | Publication Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear | T ⁵ |
| | 1 | | | | | | | |

| | | |
|-----------------------------------------------------------------------------------------------------|------------------------|-----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | 15049060 |
| | Filing Date | 2016-02-20 |
| | First Named Inventor | John J. Giobbi |
| | Art Unit | 2438 |
| | Examiner Name | Phy Anh Tran Vu |
| | Attorney Docket Number | 10001-05488 US |

If you wish to add additional Foreign Patent Document citation information please click the Add button

NON-PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published. | T ⁵ |
|--------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| | 1 | | |

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

| | | | |
|--------------------|--------------|-----------------|------------|
| Examiner Signature | /Phy Anh Vu/ | Date Considered | 07/22/2017 |
|--------------------|--------------|-----------------|------------|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

**REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL
(Submitted Only via EFS-Web)**

| | | | | | | | |
|----------------------|----------------|-------------|------------|-------------------------------|-----------------|----------|------|
| Application Number | 15/049,060 | Filing Date | 2016-02-20 | Docket Number (if applicable) | 10001-05488 US | Art Unit | 2438 |
| First Named Inventor | John J. Giobbi | | | Examiner Name | Phy Anh Tran Vu | | |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, to any international application that does not comply with the requirements of 35 U.S.C. 371, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV.

SUBMISSION REQUIRED UNDER 37 CFR 1.114

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

Other _____

Enclosed

Amendment/Reply

Information Disclosure Statement (IDS)

Affidavit(s)/ Declaration(s)

Other _____

MISCELLANEOUS

Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____ (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

Other _____

FEES

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No _____

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Patent Practitioner Signature

Applicant Signature

| Signature of Registered U.S. Patent Practitioner | | | |
|--------------------------------------------------|--------------------|---------------------|------------|
| Signature | Matthew M. Holmes/ | Date (YYYY-MM-DD) | 2017-06-30 |
| Name | Matthew M. Holmes | Registration Number | 65160 |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

FIRST INVENTOR: John J. Giobbi
APPLICATION NO: 15/049,060
FILING DATE: February 20, 2016
TITLE: Biometric Personal Data Key (PDK) Authentication
EXAMINER: Phy Anh Tran Vu
GROUP ART UNIT: 2438
ATTY. DKT. NO: 10001-05488 US
CONFIRMATION NO: 2423

CERTIFICATE OF EFS-WEB TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system (EFS-Web) to the USPTO on June 30, 2017.

By: /Matthew Holmes/
Matthew Holmes, Reg. No. 65,160

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

AMENDMENT B

Responsive to the Final Office Action mailed on December 30, 2016, which sets a shortened statutory period for response that expires on March 30, 2017, please enter the following amendment and consider the following remarks. Additionally, a three-month extension of time is requested and the fee for which is submitted herewith.

IN THE CLAIMS

All pending claims are reproduced below.

1. (Currently Amended) A method comprising:
persistently storing biometric data of a legitimate user and an ID code on a device;
responsive to receiving a request for a biometric verification of a user, causing, at the device, a visual indication that the biometric verification of the user is requested;
receiving, from a biometric sensor, scan data from ~~[[a]]~~the biometric scan performed using the biometric sensor;
comparing, using one or more processors, the scan data to the biometric data to determine whether the scan data matches the biometric data; and
responsive to a determination that the scan data matches the biometric data, wirelessly sending the ID code for comparison by a third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority, a financial transaction being completed responsive to ~~an indication that~~ the third-party trusted authority successfully authenticating~~authenticated~~ the ID code.

2. (Cancelled).

3. (Currently Amended) The method of claim 1 comprising:
receiving the request for the biometric verification; and
~~requesting the biometric scan from the user to generate the scan data and,~~ when the device cannot verify the scan data as being from the legitimate user, the device does not send the ID code~~[[;]]~~.

4. (Previously Presented) The method of claim 1, wherein the biometric data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

5. (Previously Presented) The method of claim 1, wherein the scan data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

6. (Previously Presented) The method of claim 1, wherein the device comprises one or more of a mobile phone, tablet, laptop, mp3 player, mobile gaming device, watch and a key fob.

7. (Previously Presented) The method of claim 1, wherein completing the financial transaction includes accessing an application.

8. (Previously Presented) The method of claim 1, wherein completing the financial transaction includes accessing one or more of a casino machine, a keyless lock, an ATM machine, a web site, a file and a financial account.

9. (Currently Amended) A device comprising:

a persistent storage media that persistently stores biometric data of a legitimate user and an ID code;

a validation module, coupled to communicate with the persistent storage media, that causes a visual indication, at the device, that a biometric authentication is requested, that receives scan data from a biometric scan performed using a biometric sensor for comparison against the biometric data and that compares the scan data to the biometric data to determine whether the scan data matches the biometric data; and

a wireless communication module that, responsive to a determination that the scan data matches the biometric data, sends the ID code for comparison by a third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority, a financial transaction being completed responsive to ~~an indication that~~ the third-party trusted authority successfully authenticating~~authenticated~~ the ID code.

10. (Previously Presented) The device of claim 9, wherein the ID code is transmitted to the third-party trusted authority over a network.

11. (Previously Presented) The device of claim 9, wherein the biometric data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

12. (Previously Presented) The device of claim 9, wherein the scan data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

13. (Previously Presented) The device of claim 9, wherein the device comprises one or more of a mobile phone, tablet, laptop, mp3 player, mobile gaming device, watch and a key fob.

14. (Currently Amended) A system, comprising:
a device that persistently stores biometric data of a legitimate user and an ID code in the device, that causes a visual indication, at the device, that a biometric

authentication is requested, that wirelessly sends the ID code to a third-party trusted authority for authentication responsive to determining that scan data from a biometric scan performed using a biometric sensor matches the biometric data of the legitimate user, wherein and allows the user to complete a financial transaction is completed responsive to authentication of the ID code by the third-party trusted authority; and

the third-party trusted authority operated by a third party, the third-party trusted authority storing a plurality of legitimate ID codes and authenticating the ID code received based on a comparison of the ID code received and the legitimate ID codes included in the plurality of the legitimate ID codes.

15. (Currently Amended) The system of claim 14, wherein the device receives an authentication request, and in response, requests ~~[[a]]~~the biometric scan from a user to generate the scan data and, when the device cannot verify the scan data as being from the legitimate user, the device does not send the ID code.

16. (Previously Presented) The system of claim 14, wherein the device comprises one or more of a mobile phone, tablet, laptop, mp3 player, mobile gaming device, watch and a key fob.

17. (Previously Presented) The system of claim 14, wherein the biometric data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

18. (Previously Presented) The system of claim 14, wherein the scan data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

19. (Previously Presented) The system of claim 14, wherein completing the financial transaction includes accessing one or more of a casino machine, a keyless lock, an ATM machine, a web site, a file and a financial account.

20. (Previously Presented) The system of claim 14, wherein completing the financial transaction includes accessing an application.

21. (New) The method of claim 1, wherein a financial transaction being completed responsive to the third-party trusted authority successfully authenticating the ID code includes the third-party trusted authority sending an indication that the third-party trusted authority authenticated the ID code to another party.

REMARKS

Claims 1-20 were presented for examination. Claims 1-20 stand rejected in the Office Action dated December 30, 2016 (herein, "OA"). Claims 1, 3, 9, 14 and 15 are amended. Claim 2 is cancelled. Claim 21 is added. Support for the amendment may be found throughout the specification including, for example, paragraphs 10, 28 and 51. No new matter is added. Claims 1 and 3-21 are pending upon entry of this amendment.

Summary of Office Action

1. Claims 1, 4-7, 9, 14-17 are rejected on the ground of non-statutory double patenting as allegedly being unpatentable over claims 1, 5-6, 9, 12 and 24-26 of U.S. Patent No. 8,886,954 and claim 1 over claim 1 of U.S. Patent No. 8,352,730, and claims 1, 4, 6-10, 13-17 and 19-20 of the instant application over claims 1, 4-7, 9-10 and 12-18 of Patent No. 9,298,905.

3. Claims 1-20 are rejected under 35 U.S.C. § 101 because the claimed invention is allegedly not directed to patent eligible subject matter.

4. Claims 1-20 are rejected under pre-AIA 35 U.S.C. § 103(a) as allegedly being unpatentable over Hsu et al. (U.S. Patent No. 6,041,410, hereinafter "Hsu") and in view of Shreve et al. (U.S. Publication No. 2002/0109580, hereinafter "Shreve").

Response to Double Patenting Rejection

Claim 1 is rejected on the ground of non-statutory double patenting as being allegedly unpatentable over claims 1 of U.S. Patent No. 8,886,954 and claim 1 of U.S. Patent No. 8,352,730. Applicant respectfully requests that the double patenting rejection be held in abeyance until it is determined that there is allowable subject matter, at which time Applicant will respond to the rejection or file a terminal disclaimer.

Response to Rejections under 35 U.S.C. § 101

Claims 1-20 are rejected under 35 U.S.C. § 101 because the claimed invention is allegedly not directed to patent eligible subject matter.

On page 8, the OA asserts that claim 1 is directed to “an abstract idea itself and is similar to the court’s decision identified as an abstract idea (Comparing New and stored information using rules to identify options.”

Applicants respectfully directs the Examiner to the November 2, 2016 Memorandum with the subject “Recent Subject Matter Eligibility Decisions,” which was directed to the Patent Examining Corps. On page 2 of the memo, it states that “Examiners ... should not overgeneralize the claim or simplify it into its “gist” or core principles, when identifying a concept as a judicial exception.” Applicant respectfully submits that characterizing claim 1, which, as amended, states:

A method comprising:
persistently storing biometric data of a legitimate user and an ID code on a device;
responsive to receiving a request for a biometric verification of a user, causing, at the device, a visual indication that the biometric verification of the user is requested;

receiving, from a biometric sensor, scan data from the biometric scan performed using the biometric sensor;
comparing, using one or more processors, the scan data to the biometric data to determine whether the scan data matches the biometric data; and
responsive to a determination that the scan data matches the biometric data, wirelessly sending the ID code for comparison by a third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority, a financial transaction being completed responsive to the third-party trusted authority successfully authenticating the ID code.

as merely an “abstract idea” or “comparing new and stored information usign rules to identify options” is an impermissible over simplification, and claim 1 is not directed to an established judicial exception.

Furthermore, amended claim 1 is directed to significantly more than an “abstract idea” or “comparing new and stored information usign rules to identify options,” as amended claim 1 recites authentication of a user in a certain way with the concrete, computer-implemented actions revited by the claim.

Moreover, as is argued below with reference to the rejections under section 103, amended claim 1 recites elements not present in the proposed combination of references. Accordingly, the Examiner has not established that such elements are routine and conventional, and those claim elements may also qualify as “significantly more.”

Therefore, Applicant respectfully submits that claim 1 recites patent eligible subject matter. Independent claims 9 and 14 recite patent eligilbe subject matter for similar reasons. Therefore, the Examiner is respectfully requested to withdraw the section 10 rejection to all claims.

Response to Rejections under 35 U.S.C. § 103

The rejection of the claims under § 103(a) are addressed by reference to the independent claims.

Independent Claim 1

As amended, independent claim 1 recites in part:

... responsive to receiving a request for a biometric verification of a user, causing, at the device, a visual indication that the biometric verification of the user is requested
...

The cited portions of the references, and the proposed combination thereof, fail to disclose or render obvious, among other things, “causing, at the device, a visual indication that the biometric verification of the user is requested,” as recited by amended claim 1, and the Examiner does not argue that the cited references, whether alone or in combination, disclose such an element.

Accordingly, Applicants respectfully submit that the proposed combination references fail to disclose or render obvious each and every element of amended claim 1.

Claims 2-8 depend from claim 1 and are therefore patentable for at least similar reasons as amended claim 1 as well as because of the additional features they recite.

Independent Claim 9

Claim 9 recites elements similar to claim 1. Accordingly, the proposed combination of references set forth in the OA fail to disclose or render obvious each and every limitation of claim 9, and claim 9 is therefore patentable over the cited portions of the references for at least reasons analogous to those discussed above with reference to claim 1.

Claims 10-13 depend from claim 9 and are therefore patentable for at least similar reasons as amended claim 9 as well as because of the additional features they recite.

Independent claim 14

Claim 14 recites elements similar to claim 1. Accordingly, the proposed combination of references set forth in the OA fail to disclose or render obvious each and every limitation of claim 14, and claim 14 is therefore patentable over the cited portions of the references for at least reasons analogous to those discussed above with reference to claim 1.

Claims 15-20 depend from claim 14 and are therefore patentable for at least similar reasons as amended claim 14 as well as because of the additional features they recite.

CONCLUSION

Allowance of all claims is requested. If the Examiner believes that direct contact with Applicant's attorney will advance the prosecution of this case, the Examiner is encouraged to contact the undersigned as indicated below.

Respectfully submitted,
JOHN J. GIOBBI

Dated: June 30, 2017

By: /Matthew M. Holmes/

Matthew M. Holmes, Reg. No. 65,160
Attorney for Applicant
PATENT LAW WORKS LLP
201 South Main Street, Suite 250
Salt Lake City, UT 84111
Tel.: (385) 232-7853
Fax: (801) 355-0160
Email: mholmes@patentlawworks.net

MMH;

Electronic Patent Application Fee Transmittal

| | |
|---------------------------------------------|--------------------------------------------------|
| Application Number: | 15049060 |
| Filing Date: | 20-Feb-2016 |
| Title of Invention: | Biometric Personal Data Key (PDK) Authentication |
| First Named Inventor/Applicant Name: | John J. Giobbi |
| Filer: | Matthew M. Holmes/Cynthia Kersey |
| Attorney Docket Number: | 10001-05488 US |

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|------------------------------------------|----------|----------|--------|----------------------|
| Basic Filing: | | | | |
| Pages: | | | | |
| Claims: | | | | |
| Miscellaneous-Filing: | | | | |
| Petition: | | | | |
| Patent-Appeals-and-Interference: | | | | |
| Post-Allowance-and-Post-Issuance: | | | | |
| Extension-of-Time: | | | | |

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|------------------------------------|----------|----------|--------|----------------------|
| Extension - 3 months with \$0 paid | 2253 | 1 | 700 | 700 |
| Miscellaneous: | | | | |
| RCE- 1st Request | 2801 | 1 | 600 | 600 |
| Total in USD (\$) | | | | 1300 |

Electronic Acknowledgement Receipt

| | |
|---------------------------------------------|--------------------------------------------------|
| EFS ID: | 29671661 |
| Application Number: | 15049060 |
| International Application Number: | |
| Confirmation Number: | 2423 |
| Title of Invention: | Biometric Personal Data Key (PDK) Authentication |
| First Named Inventor/Applicant Name: | John J. Giobbi |
| Customer Number: | 89194 |
| Filer: | Matthew M. Holmes |
| Filer Authorized By: | |
| Attorney Docket Number: | 10001-05488 US |
| Receipt Date: | 30-JUN-2017 |
| Filing Date: | 20-FEB-2016 |
| Time Stamp: | 17:54:19 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

| | |
|------------------------------------------|-----------------------|
| Submitted with Payment | yes |
| Payment Type | CARD |
| Payment was successfully received in RAM | \$1300 |
| RAM confirmation Number | 070317INTEFSW17552700 |
| Deposit Account | |
| Authorized User | |

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

| File Listing: | | | | | |
|-------------------------------------|------------------------------------------------------------|------------------------------------------------------|-----------------------------------------------------|-------------------------|-------------------------|
| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
| 1 | Request for Continued Examination (RCE) | 05488US2017-06-30-RequestforContinuedExamination.pdf | 1349514 87c37b098157f38c9587d0cd250f38ccdcf92708 | no | 3 |
| Warnings: | | | | | |
| Information: | | | | | |
| 2 | | 05488US2017-06-30-AmendmentB.pdf | 121886 5090707ab37b25880043843bad6548cab5779ff1 | yes | 11 |
| | Multipart Description/PDF files in .zip description | | | | |
| | Document Description | | Start | End | |
| | Amendment Submitted/Entered with Filing of CPA/RCE | | 1 | 1 | |
| | Claims | | 2 | 6 | |
| | Applicant Arguments/Remarks Made in an Amendment | | 7 | 11 | |
| Warnings: | | | | | |
| Information: | | | | | |
| 3 | Fee Worksheet (SB06) | fee-info.pdf | 32369 74177693a51de0b989aebbc97493ba74ae57ca61 | no | 2 |
| Warnings: | | | | | |
| Information: | | | | | |
| Total Files Size (in bytes): | | | 1503769 | | |

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | |
|-----------------------------------------------------------------------------------|---------------------------------------------------|----------------------------------|---------------------------------------|
| PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875 | Application or Docket Number 15/049,060 | Filing Date 02/20/2016 | <input type="checkbox"/> To be Mailed |
|-----------------------------------------------------------------------------------|---------------------------------------------------|----------------------------------|---------------------------------------|

ENTITY: LARGE SMALL MICRO

APPLICATION AS FILED – PART I

| FOR | NUMBER FILED | NUMBER EXTRA | RATE (\$) | FEE (\$) |
|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------|----------|
| <input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small> | N/A | N/A | N/A | |
| <input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small> | N/A | N/A | N/A | |
| <input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small> | N/A | N/A | N/A | |
| TOTAL CLAIMS <small>(37 CFR 1.16(i))</small> | minus 20 = | * | X \$ = | |
| INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small> | minus 3 = | * | X \$ = | |
| <input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small> | If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). | | | |
| <input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small> | | | | |
| * If the difference in column 1 is less than zero, enter "0" in column 2. | | | TOTAL | |

APPLICATION AS AMENDED – PART II

| | (Column 1) | (Column 2) | (Column 3) | PRESENT EXTRA | RATE (\$) | ADDITIONAL FEE (\$) |
|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|----------------------------------|------------------------------------|---------------|-----------------|---------------------|
| AMENDMENT | 06/30/2017 | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | | | |
| | Total <small>(37 CFR 1.16(i))</small> | * 20 | Minus | ** 20 | = 0 | X \$40 = 0 |
| | Independent <small>(37 CFR 1.16(h))</small> | * 3 | Minus | ***3 | = 0 | X \$210 = 0 |
| | <input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small> | | | | | |
| <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small> | | | | | | |
| | | | | | TOTAL ADD'L FEE | 0 |

| | (Column 1) | (Column 2) | (Column 3) | PRESENT EXTRA | RATE (\$) | ADDITIONAL FEE (\$) |
|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|----------------------------------|------------------------------------|---------------|-----------------|---------------------|
| AMENDMENT | | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | | | |
| | Total <small>(37 CFR 1.16(i))</small> | * | Minus | ** | = | X \$ = |
| | Independent <small>(37 CFR 1.16(h))</small> | * | Minus | *** | = | X \$ = |
| | <input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small> | | | | | |
| <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small> | | | | | | |
| | | | | | TOTAL ADD'L FEE | |

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
DONNA 1. SMALLS LOGAN

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

| | | |
|-------------------------------------------------------------------------------------------------|------------------------|-----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | 15049060 |
| | Filing Date | 2016-02-20 |
| | First Named Inventor | John J. Giobbi |
| | Art Unit | 2438 |
| | Examiner Name | Phy Anh Tran Vu |
| | Attorney Docket Number | 10001-05488 US |

| U.S.PATENTS | | | | | | | Remove |
|---------------------------------------------------------------------------------------------|---------|---------------|------------------------|------------|-------------------------------------------------|------------------------------------------------------------------------|--------|
| Examiner Initial* | Cite No | Patent Number | Kind Code ¹ | Issue Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear | |
| | 1 | | | | | | |
| If you wish to add additional U.S. Patent citation information please click the Add button. | | | | | | | Add |

| U.S.PATENT APPLICATION PUBLICATIONS | | | | | | | Remove |
|------------------------------------------------------------------------------------------------------------|---------|--------------------|------------------------|------------------|-------------------------------------------------|------------------------------------------------------------------------|--------|
| Examiner Initial* | Cite No | Publication Number | Kind Code ¹ | Publication Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear | |
| | 1 | 20020055908 | | 2002-05-09 | Di Giorgio et al. | | |
| | 2 | 20040039909 | | 2004-02-26 | Cheng | | |
| | 3 | 20050002028 | | 2005-01-06 | Kasapi et al. | | |
| If you wish to add additional U.S. Published Application citation information please click the Add button. | | | | | | | Add |

| FOREIGN PATENT DOCUMENTS | | | | | | | | Remove |
|--------------------------|---------|--------------------------------------|---------------------------|------------------------|------------------|-------------------------------------------------|------------------------------------------------------------------------|----------------|
| Examiner Initial* | Cite No | Foreign Document Number ³ | Country Code ² | Kind Code ⁴ | Publication Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear | T ⁵ |
| | 1 | | | | | | | |

| | | |
|-----------------------------------------------------------------------------------------------------|------------------------|-----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | 15049060 |
| | Filing Date | 2016-02-20 |
| | First Named Inventor | John J. Giobbi |
| | Art Unit | 2438 |
| | Examiner Name | Phy Anh Tran Vu |
| | Attorney Docket Number | 10001-05488 US |

If you wish to add additional Foreign Patent Document citation information please click the Add button

NON-PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published. | T ⁵ |
|--------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| | 1 | | |

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

| | | | |
|--------------------|----------------------|-----------------|----------------------|
| Examiner Signature | <input type="text"/> | Date Considered | <input type="text"/> |
|--------------------|----------------------|-----------------|----------------------|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

| | | |
|-----------------------------------------------------------------------------------------------------|------------------------|-----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | 15049060 |
| | Filing Date | 2016-02-20 |
| | First Named Inventor | John J. Giobbi |
| | Art Unit | 2438 |
| | Examiner Name | Phy Anh Tran Vu |
| | Attorney Docket Number | 10001-05488 US |

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

| | | | |
|------------|------------------|---------------------|------------|
| Signature | /Paige Alsbury/ | Date (YYYY-MM-DD) | 2017-03-21 |
| Name/Print | Paige M. Alsbury | Registration Number | 72,965 |

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Patent Application Fee Transmittal

| | |
|---------------------------------------------|--------------------------------------------------|
| Application Number: | 15049060 |
| Filing Date: | 20-Feb-2016 |
| Title of Invention: | Biometric Personal Data Key (PDK) Authentication |
| First Named Inventor/Applicant Name: | John J. Giobbi |
| Filer: | Paige McDede Alsbury |
| Attorney Docket Number: | 10001-05488 US |

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|------------------------------------------|----------|----------|--------|----------------------|
| Basic Filing: | | | | |
| Pages: | | | | |
| Claims: | | | | |
| Miscellaneous-Filing: | | | | |
| Petition: | | | | |
| Patent-Appeals-and-Interference: | | | | |
| Post-Allowance-and-Post-Issuance: | | | | |
| Extension-of-Time: | | | | |

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|-----------------------------------------|----------|----------|--------|----------------------|
| Miscellaneous: | | | | |
| SUBMISSION- INFORMATION DISCLOSURE STMT | 2806 | 1 | 90 | 90 |
| Total in USD (\$) | | | | 90 |

Electronic Acknowledgement Receipt

| | |
|---------------------------------------------|--------------------------------------------------|
| EFS ID: | 28687047 |
| Application Number: | 15049060 |
| International Application Number: | |
| Confirmation Number: | 2423 |
| Title of Invention: | Biometric Personal Data Key (PDK) Authentication |
| First Named Inventor/Applicant Name: | John J. Giobbi |
| Customer Number: | 89194 |
| Filer: | Paige McDede Alsbury |
| Filer Authorized By: | |
| Attorney Docket Number: | 10001-05488 US |
| Receipt Date: | 21-MAR-2017 |
| Filing Date: | 20-FEB-2016 |
| Time Stamp: | 11:25:29 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

| | |
|------------------------------------------|-----------------------|
| Submitted with Payment | yes |
| Payment Type | CARD |
| Payment was successfully received in RAM | \$90 |
| RAM confirmation Number | 032117INTEFSW11255200 |
| Deposit Account | |
| Authorized User | |

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

| | | | | | |
|--|--|--|--|--|--|
| | | | | | |
|--|--|--|--|--|--|

File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|-----------------|----------------------------------------------------|------------------------------------------------------|---------------------------------------------------------|------------------|------------------|
| 1 | Information Disclosure Statement (IDS) Form (SB08) | 05488US2017-03-21-InformationDisclosureStatement.pdf | 1035011 93e82fdec31fbf84cff93b059271f9dcdba1a74b | no | 4 |

Warnings:

Information:

| | | | | | |
|---|----------------------|--------------|-------------------------------------------------------|----|---|
| 2 | Fee Worksheet (SB06) | fee-info.pdf | 30547 79881a1e1c3f24e82bd9206cec036a3ea0d24e3d | no | 2 |
|---|----------------------|--------------|-------------------------------------------------------|----|---|

Warnings:

Information:

| | |
|-------------------------------------|---------|
| Total Files Size (in bytes): | 1065558 |
|-------------------------------------|---------|

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
15/049,060 02/20/2016 John J. Giobbi 10001-05488 US 2423

89194 7590 12/30/2016
Patent Law Works/Proxense
Greg Sueoka
201 South Main Street, Suite 250
Salt Lake City, UT 84111

EXAMINER

VU, PHY ANH TRAN

ART UNIT PAPER NUMBER

2438

NOTIFICATION DATE DELIVERY MODE

12/30/2016

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@patentlawworks.net
patents@patentlawworks.net

DETAILED ACTION

This Office Action is in response to the Amendment filed 10/05/2016.

Notice of Pre-AIA or AIA Status

The present application is being examined under the pre-AIA first to invent provisions.

Response to Arguments

Claim 1 has been amended, and claims 2-20 have been added.

Applicant's arguments with respect to claim 1 has been considered but are moot in view of the new interpretation and new ground(s) of rejections.

In addition, to clarify the Examiner's position, Applicant's argument is addressed below:

Regarding claim 1, Applicant argues that the cited portion of the references fail to disclose "a financial transaction being completed responsive to an indication that the third-party trusted authority successfully authenticated the ID code" as currently recited in claim 1.

In response, Examiner agrees with the Applicant that the cited portion of the reference does not teach the limitation argue above, as this is a newly added limitation, and so it has not been addressed previously until now. However, this newly added limitation is inherently discloses by Hsu. As Hsu discloses in an example that if a user wants access to an ATM to carry out a financial transaction, the user must first be successfully authenticated by a third-party trusted authority, which is in a form of a door (*figure 4; column 5, line 65-column 6, lines 2, and 24-34*) using CRC. Once the door

Art Unit: 2438

successfully authenticated the user using the CRC, then the user is permitted to carry out a desired financial transaction (*column 6, lines 24-34; column 7, lines 32-34*), otherwise, no financial transaction can be carry out and completed, without the user being successfully authenticated first. Thus it is clear, that a financial transaction being completed has to be in responsive to an indication that the third-party trusted authority successfully authenticated the ID code. Therefore, contrasting to Applicant's argument, Hsu inherently discloses the limitation argue above.

Regarding 101 issues, the 101 rejections made in the previous Office Action are hereby maintained as the claims recite steps that are collectively directed to an abstract idea of itself and is similar to the court's decision identified as abstract idea (Comparing new and stored information using rules to identify options).

DOUBLE PATENTING

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the claims at issue are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*,

Art Unit: 2438

686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321 (c) or 1.321 (d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the reference application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP §717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP §§ 706.02(l)(1) - 706.02(l)(3) for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321 (b).

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/forms/. The filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to

<http://www.uspto.gov/patents/process/file/efs/guidance/eTD-info-l.jsp>.

Claims 1, 4-7, 9, 14-17 are rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1, 5-6, 9 12 and 24-26 of U.S. Patent No. 8,886,954, claim 1 of the application over claim 1 of US Patent No. 8,352,730, and

Art Unit: 2438

claims 1, 4, 6-10, 13-17 and 19-20 of the instant application over claims 1, 4-7, 9-10, 12-18 of Patent No. 9,298,905 (which was application 14/521,982). Although the claims at issue are not identical, they are not patentably distinct from each other because the scopes of the claims are the same.

| Instant Application | US Patent 8,886,954 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Claim 1:</p> <p>A method comprising:</p> <p style="padding-left: 40px;">persistently storing biometric data of a legitimate user and an ID code on a device;</p> <p style="padding-left: 40px;">responsive to receiving a request for a biometric verification of a user, receiving from a biometric sensor, scan data from a biometric scan performed using the biometric sensor;</p> <p style="padding-left: 40px;">comparing, using one or more processors, the scan data to the biometric data to determine whether the scan data matches the biometric data;</p> <p style="padding-left: 40px;">responsive to a determination that the scan data matches the biometric data, wirelessly sending the ID code for comparison by a third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority, a financial transaction being completed</p> | <p>Claim 1:</p> <p>A method comprising:</p> <p style="padding-left: 40px;">persistently storing biometric data of a user and a plurality of codes and other data values comprising a device ID code uniquely identifying an integrated device and a secret decryption value in a tamper proof format written to a storage element on the integrated device that is not capable of being subsequently altered;</p> <p style="padding-left: 40px;">responsive to receiving a request for a biometric verification of the user, receiving scan data from a biometric scan;</p> <p style="padding-left: 40px;">comparing the scan data to the biometric data to determine whether the scan data matches the biometric data;</p> <p style="padding-left: 40px;">responsive to a determination that the scan data matches the biometric data, wirelessly sending one or more codes and other values from the plurality of codes and other data values for authentication to a third party that operates a trusted authority, wherein the one or more codes and other data values includes the device ID code; and</p> |

| | |
|--------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>responsive to an indication that the third-party trusted authority successfully authenticated the ID code.</p> | <p>receiving, at an application, an access message from the trusted authority indicating that the trusted authority successfully authenticated the one or more codes and other data values sent to the third party and allowing the user access to the application.</p> |
|--------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| Instant Application | US Patent 8,352,730 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Claim 1:</p> <p>A method comprising:</p> <p>persistently storing biometric data of a legitimate user and an ID code on a device;</p> <p>responsive to receiving a request for a biometric verification of a user, receiving from a biometric sensor, scan data from a biometric scan performed using the biometric sensor;</p> <p>comparing, using one or more processors, the scan data to the biometric data to determine whether the scan data matches the biometric data;</p> | <p>Claim 1:</p> <p>A method for verifying a user during authentication of an integrated device, comprising the steps of:</p> <p>persistently storing biometric data of the user and a plurality of codes and other data values comprising a device ID code uniquely identifying the integrated device and a secret decryption value in a tamper proof format written to a storage element on the integrated device that is unable to be subsequently altered; wherein the biometric data is selected from a group consisting of a palm print, a retinal scan, an iris scan, a hand geometry, a facial recognition, a signature recognition and a voice recognition;</p> <p>responsive to receiving a request for a biometric verification of the user, receiving scan data from a biometric scan;</p> <p>comparing the scan data to the biometric data to determine whether the scan data matches the biometric data;</p> |

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>responsive to a determination that the scan data matches the biometric data, wirelessly sending the ID code for comparison by a third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority, a financial transaction being completed responsive to an indication that the third-party trusted authority successfully authenticated the ID code.</p> | <p>responsive to a determination that the scan data matches the biometric data, wirelessly sending one or more codes from the plurality of codes and the other data values for authentication by an agent that is a third-party trusted authority possessing a list of device ID codes uniquely identifying legitimate integrated devices, wherein the one or more codes and other data values includes the device ID code;</p> <p>and</p> <p>responsive to authentication of the one or more codes and the other data values by the agent,</p> <p>receiving an access message from the agent allowing the user access to an application, wherein the application is selected from a group consisting of a casino machine, a keyless lock, a garage door opener, an ATM machine, a hard drive, computer software, a web site and a file.</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-20 are rejected under 35 U.S.C. because the claimed invention is not directed to patent eligible subject matter. Based upon consideration of all of the relevant factors with respect to the claim as a whole, claims 1-20 are determined to be directed to an abstract idea. The rationale for this determination is explained below:

Claim 1 is directed to a method as recited. The method of claim 1 generally includes steps that stores biometric data, receiving a request for biometric data, comparing scan data to the stored biometric data, sending codes to a third-party for authentication, receiving an access message from the third-party, and allow user to access application. These steps are merely abstraction and do not refer or clearly require any particular machine to the steps to be performed. Collectively, these steps are directed to an abstract idea of itself and is similar to the court's decision identified as abstract idea (***Comparing New and stored information using rules to identify options***). Although claim 1 also recites that the storing in on an integrated device, this does not add anything substantive to the performance of the method, because the use of computers to hold data, receiving a request for biometric data, comparing scan data to the stored biometric data, sending codes to a third-party for authentication, receiving an access message from the third-party, and allow user to access application is well-established, and is therefore abstract without significant more. The claim does not include additional elements that are sufficient to amount to significantly more than the judicial exception. Based upon consideration of all of the relevant factors with respect to the claim as a whole, claim 1 simply instructs the practitioner to implement the abstract idea with routine conventional activity. A generic computer to perform generic computer functions that are well- understood, routine and conventional activities previously known to the industry does not qualify as significantly more. Therefore, claim 1 and its dependent claims are rejected for the above reason.

Claims 9 and 14 are directed to device and system that have functionalities corresponding substantially to the method of claims 1-8. These functionalities are directed to an abstract idea for similar reasons as detailed above with respect to claims 1-8 above. The claims only recite performing the functions at a high level of generality relating to the abstract idea such that substantially all practical applications are covered.

Therefore, these claims and their dependent claims 10-13 and 15-20 would also preempt substantially all practical applications of the abstract idea, and therefore the claims are not patent eligible.

Claim Rejections – 35 U.S.C § 103

The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Hsu et al. (US Patent 6,041,410 hereinafter Hsu) and in view of Shreve et al. (US 2002/0109580 A1-hereinafter Shreve).

Regarding claim 1, Hsu discloses a method comprising:
persistently storing biometric data of a legitimate user on a device (*figure 3; element 32, column 4, lines 15-25; column 7, lines 6-9, and 63-65, user's biometric information is stored in fob*);

Art Unit: 2438

responsive to receiving a request for a biometric verification of a user, receiving, from a biometric sensor, scan data from a biometric scan performed using the biometric sensor (*column 4, lines 40-45, fingerprint from sensor is received*);

comparing, using one or more processors, the scan data to the biometric data to determine whether the scan data matches the biometric data (*column 4, lines 40-45;; received fingerprint is compared to a reference fingerprint image*);

responsive to a determination that the scan data matches the biometric data, wirelessly sending the ID code for comparison by a third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority (*figure 4, step 60, column 7, lines 20-30, CRC is transmitted to the door*).

Hsu does not explicitly disclose the ID code is persistently stored on a device and a financial transaction being completed responsive to an indication that the third-party trusted authority successfully authenticated the ID code.

However, it is inherent that a financial transaction being completed is in responsive to an indication that the third-party trusted authority successfully authenticated the ID code. As Hsu discloses in an example that if a user wants access to an ATM to carry out a financial transaction, the user must first be successfully authenticated by a third-party trusted authority, which is in a form of a door (*figure 4; column 5, line 65-column 6, lines 2, and 24-34*) using CRC. Once the door has been successfully authenticated the user using the CRC, then the user is permitted to carry out desired financial transaction (*column 6, lines 24-34; column 7, lines 32-34*). Thus it

Art Unit: 2438

is clear, that a financial transaction being completed has to be in responsive to an indication that the third-party trusted authority successfully authenticated the ID code.

Hsu does not disclose the ID code is persistently stored on the device.

However, Shreve discloses an ID code is persistently stored on a device *([0034], at least account number or ID code are stored on device)*.

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the feature discloses by Shreve into the method of Hsu to provide a quick and convenient way of authenticating users while enhancing the security level of the method.

Regarding claim 2, Hsu and Shreve disclose the method of claim 1. Hsu further discloses an indication that the biometric verification was successful is sent with the ID code *(column 5, lines 42-65, CRC is only generated and sent after fingerprint matches with the stored fingerprint)*.

Regarding claim 3, Hsu and Shreve disclose the method of claim 1. Hsu and further discloses receiving the request for the biometric verification *(column 4, lines 40-45, user places a finger over the sensor)*; and

requesting the biometric scan from the user to generate the scan data *(column 4, lines 40-45, user's fingerprint is requested)* and, when the device cannot verify the scan data as being from the legitimate user, the device does not send the ID code *(column 5, lines 42-65, CRC is not generated and sent if fingerprint does not match with the stored fingerprint)*;

Regarding claim 4, Hsu and Shreve disclose the method of claim 1. Hsu further disclose the biometric data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice (*column 4, lines 31-39, fingerprint, print pattern, iris*).

Regarding claim 5, Hsu and Shreve disclose the method of claim 1. Hsu further discloses the scan data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice (*column 4, lines 31-39, fingerprint, print pattern, iris*).

Regarding claim 6, Hsu and Shreve disclose the method of claim 1. Hsu further discloses the device comprises one or more of a mobile phone, tablet, laptop, mp3 player, mobile gaming device, watch and a key fob (*figure 1; column 4, lines 26-30, fob*).

Regarding claim 7, Hsu and Shreve discloses the method of claim 1. Hsu also disclose completing the financial transaction includes accessing an application (*figure 4; column 6, lines 24-34, financial application of the ATM*).

Regarding claim 8, Hsu and Shreve disclose the method of claim 1. Hsu also discloses completing the financial transaction includes accessing one or more of a casino machine, a keyless lock, an ATM machine, a web site, a file and a financial account (*figure 4, column 6, lines 24-34, ATM machine*).

Claim 9 is rejected for the same rationale as claim 1 above.

Regarding claim 10, Hsu and Shreve disclose the device of claim 9. Hsu further discloses the ID code is transmitted to the third-party trusted authority over a network (*figure 4; column 7, lines 24-34, CRC is transmitted to door*).

Art Unit: 2438

Claim 11 is rejected for the same rationale as claim 4 above.

Claim 12 is rejected for the same rationale as claim 5 above.

Claim 13 is rejected for the same rationale as claim 6 above.

Regarding claim 14, Hsu discloses a system, comprising:

a device that persistently stores biometric data of a legitimate user in the device (*figure 3; element 32, column 4, lines 15-25; column 7, lines 6-9, and 63-65, user's biometric information is stored in fob*), that wirelessly sends the ID code to a third-party trusted authority for authentication responsive to determining that scan data matches the biometric data of the legitimate user (*figure 4; step 60, column 4, lines 40-45; column 7, lines 20-30, received fingerprint is compared to a reference fingerprint image, if fingerprint matches with reference fingerprint, CRC is transmitted to the door*), and allows the user to complete a financial transaction responsive to authentication of the ID code by the third-party trusted authority (*column 6, lines 24-34; column 7, lines 32-34, a desired financial operation is permitted*); and

the third-party trusted authority operated by a third party, the third-party trusted authority storing a plurality of legitimate ID codes and authenticating the ID code received based on a comparison of the ID code received and the legitimate ID codes included in the plurality of the legitimate ID codes (*column 5, lines 60-65; column 6, lines 2-4, door stores account number, user name or other identifying information*).

Hsu does not disclose the ID code is persistently stored in the device.

However, Shreve discloses an ID code is persistently stored in a device (*[0034], at least account number or ID code are stored on device*).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the feature disclosed by Shreve into the method of Hsu to provide a quick and convenient way of authenticating users while enhancing the security level of the method.

Claim 15 is rejected for the same rationale as claim 3 above.

Claim 16 is rejected for the same rationale as claim 6 above.

Claim 17 is rejected for the same rationale as claim 4 above.

Claim 18 is rejected for the same rationale as claim 5 above.

Claim 19 is rejected for the same rationale as claim 8 above.

Claim 20 is rejected for the same rationale as claim 7 above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2438

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHY ANH VU whose telephone number is (571)270-7317. The examiner can normally be reached on M-F 8:00-2:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani can be reached on 571-272-3787. 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.

/PHY ANH VU/
Examiner, Art Unit 2438
/TAGHI ARANI/
Supervisory Patent Examiner, Art Unit 2438

| | | | |
|-----------------------------------|---------------------------------------|------------------------------------------------------------|-------------|
| Notice of References Cited | Application/Control No. 15/049,060 | Applicant(s)/Patent Under Reexamination GIOBBI, JOHN J. | |
| | Examiner PHY ANH VU | Art Unit 2438 | Page 1 of 1 |

U.S. PATENT DOCUMENTS

| * | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Name | CPC Classification | US Classification | |
|---|--------------------------------------------------|--------------------|---------|--------------------|-------------------|----------|
| * | A | US-2002/0109580 A1 | 08-2002 | Shreve, Gregory A. | G07C9/00103 | 340/5.61 |
| | B | US- | | | | |
| | C | US- | | | | |
| | D | US- | | | | |
| | E | US- | | | | |
| | F | US- | | | | |
| | G | US- | | | | |
| | H | US- | | | | |
| | I | US- | | | | |
| | J | US- | | | | |
| | K | US- | | | | |
| | L | US- | | | | |
| | M | US- | | | | |

FOREIGN PATENT DOCUMENTS

| * | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Country | Name | CPC Classification |
|---|--------------------------------------------------|-----------------|---------|------|--------------------|
| | N | | | | |
| | O | | | | |
| | P | | | | |
| | Q | | | | |
| | R | | | | |
| | S | | | | |
| | T | | | | |

NON-PATENT DOCUMENTS

| * | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Country | Name | CPC Classification |
|---|--------------------------------------------------|-------------------------------------------------------------------------------------------|---------|------|--------------------|
| | | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) | | | |
| | U | | | | |
| | V | | | | |
| | W | | | | |
| | X | | | | |

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

| | | |
|-------------------------------------------------------------------------------------------------|------------------------|-----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | 15049060 |
| | Filing Date | 2016-02-20 |
| | First Named Inventor | John J. Giobbi |
| | Art Unit | 2438 |
| | Examiner Name | Phy Anh Tran Vu |
| | Attorney Docket Number | 10001-05488 US |

| U.S.PATENTS | | | | | | Remove |
|---------------------------------------------------------------------------------------------|---------|---------------|------------------------|------------|-------------------------------------------------|------------------------------------------------------------------------|
| Examiner Initial* | Cite No | Patent Number | Kind Code ¹ | Issue Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear |
| | 1 | 5623552 | | 1997-04-22 | Lane | |
| | 2 | 6728397 | | 2004-04-24 | McNeal | |
| | 3 | 6879966 | | 2005-04-12 | Lapsley et al. | |
| | 4 | 7231068 | | 2007-06-12 | Tibor | |
| | 5 | 7349557 | | 2008-03-25 | Tibor | |
| | 6 | 7565329 | | 2009-07-21 | Lapsley et al. | |
| | 7 | 8678273 | | 2014-03-25 | McNeal | |
| If you wish to add additional U.S. Patent citation information please click the Add button. | | | | | | Add |
| U.S.PATENT APPLICATION PUBLICATIONS | | | | | | Remove |

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /P.T.V/

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

| | |
|------------------------|-----------------|
| Application Number | 15049060 |
| Filing Date | 2016-02-20 |
| First Named Inventor | John J. Giobbi |
| Art Unit | 2438 |
| Examiner Name | Phy Anh Tran Vu |
| Attorney Docket Number | 10001-05488 US |

| Examiner Initial* | Cite No | Publication Number | Kind Code ¹ | Publication Date | Name of Patentee or Applicant of cited Document | Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear |
|-------------------|---------|--------------------|------------------------|------------------|-------------------------------------------------|--------------------------------------------------------------------------|
| | 1 | | | | | |

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS

| Examiner Initial* | Cite No | Foreign Document Number ³ | Country Code ² | Kind Code ⁴ | Publication Date | Name of Patentee or Applicant of cited Document | Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear | T ⁵ |
|-------------------|---------|--------------------------------------|---------------------------|------------------------|------------------|-------------------------------------------------|--------------------------------------------------------------------------|----------------|
| | 1 | | | | | | | |

If you wish to add additional Foreign Patent Document citation information please click the Add button.

NON-PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published. | T ⁵ |
|--------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| | 1 | | |

If you wish to add additional non-patent literature document citation information please click the Add button.

EXAMINER SIGNATURE

| | | | |
|--------------------|----------------|-----------------|------------|
| Examiner Signature | /PHY ANH T VU/ | Date Considered | 12/23/2016 |
|--------------------|----------------|-----------------|------------|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

| | | | |
|------------------------|-----------------|--|--|
| Application Number | 15049060 | | |
| Filing Date | 2016-02-20 | | |
| First Named Inventor | John J. Giobbi | | |
| Art Unit | 2438 | | |
| Examiner Name | Phy Anh Tran Vu | | |
| Attorney Docket Number | 10001-05488 US | | |

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

| | | | |
|------------|------------------|---------------------|------------|
| Signature | /Paige Alsbury/ | Date (YYYY-MM-DD) | 2016-12-13 |
| Name/Print | Paige M. Alsbury | Registration Number | 72965 |

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

| | | |
|-----------------------------------------------------------------------------------------------------|------------------------|-----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | 15049060 |
| | Filing Date | 2016-02-20 |
| | First Named Inventor | John J. Giobbi |
| | Art Unit | 2438 |
| | Examiner Name | Phy Anh Tran Vu |
| | Attorney Docket Number | 10001-05488 US |

| U.S.PATENTS | | | | | | Remove |
|---------------------------------------------------------------------------------------------|---------|---------------|------------------------|------------|-------------------------------------------------|------------------------------------------------------------------------|
| Examiner Initial* | Cite No | Patent Number | Kind Code ¹ | Issue Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear |
| | 1 | 6237848 | | 2001-05-00 | Everett | |
| | 2 | 6325285 | | 2001-12-04 | Baratelli | |
| | 3 | 7155416 | | 2006-12-26 | Shatford | |
| | 4 | 7278025 | | 2007-10-02 | Saito | |
| | 5 | 7314164 | | 2008-01-01 | Bonalle | |
| | 6 | 7341181 | | 2008-03-11 | Bonalle | |
| | 7 | 7424134 | | 2008-09-09 | Chou | |
| If you wish to add additional U.S. Patent citation information please click the Add button. | | | | | | Add |
| U.S.PATENT APPLICATION PUBLICATIONS | | | | | | Remove |

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /P.T.V/

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

| | |
|------------------------|-----------------|
| Application Number | 15049060 |
| Filing Date | 2016-02-20 |
| First Named Inventor | John J. Giobbi |
| Art Unit | 2438 |
| Examiner Name | Phy Anh Tran Vu |
| Attorney Docket Number | 10001-05488 US |

| Examiner Initial* | Cite No | Publication Number | Kind Code ¹ | Publication Date | Name of Patentee or Applicant of cited Document | Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear |
|-------------------|---------|--------------------|------------------------|------------------|-------------------------------------------------|--------------------------------------------------------------------------|
| | 1 | 20020104006 | | 2002-08-01 | Boate | |
| | 2 | 20020104019 | | 2002-08-01 | Chatani | |
| | 3 | 20040098597 | | 2004-05-20 | Giobbi | |
| | 4 | 20050001028 | | 2005-01-06 | Zuili | |
| | 5 | 20050105734 | | 2005-05-19 | Buer | |
| | 6 | 20070084523 | | 2007-04-19 | McLean | |

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS

| Examiner Initial* | Cite No | Foreign Document Number ³ | Country Code ² | Kind Code ⁴ | Publication Date | Name of Patentee or Applicant of cited Document | Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear | T ⁵ |
|-------------------|---------|--------------------------------------|---------------------------|------------------------|------------------|-------------------------------------------------|--------------------------------------------------------------------------|----------------|
| | 1 | | | | | | | |

If you wish to add additional Foreign Patent Document citation information please click the Add button.

NON-PATENT LITERATURE DOCUMENTS

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /P.T.V/

| | | |
|-----------------------------------------------------------------------------------------------------|------------------------|-----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | 15049060 |
| | Filing Date | 2016-02-20 |
| | First Named Inventor | John J. Giobbi |
| | Art Unit | 2438 |
| | Examiner Name | Phy Anh Tran Vu |
| | Attorney Docket Number | 10001-05488 US |

| Examiner Initials* | Cite No | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published. | T ⁵ |
|--------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| | 1 | | |

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

| | | | |
|--------------------|----------------|-----------------|------------|
| Examiner Signature | /PHY ANH T VU/ | Date Considered | 12/23/2016 |
|--------------------|----------------|-----------------|------------|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

| | | | |
|------------------------|-----------------|--|--|
| Application Number | 15049060 | | |
| Filing Date | 2016-02-20 | | |
| First Named Inventor | John J. Giobbi | | |
| Art Unit | 2438 | | |
| Examiner Name | Phy Anh Tran Vu | | |
| Attorney Docket Number | 10001-05488 US | | |

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

| | | | |
|------------|------------------|---------------------|------------|
| Signature | /Paige Alsbury/ | Date (YYYY-MM-DD) | 2016-09-09 |
| Name/Print | Paige M. Alsbury | Registration Number | 72,965 |

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

| | | |
|-------------------------------------------------------------------------------------------------|------------------------|-----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | 15049060 |
| | Filing Date | 2016-02-20 |
| | First Named Inventor | John J. Giobbi |
| | Art Unit | 2438 |
| | Examiner Name | Phy Anh Tran Vu |
| | Attorney Docket Number | 10001-05488 US |

| U.S.PATENTS | | | | | | Remove |
|-------------------|---------|---------------|------------------------|------------|-------------------------------------------------|------------------------------------------------------------------------|
| Examiner Initial* | Cite No | Patent Number | Kind Code ¹ | Issue Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear |
| | 1 | 6018739 | | 2000-01-25 | McCoy | |
| | 2 | 6025780 | | 2000-02-15 | Bowers | |
| | 3 | 6237848 | | 2001-05-29 | Everett | |
| | 4 | 7137008 | | 2006-11-14 | Hamid | |

If you wish to add additional U.S. Patent citation information please click the Add button.

Add

| U.S.PATENT APPLICATION PUBLICATIONS | | | | | | Remove |
|-------------------------------------|---------|--------------------|------------------------|------------------|-------------------------------------------------|------------------------------------------------------------------------|
| Examiner Initial* | Cite No | Publication Number | Kind Code ¹ | Publication Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear |
| | 1 | 20010026619 | | 2001-10-04 | Howard | |
| | 2 | 20020023032 | | 2002-02-21 | Pearson | |

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /P.T.V/

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

| | | |
|------------------------|-----------------|----------------|
| Application Number | | 15049060 |
| Filing Date | | 2016-02-20 |
| First Named Inventor | John J. Giobbi | |
| Art Unit | | 2438 |
| Examiner Name | Phy Anh Tran Vu | |
| Attorney Docket Number | | 10001-05488 US |

| | | | |
|----|-------------|------------|-------------|
| 3 | 20020071559 | 2002-06-13 | Christensen |
| 4 | 20020091646 | 2002-07-11 | Lake |
| 5 | 20020116615 | 2002-08-22 | Nguyen |
| 6 | 20020174348 | 2002-11-21 | Ting |
| 7 | 20030115474 | 2003-06-19 | Khan |
| 8 | 20030149744 | 2003-08-07 | Bierre |
| 9 | 20030172037 | 2003-09-11 | Jung |
| 10 | 20040123127 | 2004-06-03 | Teicher |
| 11 | 20050006452 | 2005-01-13 | Aupperle |
| 12 | 20120226907 | 2012-09-06 | Hohberger |

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

| | |
|------------------------|-----------------|
| Application Number | 15049060 |
| Filing Date | 2016-02-20 |
| First Named Inventor | John J. Giobbi |
| Art Unit | 2438 |
| Examiner Name | Phy Anh Tran Vu |
| Attorney Docket Number | 10001-05488 US |

| Examiner Initial* | Cite No | Foreign Document Number ³ | Country Code ² i | Kind Code ⁴ | Publication Date | Name of Patentee or Applicant of cited Document | Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear | T ⁵ |
|-------------------|---------|--------------------------------------|-----------------------------|------------------------|------------------|-------------------------------------------------|--------------------------------------------------------------------------|----------------|
| | 1 | | | | | | | |

If you wish to add additional Foreign Patent Document citation information please click the Add button

NON-PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published. | T ⁵ |
|--------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| | 1 | VAINIO, JUHA., "Bluetooth Security", dated 2000, Helsinki University of Technology, pg. 1-20. | |
| | 2 | KATZ ET AL., "Smart Cards and Biometrics in Privacy-Sensitive Secure Personal Identification System", dated 2002, Smart Card Alliance, pg. 1-29. | |

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

| | | | |
|--------------------|----------------|-----------------|------------|
| Examiner Signature | /PHY ANH T VU/ | Date Considered | 12/23/2016 |
|--------------------|----------------|-----------------|------------|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /P.T.V/

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

| | | | |
|------------------------|-----------------|--|--|
| Application Number | 15049060 | | |
| Filing Date | 2016-02-20 | | |
| First Named Inventor | John J. Giobbi | | |
| Art Unit | 2438 | | |
| Examiner Name | Phy Anh Tran Vu | | |
| Attorney Docket Number | 10001-05488 US | | |

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

| | | | |
|------------|------------------|---------------------|------------|
| Signature | /Paige Alsbury/ | Date (YYYY-MM-DD) | 2016-05-24 |
| Name/Print | Paige M. Alsbury | Registration Number | 72,965 |


This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

| | | |
|------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|-------------------------------------------------------------------|
| <i>Index of Claims</i>  | Application/Control No. 15049060 | Applicant(s)/Patent Under Reexamination GIOBBI, JOHN J. |
| | Examiner PHY ANH VU | Art Unit 2438 |

| | |
|---|-----------------|
| ✓ | Rejected |
| = | Allowed |

| | |
|---|-------------------|
| - | Cancelled |
| ÷ | Restricted |

| | |
|---|---------------------|
| N | Non-Elected |
| I | Interference |

| | |
|---|-----------------|
| A | Appeal |
| O | Objected |

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

| CLAIM | | DATE | | | | | | | |
|-------|----------|------------|------------|--|--|--|--|--|--|
| Final | Original | 03/21/2016 | 12/23/2016 | | | | | | |
| | 1 | ✓ | ✓ | | | | | | |
| | 2 | | ✓ | | | | | | |
| | 3 | | ✓ | | | | | | |
| | 4 | | ✓ | | | | | | |
| | 5 | | ✓ | | | | | | |
| | 6 | | ✓ | | | | | | |
| | 7 | | ✓ | | | | | | |
| | 8 | | ✓ | | | | | | |
| | 9 | | ✓ | | | | | | |
| | 10 | | ✓ | | | | | | |
| | 11 | | ✓ | | | | | | |
| | 12 | | ✓ | | | | | | |
| | 13 | | ✓ | | | | | | |
| | 14 | | ✓ | | | | | | |
| | 15 | | ✓ | | | | | | |
| | 16 | | ✓ | | | | | | |
| | 17 | | ✓ | | | | | | |
| | 18 | | ✓ | | | | | | |
| | 19 | | ✓ | | | | | | |
| | 20 | | ✓ | | | | | | |

EAST Search History

EAST Search History (Prior Art)


| Ref # | Hits | Search Query | DBs | Default Operator | Plurals | Time Stamp |
|-------|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------------------|---------|------------------|
| L1 | 1 | "8886954".pn. | US-PGPUB; USPAT | OR | OFF | 2016/12/23 08:50 |
| L2 | 1 | "8352730".pn..pn. | US-PGPUB; USPAT | OR | OFF | 2016/12/23 08:58 |
| L3 | 2 | "14521982" | US-PGPUB; USPAT | OR | OFF | 2016/12/23 09:00 |
| L4 | 16 | ("6018739" "6025780" "6237848" "7137008" "20010026619" "20020023032" "20020071559" "20020091646" "20020116615" "20020174348" "20030115474" "20030149744" "20030172037" "20040123127" "20050006452" "20120226907").pn. | US-PGPUB; USPAT | OR | OFF | 2016/12/23 09:37 |
| L5 | 12 | ("6237848" "6325285" "7155416" "7278025" "7314164" "7341181" "7424134" "2020104006" "20020104019" "20040098597" "20050001028" "20050105734" "20070084523").pn. | US-PGPUB; USPAT | OR | OFF | 2016/12/23 09:39 |
| L6 | 7 | ("5623552" "6728397" "6879966" "7231068" "7349557" "7565329" "8678273").pn. | US-PGPUB; USPAT | OR | OFF | 2016/12/23 09:40 |
| S1 | 1 | "13710109" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 07:38 |
| S2 | 0 | "14521982" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 07:49 |
| S3 | 0 | "14521982" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 07:49 |
| S4 | 0 | "15049060".pn. | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:31 |
| S5 | 3 | "11314199" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:32 |
| S6 | 12 | "8352730" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:33 |
| S7 | 1 | "8352730".pn. | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:34 |
| S8 | 1 | "8886954".pn. | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:43 |

| | | | | | | |
|-----|------|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----|-----|------------------|
| S9 | 2764 | g06f21/32.cpc. and (biometric with authenticat\$3) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:52 |
| S10 | 1896 | g06f21/32.cpc. and (biometric with authenticat\$3) same (fob device) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:53 |
| S11 | 603 | g06f21/32.cpc. and (biometric with authenticat\$3) same (fob device) and (trusted or third\$party) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:53 |
| S12 | 365 | g06f21/32.cpc. and (biometric with authenticat\$3) same (fob device) and ((trusted or third\$party) with (approv\$3 or authenticat\$3)) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:54 |
| S13 | 81 | S12 and @ad<"20051220" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:54 |
| S14 | 0 | h04/63/0861cpc. and (biometric with authenticat\$3) same (fob device) and ((trusted or third\$party) with (approv\$3 or authenticat\$3)) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:00 |
| S15 | 0 | h04/63/0861cpc. and (biometric with authenticat\$3) same (fob device) and ((trusted or third\$party) with (approv\$3 or authenticat\$3)) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:00 |
| S16 | 237 | h04/63/0861.cpc. and (biometric with authenticat\$3) same (fob device) and ((trusted or third\$party) with (approv\$3 or authenticat\$3)) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:00 |
| S17 | 38 | S16 and @ad<"20051220" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:01 |
| S18 | 82 | (giobbi).in. | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:03 |
| S19 | 5 | "11292330" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:04 |
| S20 | 1 | "6041410".pn. | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:54 |
| S21 | 311 | "6041410" | US-PGPUB; USPAT | OR | OFF | 2016/12/19 16:05 |
| S22 | 1 | "6041410".pn. | US-PGPUB; USPAT | OR | OFF | 2016/12/19 16:05 |
| S23 | 1 | "15049060" | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:17 |
| S24 | 4 | h04/19/321.cpc. and (transmit\$4 send\$3) near10 (wireless\$3) same ((number ID SSN PIN)) same (financial bank) | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:23 |
| S25 | 1905 | (transmit\$4 send\$3) near10 (wireless\$3) same ((number ID SSN PIN)) same (financial bank) | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:24 |
| S26 | 233 | (transmit\$4 send\$3) near10 (wireless\$3) with ((number ID SSN PIN)) with (financial bank) | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:24 |

| | | | | | | |
|-----|-----|------------------------------------------------------------------------------------------------------------|--------------------|----|-----|---------------------|
| S27 | 39 | S26 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:25 |
| S28 | 604 | (stor\$3 with (code ID account identifier) with fob) | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:39 |
| S29 | 0 | (stor\$3 with (code ID account identifier) with fob) and (trasmit\$4 near10 (code id account identifier)) | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:40 |
| S30 | 401 | (stor\$3 with (code ID account identifier) with fob) and (transmit\$4 near10 (code id account identifier)) | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:41 |
| S31 | 107 | S30 and @ad<"20041220" | US-PGPUB; USPAT | OR | OFF | 2016/12/22 11:41 |
| S32 | 1 | "6041410".pn. and fob | US-PGPUB; USPAT | OR | OFF | 2016/12/22 12:57 |

12/ 23/ 2016 9:41:56 AM

C:\Users\pvu3\Documents\EAST\Workspaces\15049060.wsp

| | | |
|--------------------------------------------------------------------------------------------------------------|------------------------------------------------|-----------------------------------------------------------------------|
| Search Notes  | Application/Control No. 15049060 | Applicant(s)/Patent Under Reexamination GIOBBI, JOHN J. |
| | Examiner PHY ANH VU | Art Unit 2438 |

| CPC- SEARCHED | | |
|---------------|------|----------|
| Symbol | Date | Examiner |
| | | |

| CPC COMBINATION SETS - SEARCHED | | |
|---------------------------------|------------|----------|
| Symbol | Date | Examiner |
| G06F 21/32 | 03/21/2016 | PVU |
| H04L 63/0861 | 03/21/2016 | PVU |
| H04L 9/321 | 12/22/2016 | PVU |

| US CLASSIFICATION SEARCHED | | | |
|----------------------------|----------|------|----------|
| Class | Subclass | Date | Examiner |
| | | | |

| SEARCH NOTES | | |
|-----------------------|---------------------------|----------|
| Search Notes | Date | Examiner |
| Inventor names search | 03/21/2016 | PVU |
| Keywords search | 03/21/2016; 12/22/2016 | PVU |

| INTERFERENCE SEARCH | | | |
|-------------------------|-------------------------|------|----------|
| US Class/ CPC Symbol | US Subclass / CPC Group | Date | Examiner |
| | | | |

| | |
|--|--|
| | |
|--|--|

| | | |
|-------------------------------------------------------------------------------------------------|------------------------|-----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | 15049060 |
| | Filing Date | 2016-02-20 |
| | First Named Inventor | John J. Giobbi |
| | Art Unit | 2438 |
| | Examiner Name | Phy Anh Tran Vu |
| | Attorney Docket Number | 10001-05488 US |

| U.S.PATENTS | | | | | | Remove |
|---------------------------------------------------------------------------------------------|---------|---------------|------------------------|------------|-------------------------------------------------|------------------------------------------------------------------------|
| Examiner Initial* | Cite No | Patent Number | Kind Code ¹ | Issue Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear |
| | 1 | 6623552 | | 1997-04-22 | Lane | |
| | 2 | 6728397 | | 2004-04-24 | McNeal | |
| | 3 | 6879966 | | 2005-04-12 | Lapsley et al. | |
| | 4 | 7231068 | | 2007-06-12 | Tibor | |
| | 5 | 7349557 | | 2008-03-25 | Tibor | |
| | 6 | 7565329 | | 2009-07-21 | Lapsley et al. | |
| | 7 | 8678273 | | 2014-03-25 | McNeal | |
| If you wish to add additional U.S. Patent citation information please click the Add button. | | | | | | Add |
| U.S.PATENT APPLICATION PUBLICATIONS | | | | | | Remove |

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

| | |
|------------------------|-----------------|
| Application Number | 15049060 |
| Filing Date | 2016-02-20 |
| First Named Inventor | John J. Giobbi |
| Art Unit | 2438 |
| Examiner Name | Phy Anh Tran Vu |
| Attorney Docket Number | 10001-05488 US |

| Examiner Initial* | Cite No | Publication Number | Kind Code ¹ | Publication Date | Name of Patentee or Applicant of cited Document | Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear |
|-------------------|---------|--------------------|------------------------|------------------|-------------------------------------------------|--------------------------------------------------------------------------|
| | 1 | | | | | |

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS

| Examiner Initial* | Cite No | Foreign Document Number ³ | Country Code ² i | Kind Code ⁴ | Publication Date | Name of Patentee or Applicant of cited Document | Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear | T ⁵ |
|-------------------|---------|--------------------------------------|-----------------------------|------------------------|------------------|-------------------------------------------------|--------------------------------------------------------------------------|----------------|
| | 1 | | | | | | | |

If you wish to add additional Foreign Patent Document citation information please click the Add button

NON-PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published. | T ⁵ |
|--------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| | 1 | | |

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

| | | | |
|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

| | | |
|-----------------------------------------------------------------------------------------------------|------------------------|-----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | 15049060 |
| | Filing Date | 2016-02-20 |
| | First Named Inventor | John J. Giobbi |
| | Art Unit | 2438 |
| | Examiner Name | Phy Anh Tran Vu |
| | Attorney Docket Number | 10001-05488 US |

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

| | | | |
|------------|------------------|---------------------|------------|
| Signature | /Paige Alsbury/ | Date (YYYY-MM-DD) | 2016-12-13 |
| Name/Print | Paige M. Alsbury | Registration Number | 72965 |

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Acknowledgement Receipt

| | |
|---------------------------------------------|--------------------------------------------------|
| EFS ID: | 27780443 |
| Application Number: | 15049060 |
| International Application Number: | |
| Confirmation Number: | 2423 |
| Title of Invention: | Biometric Personal Data Key (PDK) Authentication |
| First Named Inventor/Applicant Name: | John J. Giobbi |
| Customer Number: | 89194 |
| Filer: | Paige McDede Alsbury |
| Filer Authorized By: | |
| Attorney Docket Number: | 10001-05488 US |
| Receipt Date: | 13-DEC-2016 |
| Filing Date: | 20-FEB-2016 |
| Time Stamp: | 16:59:04 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

| | |
|------------------------|----|
| Submitted with Payment | no |
|------------------------|----|

File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|-----------------|----------------------------------------------------|-----------------------------------------------------------|-------------------------------------------------------------------|------------------|------------------|
| 1 | Information Disclosure Statement (IDS) Form (SB08) | 05488US2016-12-13-InformationDisclosureState- ment.pdf | 1035124 <small>60c41f682984a4e87d0093cdbc3fc3ccc16c002</small> | no | 4 |

Warnings:

Petitioner's Exhibit 1002, Page 1842

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Information: | |
| Total Files Size (in bytes): | 1035124 |
| <p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p> | |

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

FIRST NAMED
INVENTOR: John J. Giobbi
APPLICATION NO: 15/049,060
FILING DATE: February 20, 2016
TITLE: Biometric Personal Data Key (PDK) Authentication
EXAMINER: Phy Anh Tran Vu
GROUP ART UNIT: 2438
ATTY. DKT. NO: 10001-05488 US
CONFIRMATION NO: 2423

CERTIFICATE OF EFS-WEB TRANSMISSION

Pursuant to 240 OG 45 and the Legal Framework For EFS-Web, I hereby certify that this follow-on correspondence is being officially submitted through the USPTO EFS-Web system from the Mountain Time Zone of the United States on the local date shown below:

Dated: October 5, 2016 By: /Matthew M. Holmes/
Matthew M. Holmes, Reg. No. 65,160

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

AMENDMENT A

Responsive to the Non-Final Office Action mailed on April 5, 2016, which sets a shortened statutory period for response that expires on July 5, 2016, please enter the following amendment and consider the following remarks. Additionally, a three-month extension of time is requested and the fee for which is submitted herewith.

IN THE CLAIMS

All pending claims are reproduced below.

1. (Currently Amended) A method comprising:
persistently storing biometric data of [[the]]a legitimate user and an ~~plurality of codes and other data values comprising a device-ID code~~ on uniquely identifying a[[n]] integrated device and a secret decryption value in a tamper proof format written to a storage element on the integrated device that is unable to be subsequently altered;
responsive to receiving a request for a biometric verification of [[the]]a user, receiving, from a biometric sensor, scan data from a biometric scan performed using the biometric sensor;
comparing, using one or more processors, the scan data to the biometric data to determine whether the scan data matches the biometric data;
responsive to a determination that the scan data matches the biometric data, wirelessly sending the ID code for comparison by a third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority, a financial transaction being completed responsive to an indication that the third-party trusted authority successfully authenticated the ID code. ~~one or more codes and other values from the plurality of codes and the other data values for authentication by an agent that is a third party trusted authority, wherein the one or more codes and other data values includes the device ID code; and receiving an access message from the agent indicating that the agent successfully authenticated the one or more codes and other data values and allowing the user access to an application.~~

2. (New) The method of claim 1, wherein an indication that the biometric verification was successful is sent with the ID code.

3. (New) The method of claim 1 comprising:
receiving the request for the biometric verification; and

requesting the biometric scan from the user to generate the scan data and, when the device cannot verify the scan data as being from the legitimate user, the device does not send the ID code;

4. (New) The method of claim 1, wherein the biometric data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

5. (New) The method of claim 1, wherein the scan data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

6. (New) The method of claim 1, wherein the device comprises one or more of a mobile phone, tablet, laptop, mp3 player, mobile gaming device, watch and a key fob.

7. (New) The method of claim 1, wherein completing the financial transaction includes accessing an application.

8. (New) The method of claim 1, wherein completing the financial transaction includes accessing one or more of a casino machine, a keyless lock, an ATM machine, a web site, a file and a financial account.

9. (New) A device comprising:

a persistent storage media that persistently stores biometric data of a legitimate user and an ID code;

a validation module, coupled to communicate with the persistent storage media, that receives scan data from a biometric scan for comparison against the biometric

data and that compares the scan data to the biometric data to determine whether the scan data matches the biometric data; and

a wireless communication module that, responsive to a determination that the scan data matches the biometric data, sends the ID code for comparison by a third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority, a financial transaction being completed responsive to an indication that the third-party trusted authority successfully authenticated the ID code.

10. (New) The device of claim 9, wherein the ID code is transmitted to the third-party trusted authority over a network.

11. (New) The device of claim 9, wherein the biometric data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

12. (New) The device of claim 9, wherein the scan data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

13. (New) The device of claim 9, wherein the device comprises one or more of a mobile phone, tablet, laptop, mp3 player, mobile gaming device, watch and a key fob.

14. (New) A system, comprising:

a device that persistently stores biometric data of a legitimate user and an ID code in the device, that wirelessly sends the ID code to a third-party trusted authority for

authentication responsive to determining that scan data matches the biometric data of the legitimate user, and allows the user to complete a financial transaction responsive to authentication of the ID code by the third-party trusted authority; and

the third-party trusted authority operated by a third party, the third-party trusted authority storing a plurality of legitimate ID codes and authenticating the ID code received based on a comparison of the ID code received and the legitimate ID codes included in the plurality of the legitimate ID codes.

15. (New) The system of claim 14, wherein the device receives an authentication request, and in response, requests a biometric scan from a user to generate the scan data and, when the device cannot verify the scan data as being from the legitimate user, the device does not send the ID code.

16. (New) The system of claim 14, wherein the device comprises one or more of a mobile phone, tablet, laptop, mp3 player, mobile gaming device, watch and a key fob.

17. (New) The system of claim 14, wherein the biometric data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

18. (New) The system of claim 14, wherein the scan data includes data generated from one or more of a finger, palm, a retina, an iris, a hand geometry, a face, a signature and a voice.

19. (New) The system of claim 14, wherein completing the financial transaction includes accessing one or more of a casino machine, a keyless lock, an ATM machine, a web site, a file and a financial account.

20. (New) The system of claim 14, wherein completing the financial transaction includes accessing an application.

REMARKS

Claim 1 was presented for examination. Claim 1 stands rejected in the Office Action dated April 5, 2016 (herein, "OA"). Claim 1 is amended. Claims 2-20 are new. Support for the amendments and new claims may be found throughout the Applicant's specification. No new matter is added. Claims 1-20 are pending upon entry of this amendment.

Summary of Office Action

1. Claim 1 is rejected under 35 U.S.C. § 112.
2. Claim 1 is rejected on the ground of non-statutory double patenting as allegedly being unpatentable over claims 1 of U.S. Patent No. 8,886,954 and claim 1 of U.S. Patent No. 8,352,730.
3. Claim 1 is rejected under 35 U.S.C. § 101 as allegedly being directed to nonstatutory subject matter.
4. Claim 1 is rejected under pre-AIA 35 U.S.C. § 103(a) as allegedly being unpatentable over Hsu et al. (U.S. Patent No. 6,041,410, hereinafter "Hsu") and in view of Stanko (U.S. Publication No. 2005/0074126, hereinafter "Stanko").

Response to Rejections under 35 U.S.C. § 112

Claim 1 is rejected under 35 U.S.C. § 112. Claim 1 has been amended to address the antecedent basis. Therefore, Applicant respectfully requests withdrawal of the section 112 rejection.

Response to Double Patenting Rejection

Claim 1 is rejected on the ground of non-statutory double patenting as being allegedly unpatentable over claims 1 of U.S. Patent No. 8,886,954 and claim 1 of U.S. Patent No. 8,352,730. Applicant respectfully requests that the double patenting rejection be held in abeyance until it is determined that there is allowable subject matter, at which time Applicant will respond to the rejection or file a terminal disclaimer.

Response to Rejections under 35 U.S.C. § 101

Claim 1 is rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter.

Applicant respectfully points out that the OA fails to identify an abstract idea that the courts have recognized. Instead, the OA argues that the steps of the method are merely abstraction. Therefore, the OA does not assert that claim 1 as a whole is directed to a judicially recognized abstract idea. Accordingly, the OA fails to establish a prima facie case of non-statutory subject matter, and the Applicant respectfully requests that the rejection under 35 U.S.C. § 101 of claim 1.

Response to Rejections under 35 U.S.C. § 103

The rejection of the claims under § 103(a) are addressed by reference to the independent claims.

Independent Claim 1

As amended, independent claim 1 recites in part:

... responsive to a determination that the scan data matches the biometric data, wirelessly sending the ID code for comparison by a third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority, *a financial transaction being completed responsive to an indication that the third-party trusted authority successfully authenticated the ID code ...*

The cited portions of the references, and the proposed combination thereof, fail to disclose or render obvious, among other things, “*a financial transaction being completed responsive to an indication that the third-party trusted authority successfully authenticated the ID code,*” as recited by amended claim 1, and the Examiner does not argue that the cited references, whether alone or in combination, disclose such an element.

Accordingly, Applicants respectfully submit that the proposed combination references fail to disclose or render obvious each and every element of amended claim 1.

Claims 2-8 depend from claim 1 and are therefore patentable for at least similar reasons as amended claim 1 as well as because of the additional features they recite.

Independent Claim 9

Claim 9 recites elements similar to claim 1. Accordingly, the proposed combination of references set forth in the OA fail to disclose or render obvious each and every limitation of claim 9, and claim 9 is therefore patentable over the cited portions of the references for at least reasons analogous to those discussed above with reference to claim 1.

Claims 10-13 depend from claim 9 and are therefore patentable for at least similar reasons as amended claim 9 as well as because of the additional features they recite.

Independent claim 14

Claim 14 recites elements similar to claim 1. Accordingly, the proposed combination of references set forth in the OA fail to disclose or render obvious each and every limitation of claim 14, and claim 14 is therefore patentable over the cited portions of the references for at least reasons analogous to those discussed above with reference to claim 1.

Claims 15-20 depend from claim 14 and are therefore patentable for at least similar reasons as amended claim 14 as well as because of the additional features they recite.

CONCLUSION

Allowance of all claims is requested. If the Examiner believes that direct contact with Applicant's attorney will advance the prosecution of this case, the Examiner is encouraged to contact the undersigned as indicated below.

Respectfully submitted,
JOHN J. GIOBBI

Dated: October 5, 2016 By: /Matthew M. Holmes/
Matthew M. Holmes, Reg. No. 65,160
Attorney for Applicant
PATENT LAW WORKS LLP
201 South Main Street, Suite 250
Salt Lake City, UT 84111
Tel.: (385) 232-7853
Fax: (801) 355-0160
Email: mholmes@patentlawworks.net

MMH;ars

Electronic Patent Application Fee Transmittal

| | |
|---------------------------------------------|--------------------------------------------------|
| Application Number: | 15049060 |
| Filing Date: | 20-Feb-2016 |
| Title of Invention: | Biometric Personal Data Key (PDK) Authentication |
| First Named Inventor/Applicant Name: | John J. Giobbi |
| Filer: | Matthew M. Holmes |
| Attorney Docket Number: | 10001-05488 US |

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|------------------------------------------|----------|----------|--------|----------------------|
| Basic Filing: | | | | |
| Pages: | | | | |
| Claims: | | | | |
| Miscellaneous-Filing: | | | | |
| Petition: | | | | |
| Patent-Appeals-and-Interference: | | | | |
| Post-Allowance-and-Post-Issuance: | | | | |
| Extension-of-Time: | | | | |

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|------------------------------------|----------|----------|--------|----------------------|
| Extension - 3 months with \$0 paid | 2253 | 1 | 700 | 700 |
| Miscellaneous: | | | | |
| Total in USD (\$) | | | | 700 |

Electronic Acknowledgement Receipt

| | |
|---------------------------------------------|--------------------------------------------------|
| EFS ID: | 27133426 |
| Application Number: | 15049060 |
| International Application Number: | |
| Confirmation Number: | 2423 |
| Title of Invention: | Biometric Personal Data Key (PDK) Authentication |
| First Named Inventor/Applicant Name: | John J. Giobbi |
| Customer Number: | 89194 |
| Filer: | Matthew M. Holmes |
| Filer Authorized By: | |
| Attorney Docket Number: | 10001-05488 US |
| Receipt Date: | 05-OCT-2016 |
| Filing Date: | 20-FEB-2016 |
| Time Stamp: | 17:25:31 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

| | |
|------------------------------------------|-------------|
| Submitted with Payment | yes |
| Payment Type | Credit Card |
| Payment was successfully received in RAM | \$700 |
| RAM confirmation Number | 4403 |
| Deposit Account | |
| Authorized User | |

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

| File Listing: | | | | | |
|------------------------------------------------------------|-----------------------------|----------------------------------|--------------------------------------------------------|-------------------------|-------------------------|
| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
| 1 | | 05488US2016-10-05-AmendmentA.pdf | 119330 c8f3f57d8f484076439459e0b01255a9d3c7de4c | yes | 10 |
| Multipart Description/PDF files in .zip description | | | | | |
| Document Description | | | Start | End | |
| Amendment/Req. Reconsideration-After Non-Final Reject | | | 1 | 1 | |
| Claims | | | 2 | 6 | |
| Applicant Arguments/Remarks Made in an Amendment | | | 7 | 10 | |
| Warnings: | | | | | |
| Information: | | | | | |
| 2 | Fee Worksheet (SB06) | fee-info.pdf | 30572 f41002d08b232daad33d5696e3702133cee56639 | no | 2 |
| Warnings: | | | | | |
| Information: | | | | | |
| Total Files Size (in bytes): | | | 149902 | | |

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | |
|-----------------------------------------------------------------------------------|---------------------------------------------------|----------------------------------|---------------------------------------|
| PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875 | Application or Docket Number 15/049,060 | Filing Date 02/20/2016 | <input type="checkbox"/> To be Mailed |
|-----------------------------------------------------------------------------------|---------------------------------------------------|----------------------------------|---------------------------------------|

ENTITY: LARGE SMALL MICRO

APPLICATION AS FILED – PART I

| FOR | NUMBER FILED | NUMBER EXTRA | RATE (\$) | FEE (\$) |
|-------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------|----------|
| <input type="checkbox"/> BASIC FEE <small>(37 CFR 1.16(a), (b), or (c))</small> | N/A | N/A | N/A | |
| <input type="checkbox"/> SEARCH FEE <small>(37 CFR 1.16(k), (l), or (m))</small> | N/A | N/A | N/A | |
| <input type="checkbox"/> EXAMINATION FEE <small>(37 CFR 1.16(o), (p), or (q))</small> | N/A | N/A | N/A | |
| TOTAL CLAIMS <small>(37 CFR 1.16(i))</small> | minus 20 = | * | X \$ = | |
| INDEPENDENT CLAIMS <small>(37 CFR 1.16(h))</small> | minus 3 = | * | X \$ = | |
| <input type="checkbox"/> APPLICATION SIZE FEE <small>(37 CFR 1.16(s))</small> | If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). | | | |
| <input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENT <small>(37 CFR 1.16(j))</small> | | | | |
| * If the difference in column 1 is less than zero, enter "0" in column 2. | | | TOTAL | |

APPLICATION AS AMENDED – PART II

| | (Column 1) | (Column 2) | (Column 3) | PRESENT EXTRA | RATE (\$) | ADDITIONAL FEE (\$) |
|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|----------------------------------|------------------------------------|---------------|-----------------|---------------------|
| AMENDMENT | 10/05/2016 | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | | | |
| | Total <small>(37 CFR 1.16(i))</small> | * 20 | Minus | ** 20 | = 0 | X \$40 = 0 |
| | Independent <small>(37 CFR 1.16(h))</small> | * 3 | Minus | ***3 | = 0 | X \$210 = 0 |
| | <input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small> | | | | | |
| <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small> | | | | | | |
| | | | | | TOTAL ADD'L FEE | 0 |

| | (Column 1) | (Column 2) | (Column 3) | PRESENT EXTRA | RATE (\$) | ADDITIONAL FEE (\$) |
|---------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|----------------------------------|------------------------------------|---------------|-----------------|---------------------|
| AMENDMENT | | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | | | |
| | Total <small>(37 CFR 1.16(i))</small> | * | Minus | ** | = | X \$ = |
| | Independent <small>(37 CFR 1.16(h))</small> | * | Minus | *** | = | X \$ = |
| | <input type="checkbox"/> Application Size Fee <small>(37 CFR 1.16(s))</small> | | | | | |
| <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <small>(37 CFR 1.16(j))</small> | | | | | | |
| | | | | | TOTAL ADD'L FEE | |

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

LIE
 GYZELL P. JOHNSON SMITH

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

| | | |
|-------------------------------------------------------------------------------------------------|------------------------|-----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | 15049060 |
| | Filing Date | 2016-02-20 |
| | First Named Inventor | John J. Giobbi |
| | Art Unit | 2438 |
| | Examiner Name | Phy Anh Tran Vu |
| | Attorney Docket Number | 10001-05488 US |

| U.S.PATENTS | | | | | | Remove |
|---------------------------------------------------------------------------------------------|---------|---------------|------------------------|------------|-------------------------------------------------|------------------------------------------------------------------------|
| Examiner Initial* | Cite No | Patent Number | Kind Code ¹ | Issue Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear |
| | 1 | 6237848 | | 2001-05-00 | Everett | |
| | 2 | 6325285 | | 2001-12-04 | Baratelli | |
| | 3 | 7155416 | | 2006-12-26 | Shatford | |
| | 4 | 7278025 | | 2007-10-02 | Saito | |
| | 5 | 7314164 | | 2008-01-01 | Bonalle | |
| | 6 | 7341181 | | 2008-03-11 | Bonalle | |
| | 7 | 7424134 | | 2008-09-09 | Chou | |
| If you wish to add additional U.S. Patent citation information please click the Add button. | | | | | | Add |
| U.S.PATENT APPLICATION PUBLICATIONS | | | | | | Remove |

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

| | |
|------------------------|-----------------|
| Application Number | 15049060 |
| Filing Date | 2016-02-20 |
| First Named Inventor | John J. Giobbi |
| Art Unit | 2438 |
| Examiner Name | Phy Anh Tran Vu |
| Attorney Docket Number | 10001-05488 US |

| Examiner Initial* | Cite No | Publication Number | Kind Code ¹ | Publication Date | Name of Patentee or Applicant of cited Document | Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear |
|-------------------|---------|--------------------|------------------------|------------------|-------------------------------------------------|--------------------------------------------------------------------------|
| | 1 | 20020104006 | | 2002-08-01 | Boate | |
| | 2 | 20020104019 | | 2002-08-01 | Chatani | |
| | 3 | 20040098597 | | 2004-05-20 | Giobbi | |
| | 4 | 20050001028 | | 2005-01-06 | Zuili | |
| | 5 | 20050105734 | | 2005-05-19 | Buer | |
| | 6 | 20070084523 | | 2007-04-19 | McLean | |

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS

| Examiner Initial* | Cite No | Foreign Document Number ³ | Country Code ² i | Kind Code ⁴ | Publication Date | Name of Patentee or Applicant of cited Document | Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear | T ⁵ |
|-------------------|---------|--------------------------------------|-----------------------------|------------------------|------------------|-------------------------------------------------|--------------------------------------------------------------------------|----------------|
| | 1 | | | | | | | |

If you wish to add additional Foreign Patent Document citation information please click the Add button.

NON-PATENT LITERATURE DOCUMENTS

| | | | |
|-----------------------------------------------------------------------------------------------------|------------------------|-----------------|----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | | 15049060 |
| | Filing Date | | 2016-02-20 |
| | First Named Inventor | John J. Giobbi | |
| | Art Unit | | 2438 |
| | Examiner Name | Phy Anh Tran Vu | |
| | Attorney Docket Number | | 10001-05488 US |

| Examiner Initials* | Cite No | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published. | T ⁵ |
|--------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| | 1 | | |

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

| | | | |
|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

| | | | |
|------------------------|-----------------|--|--|
| Application Number | 15049060 | | |
| Filing Date | 2016-02-20 | | |
| First Named Inventor | John J. Giobbi | | |
| Art Unit | 2438 | | |
| Examiner Name | Phy Anh Tran Vu | | |
| Attorney Docket Number | 10001-05488 US | | |

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

| | | | |
|------------|------------------|---------------------|------------|
| Signature | /Paige Alsbury/ | Date (YYYY-MM-DD) | 2016-09-09 |
| Name/Print | Paige M. Alsbury | Registration Number | 72,965 |

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Acknowledgement Receipt

| | |
|---------------------------------------------|--------------------------------------------------|
| EFS ID: | 26883860 |
| Application Number: | 15049060 |
| International Application Number: | |
| Confirmation Number: | 2423 |
| Title of Invention: | Biometric Personal Data Key (PDK) Authentication |
| First Named Inventor/Applicant Name: | John J. Giobbi |
| Customer Number: | 89194 |
| Filer: | Paige McDede Alsbury |
| Filer Authorized By: | |
| Attorney Docket Number: | 10001-05488 US |
| Receipt Date: | 09-SEP-2016 |
| Filing Date: | 20-FEB-2016 |
| Time Stamp: | 16:47:40 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

| | |
|------------------------|----|
| Submitted with Payment | no |
|------------------------|----|

File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|-----------------|----------------------------------------------------|-------------------------------------------------------|-------------------------------------------------------------------|------------------|------------------|
| 1 | Information Disclosure Statement (IDS) Form (SB08) | 05488US2016-09-09-InformationDisclosureState ment.pdf | 612517 <small>93425527445a7d8f2ed17a5b80453ad8ac7c554b</small> | no | 5 |

Warnings:

Petitioner's Exhibit 1002, Page 1865

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Information: | |
| Total Files Size (in bytes): | 612517 |
| <p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p> | |



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 NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 15/049,060 | 02/20/2016 | John J. Giobbi | 10001-05488 US |

CONFIRMATION NO. 2423

POA ACCEPTANCE LETTER



89194
Patent Law Works/Proxense
Greg Sueoka
201 South Main Street, Suite 250
Salt Lake City, UT 84111

Date Mailed: 07/07/2016

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/27/2016.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/agizaw/

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FOR POWER OF ATTORNEY TO ONE OR MORE REGISTERED PRACTITIONERS

NOTE: This form is to be submitted with the Power of Attorney by Applicant form (PTO/AIA/82B) to identify the application to which the Power of Attorney is directed, in accordance with 37 CFR 1.5, unless the application number and filing date are identified in the Power of Attorney by Applicant form. If neither form PTO/AIA/82A nor form PTO/AIA82B identifies the application to which the Power of Attorney is directed, the Power of Attorney will not be recognized in the application.

| | |
|------------------------|--------------------------------------------------|
| Application Number | 15/049,060 |
| Filing Date | February 20, 2016 |
| First Named Inventor | John J. Giobbi |
| Title | Biometric Personal Data Key (PDK) Authentication |
| Art Unit | 2438 |
| Examiner Name | Phy Anh Tran Vu |
| Attorney Docket Number | 10001-05488 US |

SIGNATURE of Applicant or Patent Practitioner

| | | | |
|----------------------------------------------------|--------------------|---------------------|---------------|
| Signature | /Paige Alsbury/ | Date (Optional) | June 27, 2016 |
| Name | Paige M. Alsbury | Registration Number | 72,965 |
| Title (if Applicant is a juristic entity) | Attorney of Record | | |
| Applicant Name (if Applicant is a juristic entity) | Proxense, LLC | | |

NOTE: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. If more than one applicant, use multiple forms.

*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

POWER OF ATTORNEY BY APPLICANT

I hereby revoke all previous powers of attorney given in the application identified in either the attached transmittal letter or the boxes below.

| Application Number | Filing Date |
|--------------------|-------------|
| | |

(Note: The boxes above may be left blank if information is provided on form PTO/AIA/82A.)

I hereby appoint the Patent Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above:

89194

OR

I hereby appoint Practitioner(s) named in the attached list (form PTO/AIA/82C) as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the patent application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above. (Note: Complete form PTO/AIA/82C.)

Please recognize or change the correspondence address for the application identified in the attached transmittal letter or the boxes above to:

The address associated with the above-mentioned Customer Number

OR

The address associated with Customer Number:

OR

| | | | | | |
|-------------------------|--|-------|--|-----|--|
| Firm or Individual Name | | | | | |
| Address | | | | | |
| City | | State | | Zip | |
| Country | | | | | |
| Telephone | | Email | | | |

I am the Applicant (if the Applicant is a juristic entity, list the Applicant name in the box):

Proxense, LLC

- Inventor or Joint Inventor (title not required below)
- Legal Representative of a Deceased or Legally Incapacitated Inventor (title not required below)
- Assignee or Person to Whom the Inventor is Under an Obligation to Assign (provide signer's title if applicant is a juristic entity)
- Person Who Otherwise Shows Sufficient Proprietary Interest (e.g., a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document) (provide signer's title if applicant is a juristic entity)

SIGNATURE of Applicant for Patent

The undersigned (whose title is supplied below) is authorized to act on behalf of the applicant (e.g., where the applicant is a juristic entity).

Signature



Date (Optional)

Name

John J. Giobbi

Title

Chief Executive Officer

NOTE: Signature - This form must be signed by the applicant in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. If more than one applicant, use multiple forms.

Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Acknowledgement Receipt

| | |
|---------------------------------------------|--------------------------------------------------|
| EFS ID: | 26185299 |
| Application Number: | 15049060 |
| International Application Number: | |
| Confirmation Number: | 2423 |
| Title of Invention: | Biometric Personal Data Key (PDK) Authentication |
| First Named Inventor/Applicant Name: | John J. Giobbi |
| Customer Number: | 89194 |
| Filer: | Paige McDede Alsbury |
| Filer Authorized By: | |
| Attorney Docket Number: | 10001-05488 US |
| Receipt Date: | 27-JUN-2016 |
| Filing Date: | 20-FEB-2016 |
| Time Stamp: | 16:38:28 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

| | |
|------------------------|----|
| Submitted with Payment | no |
|------------------------|----|

File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|-----------------|----------------------|-------------------------------------------|----------------------------------------------------------------------------|------------------|------------------|
| 1 | Power of Attorney | 05488US2016-06-27- PowerofAttorney.pdf | 659054 <small>b62bea4fa144cd844096e2b506436504305 83cd8</small> | no | 4 |

Warnings:

Petitioner's Exhibit 1002, Page 1872

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| Information: | |
| Total Files Size (in bytes): | 659054 |
| <p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p> | |



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

Table with 4 columns: APPLICATION NUMBER (15/049,060), FILING OR 371(C) DATE (02/20/2016), FIRST NAMED APPLICANT (John J. Giobbi), ATTY. DOCKET NO./TITLE (10001-05488 US)

CONFIRMATION NO. 2423

PUBLICATION NOTICE



89194
Patent Law Works/Proxense
Greg Sueoka
201 South Main Street, Suite 250
Salt Lake City, UT 84111

Title: Biometric Personal Data Key (PDK) Authentication

Publication No. US-2016-0171200-A1

Publication Date: 06/16/2016

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently http://www.uspto.gov/patft/.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently http://pair.uspto.gov/. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

| | | |
|-------------------------------------------------------------------------------------------------|------------------------|-----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | 15049060 |
| | Filing Date | 2016-02-20 |
| | First Named Inventor | John J. Giobbi |
| | Art Unit | 2438 |
| | Examiner Name | Phy Anh Tran Vu |
| | Attorney Docket Number | 10001-05488 US |

| U.S.PATENTS | | | | | | Remove |
|-------------------|---------|---------------|------------------------|------------|-------------------------------------------------|------------------------------------------------------------------------|
| Examiner Initial* | Cite No | Patent Number | Kind Code ¹ | Issue Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear |
| | 1 | 6018739 | | 2000-01-25 | McCoy | |
| | 2 | 6025780 | | 2000-02-15 | Bowers | |
| | 3 | 6237848 | | 2001-05-29 | Everett | |
| | 4 | 7137008 | | 2006-11-14 | Hamid | |

If you wish to add additional U.S. Patent citation information please click the Add button.

Add

| U.S.PATENT APPLICATION PUBLICATIONS | | | | | | Remove |
|-------------------------------------|---------|--------------------|------------------------|------------------|-------------------------------------------------|------------------------------------------------------------------------|
| Examiner Initial* | Cite No | Publication Number | Kind Code ¹ | Publication Date | Name of Patentee or Applicant of cited Document | Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear |
| | 1 | 20010026619 | | 2001-10-04 | Howard | |
| | 2 | 20020023032 | | 2002-02-21 | Pearson | |

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

| | |
|------------------------|-----------------|
| Application Number | 15049060 |
| Filing Date | 2016-02-20 |
| First Named Inventor | John J. Giobbi |
| Art Unit | 2438 |
| Examiner Name | Phy Anh Tran Vu |
| Attorney Docket Number | 10001-05488 US |

| | | | |
|----|-------------|------------|-------------|
| 3 | 20020071559 | 2002-06-13 | Christensen |
| 4 | 20020091646 | 2002-07-11 | Lake |
| 5 | 20020116615 | 2002-08-22 | Nguyen |
| 6 | 20020174348 | 2002-11-21 | Ting |
| 7 | 20030115474 | 2003-06-19 | Khan |
| 8 | 20030149744 | 2003-08-07 | Bierre |
| 9 | 20030172037 | 2003-09-11 | Jung |
| 10 | 20040123127 | 2004-06-03 | Teicher |
| 11 | 20050006452 | 2005-01-13 | Aupperle |
| 12 | 20120226907 | 2012-09-06 | Hohberger |

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

| | |
|------------------------|-----------------|
| Application Number | 15049060 |
| Filing Date | 2016-02-20 |
| First Named Inventor | John J. Giobbi |
| Art Unit | 2438 |
| Examiner Name | Phy Anh Tran Vu |
| Attorney Docket Number | 10001-05488 US |

| Examiner Initial* | Cite No | Foreign Document Number ³ | Country Code ² i | Kind Code ⁴ | Publication Date | Name of Patentee or Applicant of cited Document | Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear | T ⁵ |
|-------------------|---------|--------------------------------------|-----------------------------|------------------------|------------------|-------------------------------------------------|--------------------------------------------------------------------------|----------------|
| | 1 | | | | | | | |

If you wish to add additional Foreign Patent Document citation information please click the Add button

NON-PATENT LITERATURE DOCUMENTS

| Examiner Initials* | Cite No | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published. | T ⁵ |
|--------------------|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| | 1 | VAINIO, JUHA., "Bluetooth Security", dated 2000, Helsinki University of Technology, pg. 1-20. | |
| | 2 | KATZ ET AL., "Smart Cards and Biometrics in Privacy-Sensitive Secure Personal Identification System", dated 2002, Smart Card Alliance, pg. 1-29. | |

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

| | | | |
|--------------------|----------------------|-----------------|----------------------|
| Examiner Signature | <input type="text"/> | Date Considered | <input type="text"/> |
|--------------------|----------------------|-----------------|----------------------|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

| | | |
|-----------------------------------------------------------------------------------------------------|------------------------|-----------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99) | Application Number | 15049060 |
| | Filing Date | 2016-02-20 |
| | First Named Inventor | John J. Giobbi |
| | Art Unit | 2438 |
| | Examiner Name | Phy Anh Tran Vu |
| | Attorney Docket Number | 10001-05488 US |

CERTIFICATION STATEMENT

Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

See attached certification statement.

The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

A certification statement is not submitted herewith.

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

| | | | |
|------------|------------------|---------------------|------------|
| Signature | /Paige Alsbury/ | Date (YYYY-MM-DD) | 2016-05-24 |
| Name/Print | Paige M. Alsbury | Registration Number | 72,965 |

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Electronic Acknowledgement Receipt

| | |
|---------------------------------------------|--------------------------------------------------|
| EFS ID: | 25874200 |
| Application Number: | 15049060 |
| International Application Number: | |
| Confirmation Number: | 2423 |
| Title of Invention: | Biometric Personal Data Key (PDK) Authentication |
| First Named Inventor/Applicant Name: | John J. Giobbi |
| Customer Number: | 89194 |
| Filer: | Paige McDede Alsbury |
| Filer Authorized By: | |
| Attorney Docket Number: | 10001-05488 US |
| Receipt Date: | 24-MAY-2016 |
| Filing Date: | 20-FEB-2016 |
| Time Stamp: | 18:15:16 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

| | |
|------------------------|----|
| Submitted with Payment | no |
|------------------------|----|

File Listing:

| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
|-----------------|----------------------------------------------------|------------------------------------------------------|-------------------------------------------------------------------|------------------|------------------|
| 1 | Information Disclosure Statement (IDS) Form (SB08) | 05488US2016-05-24-InformationDisclosureStatement.pdf | 613173 <small>7b484753f02d25fd5c8121425ecb238bd99cadd3</small> | no | 5 |

Warnings:

Information:

| | | | | | |
|---|-----------------------|---------------------------------------------------|------------------------------------------|----|----|
| 2 | Non Patent Literature | 02224US2000-05-25-NPL-BluetoothSecurityVainio.pdf | 794589 | no | 17 |
| | | | 41b900caa37abee23aa5c23d9b28e078e0919096 | | |

Warnings:

Information:

| | | | | | |
|---|-----------------------|-----------------------------------------------------------|------------------------------------------|----|----|
| 3 | Non Patent Literature | 03806US2002-05-00-NPLSmartCardsandBiometricsinPrivacy.pdf | 2693518 | no | 29 |
| | | | 491be6c0dc25b34c7f70b1c0fbb7bd533e610a4f | | |

Warnings:

Information:

| | | | | | |
|-------------------------------------|--|--|---------|--|--|
| Total Files Size (in bytes): | | | 4101280 | | |
|-------------------------------------|--|--|---------|--|--|

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



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

Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
15/049,060 02/20/2016 John J. Giobbi 10001-05488 US 2423

89194 7590 04/05/2016
Patent Law Works/Proxense
Greg Sueoka
201 South Main Street, Suite 250
Salt Lake City, UT 84111

EXAMINER

VU, PHY ANH TRAN

ART UNIT PAPER NUMBER

2438

NOTIFICATION DATE DELIVERY MODE

04/05/2016

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@patentlawworks.net
patents@patentlawworks.net

DETAILED ACTION

The instant application having Application No. 15/049,060 filed on 02/20/2016 is presented for examination by the examiner.

Notice of Pre-AIA or AIA Status

The present application is being examined under the pre-AIA first to invent provisions.

Claim Rejections - 35 USC § 112

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.

Claim 1 recites the limitation "...**the** user.." in line 2. There is insufficient antecedent basis for this limitation in the claim.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory double patenting rejection is appropriate where the claims at issue are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d

Art Unit: 2438

1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the reference application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See MPEP § 717.02 for applications subject to examination under the first inventor to file provisions of the AIA as explained in MPEP § 2159. See MPEP §§ 706.02(l)(1) - 706.02(l)(3) for applications not subject to examination under the first inventor to file provisions of the AIA. A terminal disclaimer must be signed in compliance with 37 CFR 1.321(b).

The USPTO Internet website contains terminal disclaimer forms which may be used. Please visit www.uspto.gov/forms/. The filing date of the application in which the form is filed determines what form (e.g., PTO/SB/25, PTO/SB/26, PTO/AIA/25, or PTO/AIA/26) should be used. A web-based eTerminal Disclaimer may be filled out completely online using web-screens. An eTerminal Disclaimer that meets all requirements is auto-processed and approved immediately upon submission. For more information about eTerminal Disclaimers, refer to <http://www.uspto.gov/patents/process/file/efs/guidance/eTD-info-l.jsp>.

Claim 1 is rejected on the ground of nonstatutory double patenting as being unpatentable over claims 1 of U.S. Patent No. 8,886,954 and claim 1 of US Patent No. 8,352,730. Although the claims at issue are not identical, they are not patentably distinct from each other because the scopes of the claims are the same.

| Instant Application | US Patent 8,886,954 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Claim 1:</p> <p>A method comprising:</p> <p>persistently storing biometric data of the user and a plurality of codes and other data values comprising a device ID code uniquely identifying an integrated device and a secret decryption value in a tamper proof format written to a storage element on the integrated device that is unable to be subsequently altered;</p> <p>responsive to receiving a request for a biometric verification of the user, receiving scan data from a biometric scan;</p> <p>comparing the scan data to the biometric data to determine whether the scan data matches the biometric data;</p> <p>responsive to a determination that the scan data matches the biometric data, wirelessly sending one or more codes and other values from the plurality of codes and the other data values for authentication by an agent that is a third-party trusted authority, wherein the one or more codes and other data values includes the device ID code; and</p> <p>receiving an access message from the agent</p> | <p>Claim 1:</p> <p>A method comprising:</p> <p>persistently storing biometric data of a user and a plurality of codes and other data values comprising a device ID code uniquely identifying an integrated device and a secret decryption value in a tamper proof format written to a storage element on the integrated device that is not capable of being subsequently altered;</p> <p>responsive to receiving a request for a biometric verification of the user, receiving scan data from a biometric scan;</p> <p>comparing the scan data to the biometric data to determine whether the scan data matches the biometric data;</p> <p>responsive to a determination that the scan data matches the biometric data, wirelessly sending one or more codes and other values from the plurality of codes and other data values for authentication to a third party that operates a trusted authority, wherein the one or more codes and other data values includes the device ID code; and</p> <p>receiving, at an application, an access message</p> |

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>indicating that the agent successfully authenticated the one or more codes and other data values and allowing the user access to an application.</p> | <p>from the trusted authority indicating that the trusted authority successfully authenticated the one or more codes and other data values sent to the third party and allowing the user access to the application.</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| Instant Application | US Patent 8,352,730 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Claim 1:</p> <p>A method comprising:</p> <p style="padding-left: 40px;">persistently storing biometric data of the user and a plurality of codes and other data values comprising a device ID code uniquely identifying an integrated device and a secret decryption value in a tamper proof format written to a storage element on the integrated device that is unable to be subsequently altered;</p> <p style="padding-left: 40px;">responsive to receiving a request for a biometric verification of the user, receiving scan data from a biometric scan;</p> <p style="padding-left: 40px;">comparing the scan data to the biometric data to</p> | <p>Claim 1:</p> <p>A method for verifying a user during authentication of an integrated device, comprising the steps of:</p> <p style="padding-left: 40px;">persistently storing biometric data of the user and a plurality of codes and other data values comprising a device ID code uniquely identifying the integrated device and a secret decryption value in a tamper proof format written to a storage element on the integrated device that is unable to be subsequently altered; wherein the biometric data is selected from a group consisting of a palm print, a retinal scan, an iris scan, a hand geometry, a facial recognition, a signature recognition and a voice recognition;</p> <p style="padding-left: 40px;">responsive to receiving a request for a biometric verification of the user, receiving scan data from a biometric scan;</p> <p style="padding-left: 40px;">comparing the scan data to the biometric data to</p> |

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>determine whether the scan data matches the biometric data;</p> <p>responsive to a determination that the scan data matches the biometric data, wirelessly sending one or more codes and other values from the plurality of codes and the other data values for authentication by an agent that is a third-party trusted authority, wherein the one or more codes and other data values includes the device ID code; and</p> <p>receiving an access message from the agent indicating that the agent successfully authenticated the one or more codes and other data values and allowing the user access to an application.</p> | <p>determine whether the scan data matches the biometric data;</p> <p>responsive to a determination that the scan data matches the biometric data, wirelessly sending one or more codes from the plurality of codes and the other data values for authentication by an agent that is a third-party trusted authority possessing a list of device ID codes uniquely identifying legitimate integrated devices, wherein the one or more codes and other data values includes the device ID code; and</p> <p>responsive to authentication of the one or more codes and the other data values by the agent,</p> <p>receiving an access message from the agent allowing the user access to an application, wherein the application is selected from a group consisting of a casino machine, a keyless lock, a garage door opener, an ATM machine, a hard drive, computer software, a web site and a file.</p> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Claim 1 is provisionally rejected on the ground of nonstatutory double patenting as being unpatentable over claim 2 of copending Application No. 14/521,982 (reference application). Although the claims at issue are not identical, they are not patentably distinct from each other because the scopes of the claims are the same.

This is a provisional nonstatutory double patenting rejection because the patentably indistinct claims have not in fact been patented.

| Instant Application | Pending Application 14/521,982 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Claim 1:</p> <p>A method comprising:</p> <p>persistently storing biometric data of the user and a plurality of codes and other data values comprising a device ID code uniquely identifying an integrated device and a secret decryption value in a tamper proof format written to a storage element on the integrated device that is unable to be subsequently altered;</p> <p>responsive to receiving a request for a biometric verification of the user, receiving scan data from a biometric scan;</p> <p>comparing the scan data to the biometric data to determine whether the scan data matches the biometric data;</p> <p>responsive to a determination that the scan data matches the biometric data, wirelessly sending one or more codes and other values from the plurality of codes and the other data values for authentication by an agent that is a third-party trusted authority, wherein the one or more codes and other data values includes the device ID code; and</p> <p>receiving an access message from the agent indicating that the agent successfully authenticated the one or more codes and other data values and allowing the user access to an application.</p> | <p>Claim 2:</p> <p>A method comprising:</p> <p>persistently storing biometric data of a legitimate user and an ID code on an integrated device;</p> <p>responsive to receiving a request for a biometric verification of a user, receiving, from a biometric sensor, scan data from a biometric scan performed by the biometric sensor;</p> <p>comparing the scan data to the biometric data to determine whether the scan data matches the biometric data;</p> <p>responsive to a determination that the scan data matches the biometric data, wirelessly sending the ID code for comparison by a third-party trusted authority against one or more previously registered ID codes maintained by the third-party trusted authority; and</p> <p>responsive to receiving an access message from the third-party trusted authority-indicating that the third-party trusted authority successfully authenticated the ID code, allowing the user to complete a financial transaction.</p> |

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1 is rejected under 35 U.S.C. because the claimed invention is not directed to patent eligible subject matter. Based upon consideration of all of the relevant factors with respect to the claim as a whole, claim 1 is determined to be directed to an abstract idea. The rationale for this determination is explained below:

Claim 1 is directed to a method as recited. The method of claim 1 generally includes steps that stores biometric data, receiving a request for biometric data, comparing scan data to the stored biometric data, sending codes to a third-party for authentication, receiving an access message from the third-party, and allow user to access application. These steps are merely abstraction and do not refer or clearly require any particular machine to the steps to be performed. Although claim 1 also recites that the storing in on an integrated device, this does not add anything substantive to the performance of the method, because the use of computers to hold data, receiving a request for biometric data, comparing scan data to the stored biometric data, sending codes to a third-party for authentication, receiving an access message from the third-party, and allow user to access application is well-established, and is therefore abstract without significant more. The claim does not include additional elements that are sufficient to amount to significantly more than the judicial exception. Based upon consideration of all of the relevant factors with respect to the claim as a

Art Unit: 2438

whole, claim 1 simply instructs the practitioner to implement the abstract idea with routine conventional activity. A generic computer to perform generic computer functions that are well- understood, routine and conventional activities previously known to the industry does not qualify as significantly more. Therefore, claim 1 is rejected for the above reason.

Claim Rejections - 35 USC § 103

The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under pre-AIA 35 U.S.C. 103(a) as being unpatentable over Hsu et al. (US Patent 6,041,410 B1-hereinafter Hsu) and in view of Stanko (US 2005/0074126 A1-heeinafter Stanko).

Regarding claim 1, Hsu discloses a method comprising:

persistently storing biometric data of the user and a plurality of codes and other data values comprising a device ID code uniquely identifying an integrated device and a secret decryption value in a tamper proof format written to a storage element on the integrated device that is unable to be subsequently altered (*figure 3, element 32, column 4, lines 15-25; column 7, lines 6-9, and 63-65, user's biometric information, fob's public and private key pair, which uniquely identifying user's device, door's keying*

Art Unit: 2438

information, user's name, account number and other identifying information corresponding to other data values are stored in fob);

responsive to receiving a request for a biometric verification of the user, receiving scan data from a biometric scan (*column 4, lines 40-45; column 6, lines 2-9-41; column 7, lines 17-34, fingerprint from sensor is received*);

comparing the scan data to the biometric data to determine whether the scan data matches the biometric data (*column 4, lines 40-45, received fingerprint is compared to a reference fingerprint image*);

responsive to a determination that the scan data matches the biometric data, wirelessly sending one or more codes and other values from the plurality of codes and the other data values for authentication by an agent that is a third-party trusted authority, wherein the one or more codes and other data values includes the device ID code (*figure 4, step 60, column 7, lines 20-30, account number, CRC and fob's key information are transmitted to door*); and

successfully authenticated the one or more codes and other data values and allowing the user to access to an application (*figure 4; column 6, lines 16-24, column 7, lines 25-34, access to certain application (i.e: file access; ATM, door) is permitted after successful authentication*).

Hsu does not explicitly disclose an access message from the agent is received.

However, Stanko discloses an access message from a secure server is received (*[0055][0069], a grant message is received*).

Art Unit: 2438

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the feature disclosed by Stanko into the method of Hsu to provide a clear indication of an access request status.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHY ANH VU whose telephone number is (571)270-7317. The examiner can normally be reached on Wed 7:00-5:30, TH-F 7-5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani can be reached on 571-272-3787. 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.

/PHY ANH VU/
Examiner, Art Unit 2438
/TAGHI ARANI/

Application/Control Number: 15/049,060

Page 12

Art Unit: 2438

Supervisory Patent Examiner, Art Unit 2438

| | | | |
|-----------------------------------|---------------------------------------|------------------------------------------------------------|-------------|
| Notice of References Cited | Application/Control No. 15/049,060 | Applicant(s)/Patent Under Reexamination GIOBBI, JOHN J. | |
| | Examiner PHY ANH VU | Art Unit 2438 | Page 1 of 1 |

U.S. PATENT DOCUMENTS

| * | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Name | CPC Classification | US Classification |
|---|--------------------------------------------------|-----------------|-------------------|--------------------|-------------------|
| * | A US-6,041,410 A | 03-2000 | Hsu; Shi-Ping | G06K9/00013 | 380/285 |
| * | B US-2005/0074126 A1 | 04-2005 | Stanko, Joseph A. | H04L63/0807 | 380/279 |
| * | C US-2002/0129262 A1 | 09-2002 | Kutaragi, Ken | G06F21/10 | 713/193 |
| | D US- | | | | |
| | E US- | | | | |
| | F US- | | | | |
| | G US- | | | | |
| | H US- | | | | |
| | I US- | | | | |
| | J US- | | | | |
| | K US- | | | | |
| | L US- | | | | |
| | M US- | | | | |


FOREIGN PATENT DOCUMENTS

| * | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Country | Name | CPC Classification |
|---|--------------------------------------------------|-----------------|---------|------|--------------------|
| | N | | | | |
| | O | | | | |
| | P | | | | |
| | Q | | | | |
| | R | | | | |
| | S | | | | |
| | T | | | | |

NON-PATENT DOCUMENTS

| * | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Country | Name | CPC Classification |
|---|-------------------------------------------------------------------------------------------|-----------------|---------|------|--------------------|
| | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) | | | | |
| | U | | | | |
| | V | | | | |
| | W | | | | |
| | X | | | | |

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

| | | |
|------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|-------------------------------------------------------------------|
| <i>Index of Claims</i>  | Application/Control No. 15049060 | Applicant(s)/Patent Under Reexamination GIOBBI, JOHN J. |
| | Examiner PHY ANH VU | Art Unit 2438 |

| | |
|---|-----------------|
| ✓ | Rejected |
| = | Allowed |

| | |
|---|-------------------|
| - | Cancelled |
| ÷ | Restricted |

| | |
|---|---------------------|
| N | Non-Elected |
| I | Interference |

| | |
|---|-----------------|
| A | Appeal |
| O | Objected |

Claims renumbered in the same order as presented by applicant
 CPA
 T.D.
 R.1.47

| CLAIM | | DATE | | | | | | | |
|-------|----------|------------|--|--|--|--|--|--|--|
| Final | Original | 03/21/2016 | | | | | | | |
| | 1 | ✓ | | | | | | | |

EAST Search History


EAST Search History (Prior Art)

| Ref # | Hits | Search Query | DBs | Default Operator | Plurals | Time Stamp |
|-------|------|------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------------------|---------|------------------|
| L1 | 1 | "13710109" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 07:38 |
| L2 | 0 | "14521982" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 07:49 |
| L3 | 0 | "14521982" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 07:49 |
| L4 | 0 | "15049060".pn. | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:31 |
| L5 | 3 | "11314199" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:32 |
| L6 | 12 | "8352730" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:33 |
| L7 | 1 | "8352730".pn. | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:34 |
| L8 | 1 | "8886954".pn. | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:43 |
| L9 | 2764 | g06f21/32.cpc. and (biometric with authenticat\$3) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:52 |
| L10 | 1896 | g06f21/32.cpc. and (biometric with authenticat\$3) same (fob device) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:53 |
| L11 | 603 | g06f21/32.cpc. and (biometric with authenticat\$3) same (fob device) and (trusted or third\$party) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:53 |
| L12 | 365 | g06f21/32.cpc. and (biometric with authenticat\$3) same (fob device) and ((trusted or third\$party) with (approv\$3 or authenticat\$3)) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:54 |
| L13 | 81 | l12 and @ad<"20051220" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 08:54 |
| L14 | 0 | h04/63/0861cpc. and (biometric with authenticat\$3) same (fob device) and ((trusted or third\$party) with (approv\$3 or authenticat\$3)) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:00 |
| L15 | 0 | h04l63/0861cpc. and (biometric with authenticat\$3) same (fob device) and ((trusted or third\$party) with (approv\$3 or authenticat\$3)) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:00 |

| | | | | | | |
|-----|-----|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----|-----|------------------|
| L16 | 237 | h04163/0861.cpc. and (biometric with authenticat\$3) same (fob device) and ((trusted or third\$party) with (approv\$3 or authenticat\$3)) | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:00 |
| L17 | 38 | l16 and @ad<"20051220" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:01 |
| L18 | 82 | (giobbi).in. | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:03 |
| L19 | 5 | "11292330" | US-PGPUB; USPAT | OR | OFF | 2016/03/21 09:04 |

3/ 21/ 2016 9:27:12 AM

C:\Users\pvu3\Documents\EAST\Workspaces\15049060.wsp

| | | |
|--------------------------------------------------------------------------------------------------------------|------------------------------------------------|-----------------------------------------------------------------------|
| Search Notes  | Application/Control No. 15049060 | Applicant(s)/Patent Under Reexamination GIOBBI, JOHN J. |
| | Examiner PHY ANH VU | Art Unit 2438 |

| CPC- SEARCHED | | |
|---------------|------|----------|
| Symbol | Date | Examiner |
| | | |

| CPC COMBINATION SETS - SEARCHED | | |
|---------------------------------|------------|----------|
| Symbol | Date | Examiner |
| G06F 21/32 | 03/21/2016 | PVU |
| H04L 63/0861 | 03/21/2016 | PVU |

| US CLASSIFICATION SEARCHED | | | |
|----------------------------|----------|------|----------|
| Class | Subclass | Date | Examiner |
| | | | |

| SEARCH NOTES | | |
|-----------------------|------------|----------|
| Search Notes | Date | Examiner |
| Inventor names search | 03/21/2016 | PVU |
| Keywords search | 03/21/2016 | PVU |

| INTERFERENCE SEARCH | | | |
|-------------------------|-------------------------|------|----------|
| US Class/ CPC Symbol | US Subclass / CPC Group | Date | Examiner |
| | | | |

| | |
|--|--|
| | |
|--|--|



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

BIB DATA SHEET

CONFIRMATION NO. 2423

| | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|--------------------------------|
| SERIAL NUMBER 15/049,060 | FILING or 371(c) DATE 02/20/2016 RULE | CLASS 713 | GROUP ART UNIT 2438 | ATTORNEY DOCKET NO. 10001-05488 US | |
| APPLICANTS Proxense, LLC, Bend, OR; INVENTORS John J. Giobbi, Bend, OR; ** CONTINUING DATA ***** This application is a CON of 14/521,982 10/23/2014 PAT 9298905 which is a CON of 13/710,109 12/10/2012 PAT 8886954 which is a CON of 11/314,199 12/20/2005 PAT 8352730 which claims benefit of 60/652,765 02/14/2005 and claims benefit of 60/637,538 12/20/2004 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 03/07/2016 | | | | | |
| Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and Acknowledged <u>/PHY ANH TRAN VU/</u> Examiner's Signature | <input type="checkbox"/> Met after Allowance Initials | STATE OR COUNTRY OR | SHEETS DRAWINGS 6 | TOTAL CLAIMS 1 | INDEPENDENT CLAIMS 1 |
| ADDRESS Patent Law Works/Proxense Greg Sueoka 201 South Main Street, Suite 250 Salt Lake City, UT 84111 UNITED STATES | | | | | |
| TITLE Biometric Personal Data Key (PDK) Authentication | | | | | |
| FILING FEE RECEIVED 730 | FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following: | | <input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit | | |



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

Table with 7 columns: APPLICATION NUMBER, FILING or 371(c) DATE, GRP ART UNIT, FIL FEE REC'D, ATTY. DOCKET NO, TOT CLAIMS, IND CLAIMS. Row 1: 15/049,060, 02/20/2016, 2431, 730, 10001-05488 US, 1, 1

CONFIRMATION NO. 2423

FILING RECEIPT

89194
Patent Law Works/Proxense
Greg Sueoka
201 South Main Street, Suite 250
Salt Lake City, UT 84111



Date Mailed: 03/09/2016

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Inventor(s) John J. Giobbi, Bend, OR;

Applicant(s) Proxense, LLC, Bend, OR;

Power of Attorney: None

Domestic Priority data as claimed by applicant
This application is a CON of 14/521,982 10/23/2014
which is a CON of 13/710,109 12/10/2012 PAT 8886954
which is a CON of 11/314,199 12/20/2005 PAT 8352730
which claims benefit of 60/652,765 02/14/2005
and claims benefit of 60/637,538 12/20/2004

Foreign Applications for which priority is claimed (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see http://www.uspto.gov for more information.) - None.
Foreign application information must be provided in an Application Data Sheet in order to constitute a claim to foreign priority. See 37 CFR 1.55 and 1.76.

Permission to Access Application via Priority Document Exchange: Yes

Permission to Access Search Results: Yes

Applicant may provide or rescind an authorization for access using Form PTO/SB/39 or Form PTO/SB/69 as appropriate.

If Required, Foreign Filing License Granted: 03/07/2016

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 15/049,060**

Projected Publication Date: 06/16/2016

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Biometric Personal Data Key (PDK) Authentication

Preliminary Class

713

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications: No

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4258).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

SelectUSA

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The U.S. offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to promote and facilitate business investment. SelectUSA provides information assistance to the international investor community; serves as an ombudsman for existing and potential investors; advocates on behalf of U.S. cities, states, and regions competing for global investment; and counsels U.S. economic development organizations on investment attraction best practices. To learn more about why the United States is the best country in the world to develop technology, manufacture products, deliver services, and grow your business, visit <http://www.SelectUSA.gov> or call +1-202-482-6800.

PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number
15/049,060

APPLICATION AS FILED - PART I

(Column 1) (Column 2)

| FOR | NUMBER FILED | NUMBER EXTRA |
|---------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| BASIC FEE (37 CFR 1.16(a), (b), or (c)) | N/A | N/A |
| SEARCH FEE (37 CFR 1.16(k), (l), or (m)) | N/A | N/A |
| EXAMINATION FEE (37 CFR 1.16(o), (p), or (q)) | N/A | N/A |
| TOTAL CLAIMS (37 CFR 1.16(j)) | 1 minus 20 = * | |
| INDEPENDENT CLAIMS (37 CFR 1.16(h)) | 1 minus 3 = * | |
| APPLICATION SIZE FEE (37 CFR 1.16(s)) | If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). | |
| MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j)) | | |

* If the difference in column 1 is less than zero, enter "0" in column 2.

SMALL ENTITY

| RATE(\$) | FEE(\$) |
|--------------|------------|
| N/A | 70 |
| N/A | 300 |
| N/A | 360 |
| x 40 = | 0.00 |
| x 210 = | 0.00 |
| | 0.00 |
| | 0.00 |
| TOTAL | 730 |

OR OTHER THAN SMALL ENTITY

| RATE(\$) | FEE(\$) |
|--------------|---------|
| N/A | |
| N/A | |
| N/A | |
| | |
| | |
| | |
| | |
| TOTAL | |

APPLICATION AS AMENDED - PART II

(Column 1) (Column 2) (Column 3)

| AMENDMENT A | | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
|-------------|-----------------------------------------------------------------|----------------------------------|-------|------------------------------------|---------------|
| | Total (37 CFR 1.16(i)) | * | Minus | ** | = |
| | Independent (37 CFR 1.16(h)) | * | Minus | *** | = |
| | Application Size Fee (37 CFR 1.16(s)) | | | | |
| | FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | |

SMALL ENTITY

| RATE(\$) | ADDITIONAL FEE(\$) |
|------------------------|--------------------|
| x = | |
| x = | |
| | |
| | |
| TOTAL ADD'L FEE | |

OR OTHER THAN SMALL ENTITY

| RATE(\$) | ADDITIONAL FEE(\$) |
|------------------------|--------------------|
| x = | |
| x = | |
| | |
| | |
| TOTAL ADD'L FEE | |

(Column 1) (Column 2) (Column 3)

| AMENDMENT B | | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
|-------------|-----------------------------------------------------------------|----------------------------------|-------|------------------------------------|---------------|
| | Total (37 CFR 1.16(i)) | * | Minus | ** | = |
| | Independent (37 CFR 1.16(h)) | * | Minus | *** | = |
| | Application Size Fee (37 CFR 1.16(s)) | | | | |
| | FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j)) | | | | |

SMALL ENTITY

| RATE(\$) | ADDITIONAL FEE(\$) |
|------------------------|--------------------|
| x = | |
| x = | |
| | |
| | |
| TOTAL ADD'L FEE | |

OR OTHER THAN SMALL ENTITY

| RATE(\$) | ADDITIONAL FEE(\$) |
|------------------------|--------------------|
| x = | |
| x = | |
| | |
| | |
| TOTAL ADD'L FEE | |

* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20".

*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest Number Previously Paid For" (Total or Independent) is the highest found in the appropriate box in column 1.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|------------------------|----------------|
| Application Data Sheet 37 CFR 1.76 | | Attorney Docket Number | 10001-05488 US |
| | | Application Number | |
| Title of Invention | Biometric Personal Data Key (PDK) Authentication | | |
| The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application. | | | |

Secrecy Order 37 CFR 5.2:

Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Inventor Information:

| | | | | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|----------------|-------------|----------------------|--------|
| Inventor | 1 | | | | Remove |
| Legal Name | | | | | |
| Prefix | Given Name | Middle Name | Family Name | Suffix | |
| | John | J. | Giobbi | | |
| Residence Information (Select One) <input checked="" type="radio"/> US Residency <input type="radio"/> Non US Residency <input type="radio"/> Active US Military Service | | | | | |
| City | Bend | State/Province | OR | Country of Residence | US |
| Mailing Address of Inventor: | | | | | |
| Address 1 | c/o Proxense, LLC | | | | |
| Address 2 | 689 NW Stonepine Drive | | | | |
| City | Bend | State/Province | OR | | |
| Postal Code | 97701 | Country | US | | |
| All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button. | | | | | Add |

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).

An Address is being provided for the correspondence information of this application.

| | | | |
|-----------------|------------------------------|-----------|--------------|
| Customer Number | 89194 | | |
| Email Address | docketing@patentlawworks.net | Add Email | Remove Email |

Application Information:

| | | | |
|-----------------------------------------|--------------------------------------------------|-------------------------------------------|-------------------------------------|
| Title of the Invention | Biometric Personal Data Key (PDK) Authentication | | |
| Attorney Docket Number | 10001-05488 US | Small Entity Status Claimed | <input checked="" type="checkbox"/> |
| Application Type | Nonprovisional | | |
| Subject Matter | Utility | | |
| Total Number of Drawing Sheets (if any) | | Suggested Figure for Publication (if any) | |

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| | | | |
|-------------------------------------------|--------------------------------------------------|------------------------|----------------|
| Application Data Sheet 37 CFR 1.76 | | Attorney Docket Number | 10001-05488 US |
| | | Application Number | |
| Title of Invention | Biometric Personal Data Key (PDK) Authentication | | |

Filing By Reference:

Only complete this section when filing an application by reference under 35 U.S.C. 111(c) and 37 CFR 1.57(a). Do not complete this section if application papers including a specification and any drawings are being filed. Any domestic benefit or foreign priority information must be provided in the appropriate section(s) below (i.e., "Domestic Benefit/National Stage Information" and "Foreign Priority Information").

For the purposes of a filing date under 37 CFR 1.53(b), the description and any drawings of the present application are replaced by this reference to the previously filed application, subject to conditions and requirements of 37 CFR 1.57(a).

| | | |
|--------------------------------------------------------|--------------------------|--------------------------------------------|
| Application number of the previously filed application | Filing date (YYYY-MM-DD) | Intellectual Property Authority or Country |
| | | |

Publication Information:

Request Early Publication (Fee required at time of Request 37 CFR 1.219)

Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Either enter Customer Number or complete the Representative Name section below. If both sections are completed the customer Number will be used for the Representative Information during processing.

| | | | |
|--------------------|--------------------------------------------------|------------------------|---------------------------------------------------------|
| Please Select One: | <input checked="" type="radio"/> Customer Number | US Patent Practitioner | <input type="radio"/> Limited Recognition (37 CFR 11.9) |
| Customer Number | 89194 | | |

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, 365(c), or 386(c) or indicate National Stage entry from a PCT application. Providing benefit claim information in the Application Data Sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78.

When referring to the current application, please leave the "Application Number" field blank.

| | | | |
|--------------------------|-----------------|--------------------------|------------------------------------|
| Prior Application Status | Pending | | Remove |
| Application Number | Continuity Type | Prior Application Number | Filing or 371(c) Date (YYYY-MM-DD) |
| | Continuation of | 14521982 | 2014-10-23 |

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| | | | | | |
|-----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------|------------------------------------|---------------|-------------------------|
| Application Data Sheet 37 CFR 1.76 | | Attorney Docket Number | 10001-05488 US | | |
| | | Application Number | | | |
| Title of Invention | Biometric Personal Data Key (PDK) Authentication | | | | |
| Prior Application Status | Patented | | | Remove | |
| Application Number | Continuity Type | Prior Application Number | Filing Date (YYYY-MM-DD) | Patent Number | Issue Date (YYYY-MM-DD) |
| 14521982 | Continuation of | 13710109 | 2012-12-10 | 8886954 | 2014-11-11 |
| Prior Application Status | Patented | | | Remove | |
| Application Number | Continuity Type | Prior Application Number | Filing Date (YYYY-MM-DD) | Patent Number | Issue Date (YYYY-MM-DD) |
| 13710109 | Continuation of | 11314199 | 2005-12-20 | 8352730 | 2013-01-08 |
| Prior Application Status | Expired | | | Remove | |
| Application Number | Continuity Type | Prior Application Number | Filing or 371(c) Date (YYYY-MM-DD) | | |
| 11314199 | Claims benefit of provisional | 60652765 | 2005-02-14 | | |
| Prior Application Status | | | | Remove | |
| Application Number | Continuity Type | Prior Application Number | Filing or 371(c) Date (YYYY-MM-DD) | | |
| 11314199 | Claims benefit of provisional | 60637538 | 2004-12-20 | | |
| Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button. | | | | Add | |

Foreign Priority Information:

This section allows for the applicant to claim priority to a foreign application. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55. When priority is claimed to a foreign application that is eligible for retrieval under the priority document exchange program (PDX)ⁱ the information will be used by the Office to automatically attempt retrieval pursuant to 37 CFR 1.55(i)(1) and (2). Under the PDX program, applicant bears the ultimate responsibility for ensuring that a copy of the foreign application is received by the Office from the participating foreign intellectual property office, or a certified copy of the foreign priority application is filed, within the time period specified in 37 CFR 1.55(g)(1).

| | | | |
|--------------------------------------------------------------------------------------------------------|----------------------|--------------------------|------------------------------------------|
| | | | Remove |
| Application Number | Country ⁱ | Filing Date (YYYY-MM-DD) | Access Code ⁱ (if applicable) |
| | | | |
| Additional Foreign Priority Data may be generated within this form by selecting the Add button. | | | Add |

Statement under 37 CFR 1.55 or 1.78 for AIA (First Inventor to File) Transition Applications

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| | | |
|-------------------------------------------|--------------------------------------------------|----------------|
| Application Data Sheet 37 CFR 1.76 | Attorney Docket Number | 10001-05488 US |
| | Application Number | |
| Title of Invention | Biometric Personal Data Key (PDK) Authentication | |

| |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> This application (1) claims priority to or the benefit of an application filed before March 16, 2013 and (2) also contains, or contained at any time, a claim to a claimed invention that has an effective filing date on or after March 16, 2013. NOTE: By providing this statement under 37 CFR 1.55 or 1.78, this application, with a filing date on or after March 16, 2013, will be examined under the first inventor to file provisions of the AIA. |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| | | |
|-------------------------------------------|--------------------------------------------------|----------------|
| Application Data Sheet 37 CFR 1.76 | Attorney Docket Number | 10001-05488 US |
| | Application Number | |
| Title of Invention | Biometric Personal Data Key (PDK) Authentication | |

Authorization or Opt-Out of Authorization to Permit Access:

When this Application Data Sheet is properly signed and filed with the application, applicant has provided written authority to permit a participating foreign intellectual property (IP) office access to the instant application-as-filed (see paragraph A in subsection 1 below) and the European Patent Office (EPO) access to any search results from the instant application (see paragraph B in subsection 1 below).

Should applicant choose not to provide an authorization identified in subsection 1 below, applicant **must opt-out** of the authorization by checking the corresponding box A or B or both in subsection 2 below.

NOTE: This section of the Application Data Sheet is **ONLY** reviewed and processed with the **INITIAL** filing of an application. After the initial filing of an application, an Application Data Sheet cannot be used to provide or rescind authorization for access by a foreign IP office(s). Instead, Form PTO/SB/39 or PTO/SB/69 must be used as appropriate.

1. Authorization to Permit Access by a Foreign Intellectual Property Office(s)

A. Priority Document Exchange (PDX) - Unless box A in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the European Patent Office (EPO), the Japan Patent Office (JPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO), the World Intellectual Property Organization (WIPO), and any other foreign intellectual property office participating with the USPTO in a bilateral or multilateral priority document exchange agreement in which a foreign application claiming priority to the instant patent application is filed, access to: (1) the instant patent application-as-filed and its related bibliographic data, (2) any foreign or domestic application to which priority or benefit is claimed by the instant application and its related bibliographic data, and (3) the date of filing of this Authorization. See 37 CFR 1.14(h)(1).

B. Search Results from U.S. Application to EPO - Unless box B in subsection 2 (opt-out of authorization) is checked, the undersigned hereby **grants the USPTO authority** to provide the EPO access to the bibliographic data and search results from the instant patent application when a European patent application claiming priority to the instant patent application is filed. See 37 CFR 1.14(h)(2).

The applicant is reminded that the EPO's Rule 141(1) EPC (European Patent Convention) requires applicants to submit a copy of search results from the instant application without delay in a European patent application that claims priority to the instant application.

2. Opt-Out of Authorizations to Permit Access by a Foreign Intellectual Property Office(s)

A. Applicant **DOES NOT** authorize the USPTO to permit a participating foreign IP office access to the instant application-as-filed. If this box is checked, the USPTO will not be providing a participating foreign IP office with any documents and information identified in subsection 1A above.

B. Applicant **DOES NOT** authorize the USPTO to transmit to the EPO any search results from the instant patent application. If this box is checked, the USPTO will not be providing the EPO with search results from the instant application.

NOTE: Once the application has published or is otherwise publicly available, the USPTO may provide access to the application in accordance with 37 CFR 1.14.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| | | |
|-------------------------------------------|--------------------------------------------------|----------------|
| Application Data Sheet 37 CFR 1.76 | Attorney Docket Number | 10001-05488 US |
| | Application Number | |
| Title of Invention | Biometric Personal Data Key (PDK) Authentication | |

Applicant Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

| | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|--------------------------------------------------|
| Applicant | 1 | <input type="button" value="Remove"/> |
| <p>If the applicant is the inventor (or the remaining joint inventor or inventors under 37 CFR 1.45), this section should not be completed. The information to be provided in this section is the name and address of the legal representative who is the applicant under 37 CFR 1.43; or the name and address of the assignee, person to whom the inventor is under an obligation to assign the invention, or person who otherwise shows sufficient proprietary interest in the matter who is the applicant under 37 CFR 1.46. If the applicant is an applicant under 37 CFR 1.46 (assignee, person to whom the inventor is obligated to assign, or person who otherwise shows sufficient proprietary interest) together with one or more joint inventors, then the joint inventor or inventors who are also the applicant should be identified in this section.</p> | | |
| <input type="button" value="Clear"/> | | |
| <input checked="" type="radio"/> Assignee | <input type="radio"/> Legal Representative under 35 U.S.C. 117 | <input type="radio"/> Joint Inventor |
| Person to whom the inventor is obligated to assign. | | Person who shows sufficient proprietary interest |
| If applicant is the legal representative, indicate the authority to file the patent application, the inventor is: | | |
| <div style="border: 1px solid black; height: 20px; width: 100%;"></div> | | |
| Name of the Deceased or Legally Incapacitated Inventor: <input type="text"/> | | |
| If the Applicant is an Organization check here. <input checked="" type="checkbox"/> | | |
| Organization Name | <input type="text" value="Proxense, LLC"/> | |
| Mailing Address Information For Applicant: | | |
| Address 1 | <input type="text" value="689 NW Stonepine Drive"/> | |
| Address 2 | <input type="text"/> | |
| City | <input type="text" value="Bend"/> | State/Province <input type="text" value="OR"/> |
| Country | <input type="text" value="US"/> | Postal Code <input type="text" value="97701"/> |
| Phone Number | <input type="text"/> | Fax Number <input type="text"/> |
| Email Address | <input type="text"/> | |
| Additional Applicant Data may be generated within this form by selecting the Add button. <input type="button" value="Add"/> | | |

Assignee Information including Non-Applicant Assignee Information:

Providing assignment information in this section does not substitute for compliance with any requirement of part 3 of Title 37 of CFR to have an assignment recorded by the Office.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| | | |
|-------------------------------------------|--------------------------------------------------|----------------|
| Application Data Sheet 37 CFR 1.76 | Attorney Docket Number | 10001-05488 US |
| | Application Number | |
| Title of Invention | Biometric Personal Data Key (PDK) Authentication | |

| | |
|-----------------|---|
| Assignee | 1 |
|-----------------|---|

Complete this section if assignee information, including non-applicant assignee information, is desired to be included on the patent application publication. An assignee-applicant identified in the "Applicant Information" section will appear on the patent application publication as an applicant. For an assignee-applicant, complete this section only if identification as an assignee is also desired on the patent application publication.

Remove

If the Assignee or Non-Applicant Assignee is an Organization check here.

| | | | | |
|--------|------------|-------------|-------------|--------|
| Prefix | Given Name | Middle Name | Family Name | Suffix |
| | | | | |

Mailing Address Information For Assignee including Non-Applicant Assignee:

| | | | | |
|----------------------|--|----------------|--|--|
| Address 1 | | | | |
| Address 2 | | | | |
| City | | State/Province | | |
| Country ⁱ | | Postal Code | | |
| Phone Number | | Fax Number | | |
| Email Address | | | | |

Additional Assignee or Non-Applicant Assignee Data may be generated within this form by selecting the Add button.

Add

Signature:

Remove

NOTE: This Application Data Sheet must be signed in accordance with 37 CFR 1.33(b). However, if this Application Data Sheet is submitted with the **INITIAL** filing of the application and either box A or B is not checked in subsection 2 of the "Authorization or Opt-Out of Authorization to Permit Access" section, then this form must also be signed in accordance with 37 CFR 1.14(c).

This Application Data Sheet **must** be signed by a patent practitioner if one or more of the applicants is a **juristic entity** (e.g., corporation or association). If the applicant is two or more joint inventors, this form must be signed by a patent practitioner, **all** joint inventors who are the applicant, or one or more joint inventor-applicants who have been given power of attorney (e.g., see USPTO Form PTO/AIA/81) on behalf of **all** joint inventor-applicants.

See 37 CFR 1.4(d) for the manner of making signatures and certifications.

| | | | | | |
|------------|------------------|-----------|-------------------|---------------------|-------|
| Signature | /Matthew Holmes/ | | Date (YYYY-MM-DD) | 2016-02-20 | |
| First Name | Matthew | Last Name | Holmes | Registration Number | 65160 |

Additional Signature may be generated within this form by selecting the Add button.

Add

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

| | | |
|-------------------------------------------|--------------------------------------------------|----------------|
| Application Data Sheet 37 CFR 1.76 | Attorney Docket Number | 10001-05488 US |
| | Application Number | |
| Title of Invention | Biometric Personal Data Key (PDK) Authentication | |

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these records.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**Title of
Invention

Biometric Personal Data Key (PDK) Authentication

As the below named inventor, I hereby declare that:

This declaration is directed to: The attached application, or
 United States application or PCT international application number _____
 filed on _____.

The above-identified application was made or authorized to be made by me.

I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

I hereby acknowledge that any willful false statement made in this declaration is punishable under 18 U.S.C. 1001 by fine or imprisonment of not more than five (5) years, or both.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

LEGAL NAME OF INVENTOR

Inventor: John J. GiobbiDate (Optional): 12/10/12Signature: 

Note: An application data sheet (PTO/AIA/14 or equivalent), including naming the entire inventive entity, must accompany this form. Use an additional PTO/SB/AIA01 form for each additional inventor.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.83. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

BIOMETRIC PERSONAL DATA KEY (PDK) AUTHENTICATION

CROSS-REFERENCE TO RELATED APPLICATIONS

[0001] The present application claims priority, under 35 U.S.C. § 120, to U.S. Patent Application No. 14/521,982, filed October 23, 2014, entitled “Biometric Personal Data Key (PDK) Authentication, which claims priority to U.S. Patent Application No. 13/710,109 filed December 10, 2012 and entitled “Biometric Personal Data Key (PDK) Authentication” which claims priority to U.S. Patent Application No. 11/314,199, filed December 20, 2005 and entitled “Biometric Personal Data Key (PDK) Authentication,” which claims the benefit of U.S. Provisional Application No. 60/637,538, filed on December 20, 2004, and of U.S. Provisional Application No. 60/652,765, filed on February 14, 2005, the entireties of which are hereby incorporated by reference.

[0002] Applicants hereby notify the USPTO that the claims of the present application are different from those of the aforementioned related applications. Therefore, Applicant rescinds any disclaimer of claim scope made in the parent application or any other predecessor application in relation to the present application. The Examiner is therefore advised that any such disclaimer and the cited reference that it was made to avoid may need to be revisited at this time. Furthermore, the Examiner is also reminded that any disclaimer made in the present application should not be read into or against the parent application, the grandparent application or any other related application.

FIELD OF THE INVENTION

[0003] The present invention relates generally to computerized authentication, and more specifically, to an authentication responsive to biometric verification of a user being authenticated.

BACKGROUND

[0004] Conventional user authentication techniques are designed to prevent access by unauthorized users. One technique is to require a user being authenticated to provide secret credentials, such as a password, before allowing access. Similarly, a PIN number can be required by an ATM machine before allowing a person to perform automated bank transactions. A difficulty with this technique is that it requires the user to memorize or otherwise keep track of the credentials. A user often has multiple sets of credentials (e.g., passwords and PINs) and it can be quite difficult to keep track of them all.

[0005] Another technique that does not require the user to memorize credentials is to provide the user with an access object such as a key (e.g., an electronic key) that the user can present to obtain access. For example, a user can be provided with a small electronic key fob that allows access to a building or other secured location. A difficulty with using access objects is that authentication merely proves that the access object itself is valid; it does not verify that the legitimate user is using the access object. That is, an illegitimate user can use a stolen access object to enter a secured location because the user's identity is never checked.

[0006] Some hybrid authentication techniques require the user to provide both an access object and credentials. The user is authenticated only upon providing both items. Of course, this solution does not resolve the problem of making the user memorize credentials.

[0007] Therefore, there is a need for systems and methods for verifying a user that is being authenticated that does not suffer from the limitations described above. Moreover, the solution should ease authentications by wirelessly providing an identification of the user.

SUMMARY

[0008] The present invention addresses the above needs by providing systems and methods for authentication responsive to biometric verification of a user being authenticated. In one embodiment, an integrated device includes a persistent storage to persistently stores a code such as a device identifier (ID) and biometric data for a user in a tamper-resistant format, and a verification module, in communication with the persistent storage, to receive scan data from a biometric scan for comparison against the biometric data, and if the scan data matches the biometric data, wirelessly sending a code for authentication.

[0009] In one embodiment, a method for verifying a user during authentication of an integrated device, includes persistently storing biometric data for the user in a tamper-resistant format; responsive to receiving a request for biometric verification of the user, receiving scan data from a biometric scan; comparing the scan data to the biometric data to determine whether the data match; and responsive to a determination that the scan data matches the biometric data, wirelessly sending a code for authentication.

[0010] Other embodiments include corresponding systems, apparatus, and computer programming products, configured to perform the actions of the methods, encoded on computer storage devices. These and other embodiments may each optionally include one or more of the following features. For instance the operations further include registering an age verification for the user in association with the code. For instance the operations further include establishing a

secure communication channel prior to sending the code for authentication. For instance the operations further include receiving a request for the code without a request for biometric verification, and responsive to receiving the request for the code without a request for biometric verification, sending the code without requesting the scan data. For instance, the features include: the code is registered with a trusted authority, and the code can be authenticated to a third party by the trusted authority; the code uniquely identifies the integrated device; the code indicates that the biometric verification was successful; persistently storing biometric data includes permanently storing biometric data; the biometric data and the scan data are both based on a fingerprint scan by the user, an LED to be activated for requesting the biometric scan.

[0011] In one embodiment, a method for authenticating a verified user, includes receiving a code associated with a biometrically verified user; requesting authentication of the code; receiving an authentication result; and in response to the authentication result being positive, providing access to an application.

[0012] In one embodiment, a system includes an integrated device (e.g. a biometric key) to store biometric data for a user in a tamper resistant format, and if scan data can be verified as being from the user by comparing the scan data to the biometric data, wirelessly sending a code; and an authentication module to receive the code and send the code to a trusted authority for authentication, and responsive to the code being authenticated, allowing the user to access an application.

[0013] Other embodiments include corresponding systems, apparatus, and computer programming products, configured to perform the actions of the methods, encoded on computer storage devices. These and other embodiments may each optionally include one or more of the following features. For instance, the operations further include registering the code with a trusted authority, wherein requesting authentication of the code includes providing the code to the trusted authority and wherein receiving an authentication result comprises receiving the authentication result from the trusted authority. For instance the operations further include registering a date of birth or age with the trusted authority. For instance the operations further include establishing a secure communications channel with an integrated device, wherein the code associated with the biometrically verified user is received from the integrated device. For instance the features include: the integrated device receives an authentication request from the authentication module, and in response, requests a biometric scan from the user to generate the scan data; when the integrated device cannot verify the scan data as being from the user, it does not send the code.

[0014] Advantageously, user authentication is bolstered with highly reliable biometric verification of the user in an integrated device. Furthermore, a keyless environment relieves authorized users from having to memorize credentials, and of having to physically enter credentials or keys. In addition, the integrated device can be authenticated for an application that is open to the public (i.e., in an open loop system).

[0015] The features and advantages described in the specification are not all inclusive and, in particular, many additional features and advantages will be apparent to one of ordinary skill in the art in view of the drawings, specifications, and claims. Moreover, it should be noted that the language used in the specification has been principally selected for readability and instructional purposes and may not have been selected to delineate or circumscribe the inventive matter.

BRIEF DESCRIPTION OF THE DRAWINGS

[0016] The teachings of the present invention can be readily understood by considering the following detailed description in conjunction with the accompanying drawings.

[0017] FIG. 1 is a schematic diagram illustrating a biometric key for providing authentication information for a biometrically verified user according to one embodiment of the present invention.

[0018] FIG. 2 is a block diagram illustrating functional modules within the biometric key according to one embodiment of the present invention.

[0019] FIG. 3 is a block diagram illustrating a system for providing authentication information for a biometrically verified user.

[0020] FIG. 4 is a flow chart illustrating a method for providing authentication information for a biometrically verified user.

[0021] FIG. 5 is a flow chart illustrating a method for enrolling biometric data of the user with the biometric key.

[0022] FIG. 6 is a flow chart illustrating a method for verifying a subject presenting the biometric key according to one embodiment of the present invention.

[0023] FIG. 7 is a flow chart illustrating a method for authenticating a verified user of the biometric key according to one embodiment of the present invention.

DETAILED DESCRIPTION

[0024] Systems and methods for authentication responsive to biometric verification of a user being authenticated are described. Generally, biometric verification uses biometric data to ensure that the user of, for example, a biometric key, is the person registered as an owner. Biometric data is a digital or analog representation of characteristics unique to the user's body. For example, a fingerprint of a subject can be compared against previously-recorded biometric data for verification that the subject is the registered owner of the biometric key. Then, the biometric key itself can be authenticated.

[0025] Although the embodiments below are described using the example of biometric verification using a fingerprint, other embodiments within the spirit of the present invention can perform biometric verification using other types of biometric data. For example, the biometric data can include a palm print, a retinal scan, an iris scan, hand geometry recognition, facial recognition, signature recognition, or voice recognition.

[0026] FIG. 1 is a schematic diagram illustrating an example of a biometric key 100 for providing authentication information for a biometrically verified user according to one embodiment of the present invention. In one embodiment, the biometric key 100 comprises a frame 110, a scan pad 120, and an LED 130. In one embodiment, biometric key 100 has a small form factor (e.g., the size of an automobile remote control) such that it can be unobtrusively carried by a user. In one embodiment, the biometric key 100 is integrated into another object or device. A

device having an integrated biometric key 100 is occasionally referred to herein as an “integrated device.” For example, in one embodiment, the biometric key 100 is integrated into a mobile phone (e.g. a cellular phone or smartphone), tablet, laptop, mp3 player, mobile gaming device, watch, key fob or other mobile device, thereby making the biometric key 100 unobtrusive to carry.

[0027] Frame 110 can be formed by plastic, metal or another suitable material. Frame 110 is shaped to secure scan pad 120, and includes a perforation for attachment to, for example a key chain or clip. In one embodiment, frame 110 is formed from a unitary molding to protect biometric data. Accordingly, frame 110 cannot be opened to expose the underlying components unless it is broken.

[0028] Scan pad 120 can be, for example, an optical scanner using a charge coupled device, or a capacitive scanner. Scan pad 120 can be sized to fit a thumb or other finger. Biometric key 100 of the present embodiment includes LED 130 that lights up to request a fingerprint scan from a user. In one embodiment, LED 130 can also confirm that user verification and/or authentication has completed.

[0029] Biometric key 100 can authenticate a user for various purposes. For example, biometric key 100 can allow keyless entry into homes and autos. In another example, biometric key 100 can log a user onto a computer system or point of sale register without typing in credentials. In still another example, biometric key 100 can verify that an enrolled user is above a certain age (e.g., before allowing access to a slot machine in a casino). In some embodiments, biometric key

100 operates without biometric verification, and request a fingerprint scan from a user only when biometric verification is needed for the particular use.

[0030] FIG. 2 is a block diagram illustrating biometric key 100 according to one embodiment of the present invention. Biometric key 100 comprises control module 210, biometric portion 220, RF communication module 230, persistent storage 240, and battery 250. Biometric key 100 can be formed from a combination of hardware and software components as described above. In one embodiment, biometric key 100 comprises a modified key fob.

[0031] Control module 210 coordinates between several functions of biometric key 100. In one embodiment, control module 210 provides a verification code upon successful verification of the user. More specifically, once biometric portion 220 indicates that a fingerprint scan matches biometric data that was collected during enrollment, control module 210 can trigger RF communication module 230 for sending a code indicating that the user was verified. In another embodiment, control module 210 can work in the opposite direction by detecting a request for verification from RF communication module 230, and then requesting verification of the user from biometric portion 210. Note that control module 210 of FIG. 2 is merely a grouping of control functions in a central architecture, and in other embodiments, the control functions can be distributed between several modules around biometric key 100.

[0032] Biometric portion 220 comprises enrollment module 222, validation module 224, and biometric data base 226. In one embodiment, enrollment mod-

ule 222 registers a user with biometric key 100 by persistently storing biometric data associated with the user. Further, enrollment module 222 registers biometric key 100 with a trusted authority by providing the code (e.g., device ID) to the trusted authority. Or conversely, the trusted authority can provide the code to biometric key 100 to be stored therein.

[0033] Validation module 224 can comprise scan pad 120 (FIG. 1) to capture scan data from a user's fingerprint (e.g., a digital or analog representation of the fingerprint). Using the scan data, validation module 214 determines whether the user's fingerprint matches the stored biometric data from enrollment. Conventional techniques for comparing fingerprints can be used. For example, the unique pattern of ridges and valleys of the fingerprints can be compared. A statistical model can be used to determine comparison results. Validation module 224 can send comparison results to control module 210.

[0034] In other embodiments, validation module 224 can be configured to capture biometric data for other human characteristics. For example, a digital image of a retina, iris, and/or handwriting sample can be captured. In another example, a microphone can capture a voice sample.

[0035] Persistent storage 226 persistently stores biometric data from one or more users which can be provided according to specific implementations. In one embodiment, at least some of persistent storage 226 is a memory element that can be written to once but cannot subsequently be altered. Persistent storage 226 can include, for example, a ROM element, a flash memory element, or any other type

of non-volatile storage element. Persistent storage 226 is itself, and stores data in, a tamper-proof format to prevent any changes to the stored data. Tamper-proofing increases reliability of authentication because it does not allow any changes to biometric data (i.e., allows reads of stored data, but not writes to store new data or modify existing data). Furthermore, data can be stored in an encrypted form.

[0036] In one embodiment, persistent storage 226 also stores the code that is provided by the key 100 responsive to successful verification of the user. As described above, in one embodiment the code is a device ID or other value that uniquely identifies biometric key 100. In one embodiment, the code is provided during the manufacturing process and the biometric data are provided during an enrollment of the user. In other embodiments, the code is provided during enrollment and/or the biometric data are provided during manufacturing. Further, in some embodiments persistent storage 226 stores other data utilized during the operation of biometric key 100. For example, persistent storage 226 can store encryption/decryption keys utilized to establish secure communications links.

[0037] Radio frequency (RF) communication module 230 is, for example, a transceiver or other mechanism for wireless communication. RF communication module 230 can send and receive data (e.g., the code) as modulated electromagnetic signals. In one embodiment, RF communication 220 can be optimized for low-power usage by, for example, using short-range transceivers. RF communi-

cation module 230 can actively send out connection requests, or passively detect connection requests.

[0038] Battery 260 can be a conventional power source suitable for the components of biometric key 100. Battery 260 can be either replaceable or rechargeable. Alternatively, battery 260 can be embedded within key 100 such that the key must be discarded or recycled upon expiration of the battery.

[0039] FIG. 3 is a block diagram illustrating a system 300 for providing authentication information for a biometrically verified user. System 300 comprises an authentication module 310 in communication with biometric key 100, a trusted key authority 320, and an application 330.

[0040] Authentication module 310 is coupled in communication with biometric key via line 311 (i.e., a wireless medium such as EM signals), and with trusted key authority 320 via line 312 (e.g., a secure data network such as the Internet, or a cell network). Authentication module 310 can include one or more of, for example, a computerized device, software executing on a computerized device, and/or a reader/decoder circuit. In one embodiment, authentication module 310 servers as a gatekeeper to application 330 by requiring the code indicating successful biometric verification of the user prior to allowing access to the application. Further, in one embodiment, authentication module 310 provides the code to trusted key authority 320 in order to verify that it belongs to a legitimate key (e.g., when application 330 is security-critical). Authentication module

310 can send a message to application 330, or otherwise allow access to the application, responsive to a successful authentication by trusted key authority 320.

[0041] Application 330 is a resource that can be accessed by a verified and authenticated user. Application 330 can be, for example, a casino machine, a keyless lock, a garage door opener, an ATM machine, a hard drive, computer software, a web site, a file, a financial account (e.g. a savings account, checking account, brokerage account, credit card account, credit line, etc.) and the like. In one embodiment, a file includes medical information such as a medical record, insurance information or other healthcare information. Application 330 can execute on the same system as authentication module 310 or on another system in communication with the system of the authentication module. In one embodiment, application module 330 allows access by a user after receiving a message from authentication module 310. At that point, application 330 can allow direct use by the user, or require that communications continue to pass through authentication module 310 for continued authentication.

[0042] Trusted key authority 320 is a third-party authority that is present in some embodiments in order to provide enhanced security. In one embodiment, trusted key authority 320 verifies that a code from a biometric key is legitimate. To do so, the trusted key authority 320 stores a list of codes for legitimate biometric keys. The list can be batched or updated each time a new user/key is enrolled. In one embodiment, trusted key authority 320 can also store a profile associated with a biometric key. The profile describes the user associated with

the key, the key itself, the trusted key authority, and/or other relevant information. In one embodiment, the functionality of trusted key authority 320 is provided by a server or other computerized device.

[0043] In an open system, where unknown users can attempt authentication (e.g., in a public grocery store), trusted key authority 320 provides verification that a key presenting a certain code is legitimate. By contrast, in a closed system, only known users are legitimate (e.g., owners of a home), the trusted key authority 320 can be maintained locally and serves to verify that the key belongs to one of the limited number of users that can use the system.

[0044] FIG. 4 is a flow chart illustrating a method 400 for authenticating a biometrically verified user using a trusted key authority (e.g., authority 320). A biometric key (e.g., biometric key 100) is registered 410 with the trusted key authority. The code (e.g., device ID) of the key is stored by the trusted key authority. Additionally, a user is enrolled 420 with the biometric key as described below with reference to FIG. 5.

[0045] In various situations, authentication of the key is needed 430 (e.g., by authentication module 310). In one embodiment, authentication can be required prior to allowing access to an application (e.g., application 330). For example, a user can be standing proximate to a slot machine in a casino which requires that a user be over the age of 21. The slot machine can detect the biometric key in the user's pocket, and, in response, spawn a conspicuous pop-up window on the slot machine requesting age verification. Alternatively, the bio-

metric key can blink an LED. In other embodiments, biometric verification is not necessary and only the key itself is authenticated.

[0046] The biometric key establishes communication with the authentication module using various techniques. In one embodiment, the key and authentication module engage in preliminary data exchanges to determine who and/or what they are (e.g., to ascertain that they belong to the same system). These data exchanges can include challenge-response dialogs, hashing algorithms, and the like in order to ensure that the biometric key and authentication module are themselves legitimate. Further, in one embodiment the key and authentication module establish a secure communications channel. The key performs the biometric verification of the user 440 as described below with reference to FIG. 6. If the biometric verification of the user is successful, the key provides its code over the secure communications channel.

[0047] The code is utilized to authenticate the biometric key itself 450, 460 as described below with reference to FIG. 7 and profile information is received. Responsive to successful authentication of the key, access is allowed 470 to the application. In the slot machine example, a new pop-up window can be spawned to indicate a successful age verification.

[0048] FIG. 5 is a flow chart illustrating a method 500 for enrolling biometric data of the user with the biometric key according to one embodiment of the present invention. An agent checks 510 an identification of the user and establishes a profile. The agent can be, for example, a government official, a nota-

ry, and/or an employee of a third party which operates the trusted key authority, or another form of witness. The agent can follow standardized procedures such as requiring identification based on a state issued driver license, or a federally issued passport in order to establish a true identity of the user.

[0049] The profile describes the user and can include, for example, the user's name, date of birth, age, passwords, account numbers, preferences etc. In some embodiments, the profile stores no or only limited information about the user. For example, the agent might store the date of birth of the user in the profile, but not store any other information about the user. In addition, the profile describes the biometric key and/or key authority. For the biometric key, the profile can store a value indicating the status of the key, such as whether the key is in-service, out-of-service, abandoned, lost, stolen etc. For the key authority, the profile can store a value identifying the key authority.

[0050] The agent also collects and persistently stores 520 biometric data from the user. To do so, a fingerprint or eye retina can be scanned and converted to data which is then persistently stored in the biometric key. In one embodiment, the agent does not retain the biometric data. Since this step occurs under control of the agent, the agent can be certain that the biometric data stored within the key matches the user who presented the identification. The agent also obtains the code (e.g., device ID) from the biometric key in which the biometric data was stored. The agent associates the code and the profile using a table and/or other data structure.

[0051] FIG. 6 is a flow chart illustrating a method 600 for verifying a subject presenting the biometric key according to one embodiment of the present invention. In response to an authentication request, a user scan is requested 610 (e.g., by a blinking LED). Once the subject provides a fingerprint, scan data is received 620. Scan data is compared for a match 630 to previously-stored biometric data. If there is no match, then verification fails 650.

[0052] If there is a match, the subject is verified 640 as the user. The code indicating a successful verification is wirelessly sent 650 from the biometric key (e.g., by RF communication module 230).

[0053] FIG. 7 is a flow chart illustrating a method 700 for authenticating a biometric key according to one embodiment of the present invention. The code is wirelessly received 710. A request for authentication of the code is sent to the trusted key authority 720. The trusted key authority determines whether the code is authentic 730 (i.e., it was created through an established enrollment process) and has a valid status (e.g., has not expired). If authentication is successful, the trusted key authority sends an access message to the application to allow user access and/or provide additional information from the profile 740 (such as the user's age). If authentication is not successful, authentication fails 750 and the message to the application indicates that the user should be denied access.

[0054] In some embodiments, the biometric key provides multiple codes and/or other data values. For example, the key can provide a device ID code that the authentication module can provide to the trusted key authority in order

to authenticate the key, and the key can provide a secret decryption value that can be used to communicate with the biometric key. As used herein, the term “code” is intended to include one or more of these values, depending upon the specific embodiment.

[0055] The order in which the steps of the methods of the present invention are performed is purely illustrative in nature. The steps can be performed in any order or in parallel, unless otherwise indicated by the present disclosure. The methods of the present invention may be performed in hardware, firmware, software, or any combination thereof operating on a single computer or multiple computers of any type. Software embodying the present invention may comprise computer instructions in any form (e.g., source code, object code, interpreted code, etc.) stored in any computer-readable storage medium (e.g., a ROM, a RAM, a magnetic media, a compact disc, a DVD, etc.). Such software may also be in the form of an electrical data signal embodied in a carrier wave propagating on a conductive medium or in the form of light pulses that propagate through an optical fiber.

[0056] While particular embodiments of the present invention have been shown and described, it will be apparent to those skilled in the art that changes and modifications may be made without departing from this invention in its broader aspect and, therefore, the appended claims are to encompass within their scope all such changes and modifications, as fall within the true spirit of this invention.

[0057] In the above description, for purposes of explanation, numerous specific details are set forth in order to provide a thorough understanding of the invention. It will be apparent, however, to one skilled in the art that the invention can be practiced without these specific details. In other instances, structures and devices are shown in block diagram form in order to avoid obscuring the invention.

[0058] Reference in the specification to “one embodiment” or “an embodiment” means that a particular feature, structure, or characteristic described in connection with the embodiment is included in at least one embodiment of the invention. The appearances of the phrase “in one embodiment” in various places in the specification are not necessarily all referring to the same embodiment.

[0059] Some portions of the detailed description are presented in terms of algorithms and symbolic representations of operations on data bits within a computer memory. These algorithmic descriptions and representations are the means used by those skilled in the data processing arts to most effectively convey the substance of their work to others skilled in the art. An algorithm is here, and generally, conceived to be a self-consistent sequence of steps leading to a desired result. The steps are those requiring physical manipulations of physical quantities. Usually, though not necessarily, these quantities take the form of electrical or magnetic signals capable of being stored, transferred, combined, compared, and otherwise manipulated. It has proven convenient at times, prin-

cipally for reasons of common usage, to refer to these signals as bits, values, elements, symbols, characters, terms, numbers, or the like.

[0060] It should be borne in mind, however, that all of these and similar terms are to be associated with the appropriate physical quantities and are merely convenient labels applied to these quantities. Unless specifically stated otherwise as apparent from the discussion, it is appreciated that throughout the description, discussions utilizing terms such as “processing” or “computing” or “calculating” or “determining” or “displaying” or the like, refer to the action and processes of a computer system, or similar electronic computing device, that manipulates and transforms data represented as physical (electronic) quantities within the computer system’s registers and memories into other data similarly represented as physical quantities within the computer system memories or registers or other such information storage, transmission or display devices.

[0061] The present invention also relates to an apparatus for performing the operations herein. This apparatus can be specially constructed for the required purposes, or it can comprise a general-purpose computer selectively activated or reconfigured by a computer program stored in the computer. Such a computer program can be stored in a computer readable storage medium, such as, but is not limited to, any type of disk including floppy disks, optical disks, CD-ROMs, and magnetic-optical disks, read-only memories (ROMs), random access memories (RAMs), EPROMs, EEPROMs, magnetic or optical cards, or any

type of media suitable for storing electronic instructions, and each coupled to a computer system bus.

[0062] The algorithms and modules presented herein are not inherently related to any particular computer or other apparatus. Various general-purpose systems can be used with programs in accordance with the teachings herein, or it may prove convenient to construct more specialized apparatuses to perform the method steps. The required structure for a variety of these systems will appear from the description below. In addition, the present invention is not described with reference to any particular programming language. It will be appreciated that a variety of programming languages can be used to implement the teachings of the invention as described herein. Furthermore, as will be apparent to one of ordinary skill in the relevant art, the modules, features, attributes, methodologies, and other aspects of the invention can be implemented as software, hardware, firmware or any combination of the three. Of course, wherever a component of the present invention is implemented as software, the component can be implemented as a standalone program, as part of a larger program, as a plurality of separate programs, as a statically or dynamically linked library, as a kernel loadable module, as a device driver, and/or in every and any other way known now or in the future to those of skill in the art of computer programming. Additionally, the present invention is in no way limited to implementation in any specific operating system or environment.

[0063] It will be understood by those skilled in the relevant art that the above-described implementations are merely exemplary, and many changes can be made without departing from the true spirit and scope of the present invention. Therefore, it is intended by the appended claims to cover all such changes and modifications that come within the true spirit and scope of this invention.

CLAIMS

What is claimed is:

1. A method comprising:
persistently storing biometric data of the user and a plurality of codes and other data values comprising a device ID code uniquely identifying an integrated device and a secret decryption value in a tamper proof format written to a storage element on the integrated device that is unable to be subsequently altered;
responsive to receiving a request for a biometric verification of the user,
receiving scan data from a biometric scan;
comparing the scan data to the biometric data to determine whether the scan data matches the biometric data;
responsive to a determination that the scan data matches the biometric data, wirelessly sending one or more codes and other values from the plurality of codes and the other data values for authentication by an agent that is a third-party trusted authority, wherein the one or more codes and other data values includes the device ID code; and
receiving an access message from the agent indicating that the agent successfully authenticated the one or more codes and other data values and allowing the user access to an application.

ABSTRACT

Systems and methods verifying a user during authentication of an integrated device. In one embodiment, the system includes an integrated device and an authentication unit. The integrated device stores biometric data of a user and a plurality of codes and other data values comprising a device ID code uniquely identifying the integrated device and a secret decryption value in a tamper proof format, and when scan data is verified by comparing the scan data to the biometric data, wirelessly sends one or more codes and other data values including the device ID code. The authentication unit receives and sends the one or more codes and the other data values to an agent for authentication, and receives an access message from the agent indicating that the agent successfully authenticated the one or more codes and other data values and allows the user to access an application.

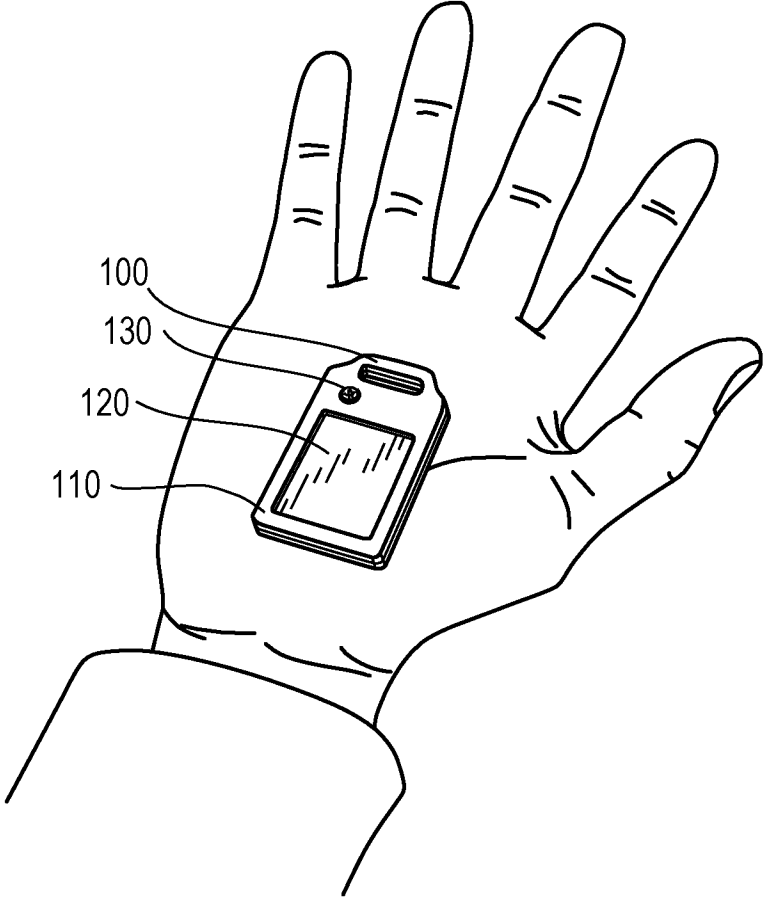


FIG. 1

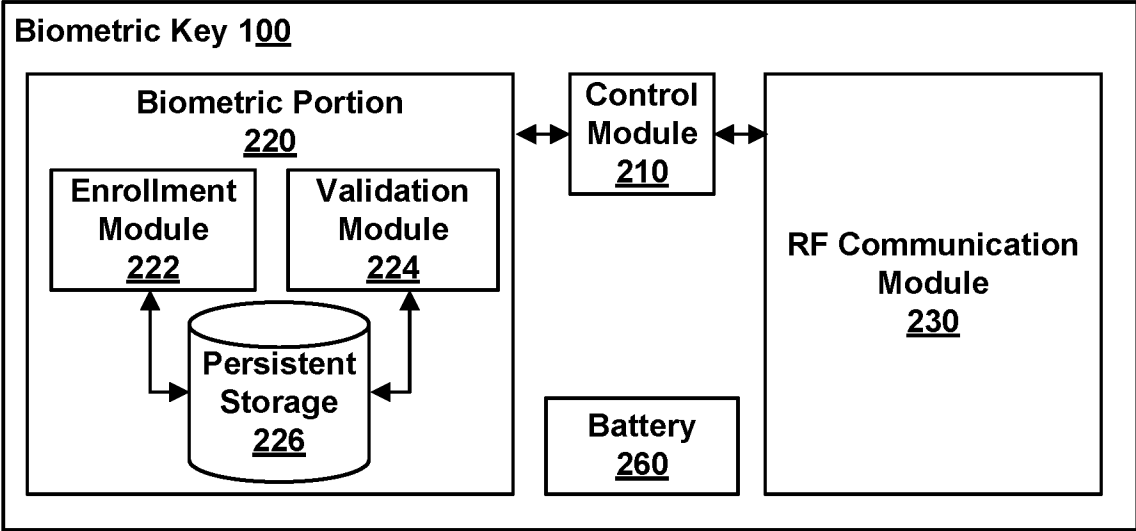


FIG. 2

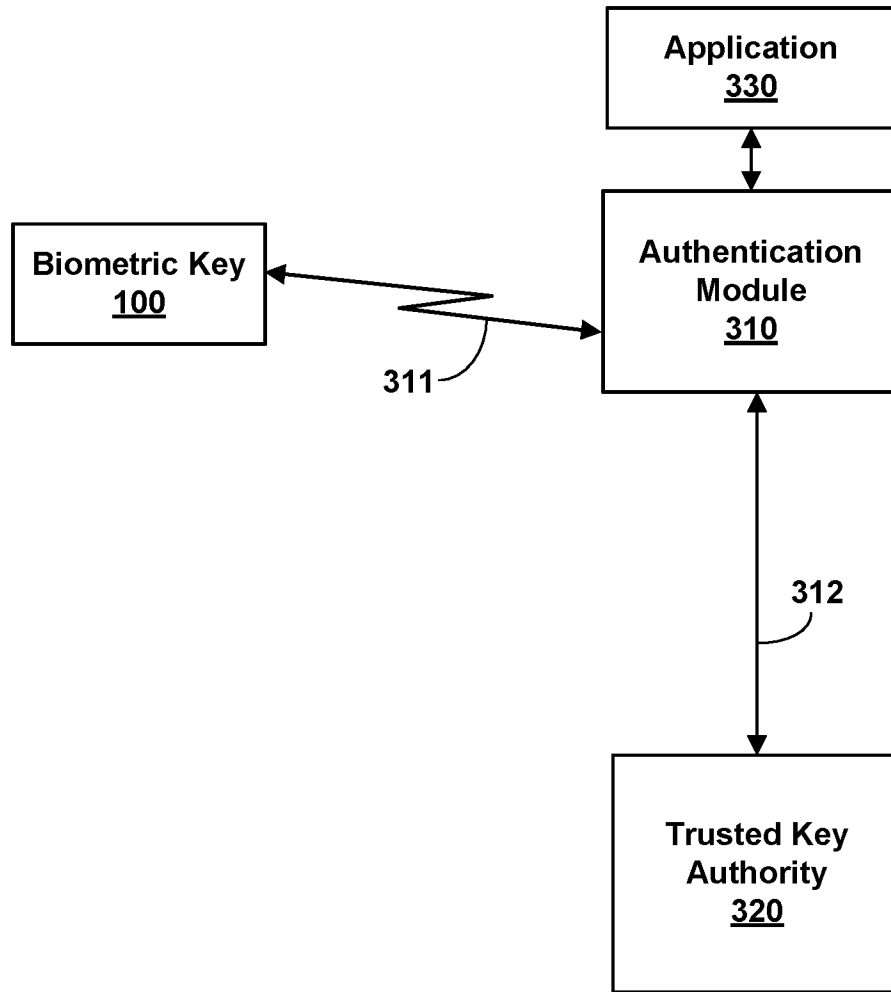


FIG. 3

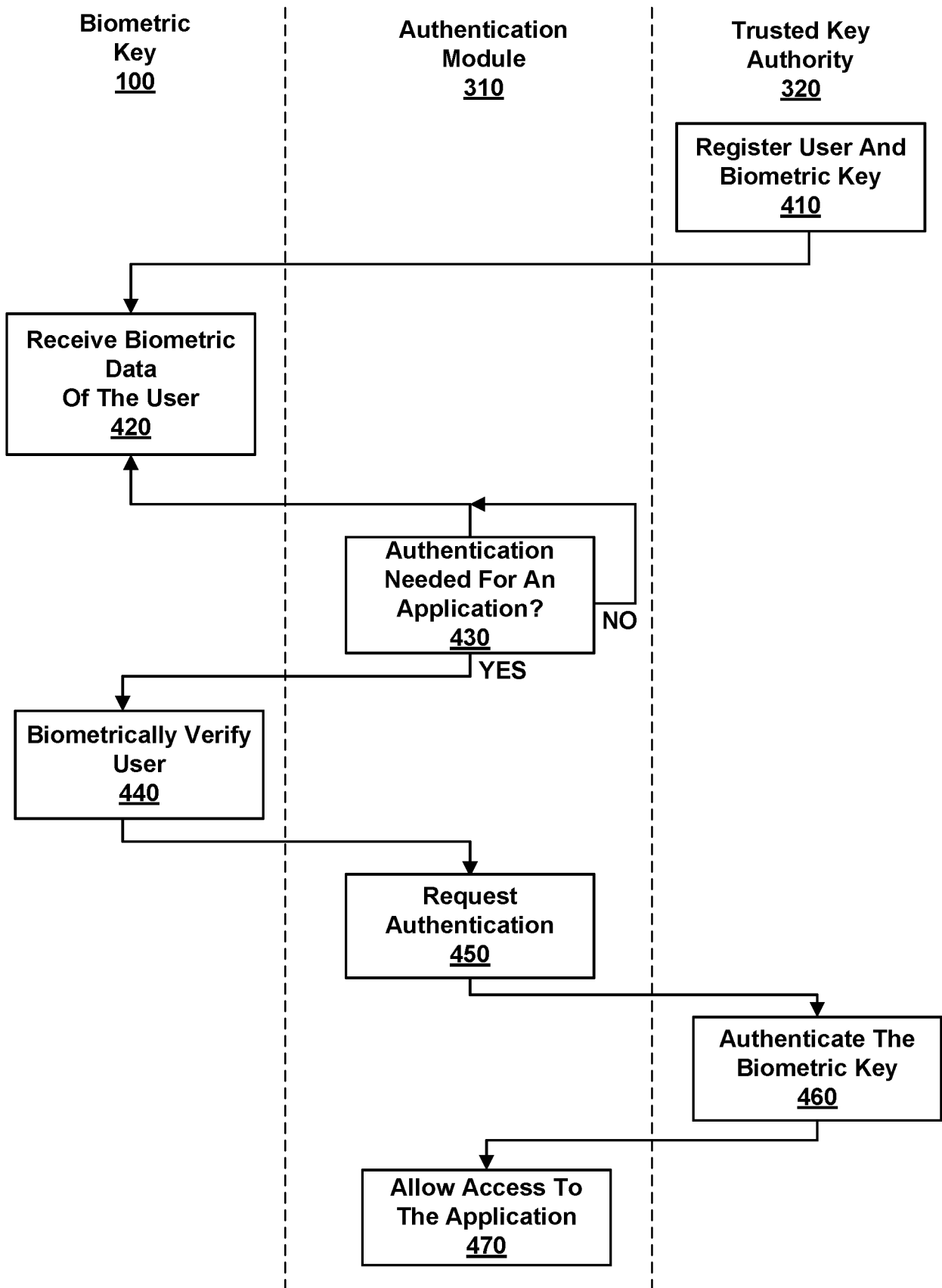


FIG. 4

500

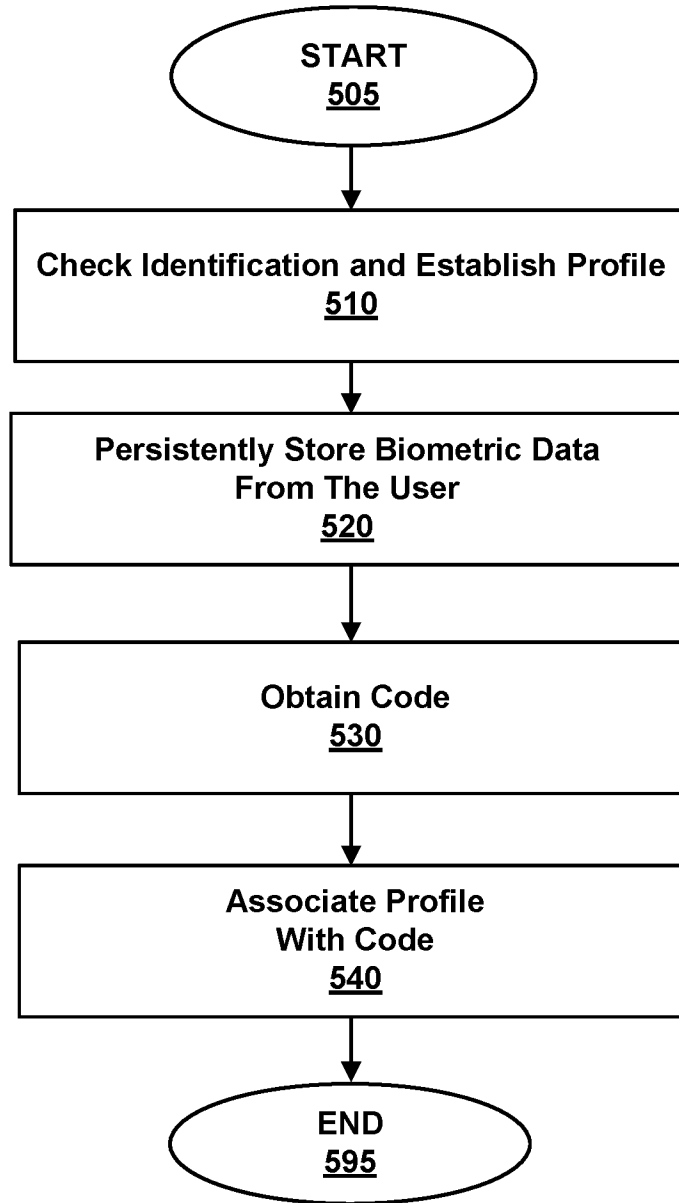


FIG. 5

600

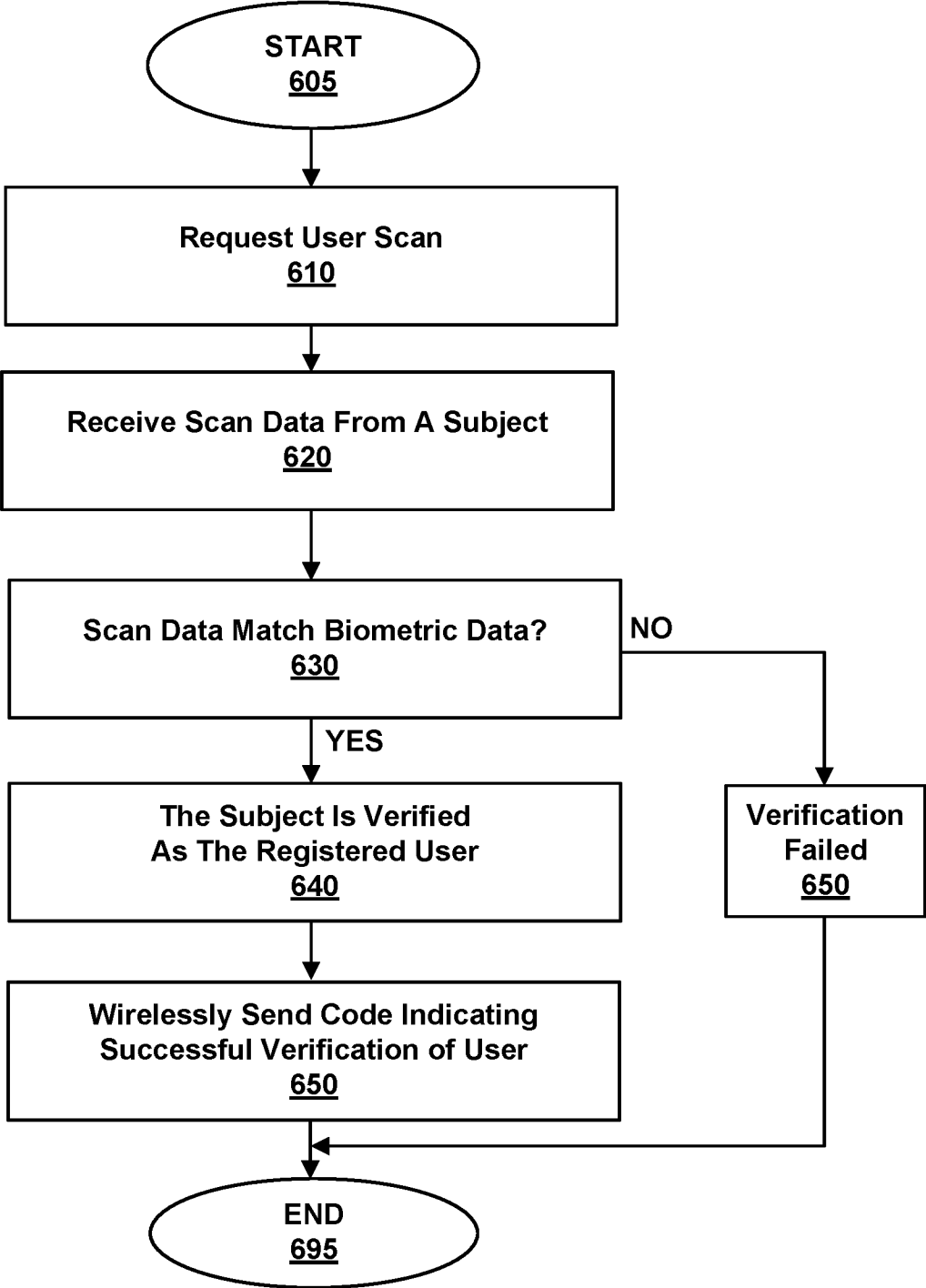


FIG. 6

700

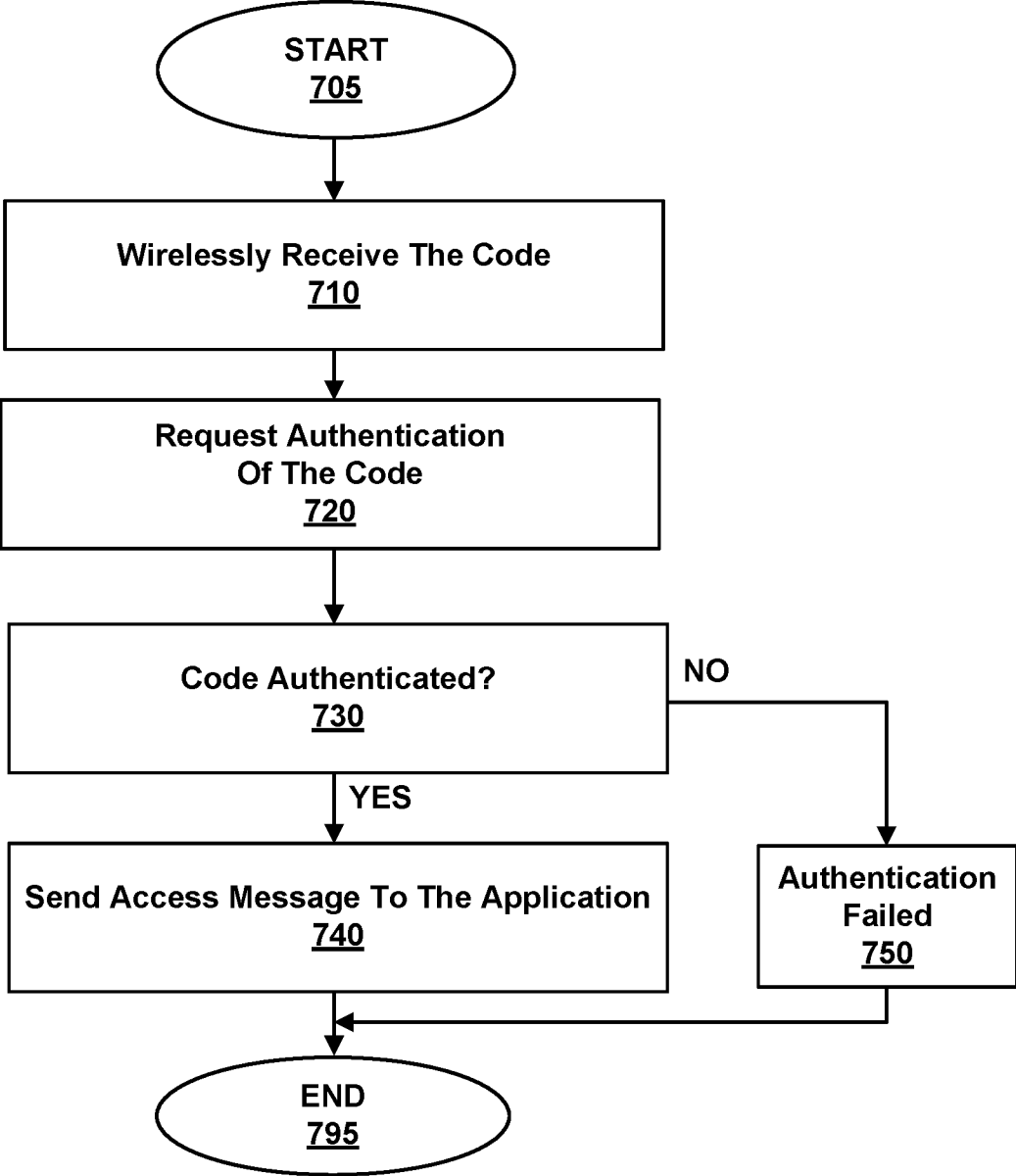


FIG. 7

Electronic Patent Application Fee Transmittal

| | |
|---------------------------------------------|--------------------------------------------------|
| Application Number: | |
| Filing Date: | |
| Title of Invention: | Biometric Personal Data Key (PDK) Authentication |
| First Named Inventor/Applicant Name: | John J. Giobbi |
| Filer: | Matthew M. Holmes/Cynthia Kersey |
| Attorney Docket Number: | 10001-05488 US |

Filed as Small Entity

Filing Fees for Utility under 35 USC 111(a)

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|----------------------------------------|----------|----------|--------|----------------------|
| Basic Filing: | | | | |
| Utility filing Fee (Electronic filing) | 4011 | 1 | 70 | 70 |
| Utility Search Fee | 2111 | 1 | 300 | 300 |
| Utility Examination Fee | 2311 | 1 | 360 | 360 |

Pages:

Claims:

Miscellaneous-Filing:

Petition:

Patent-Appeals-and-Interference:

| Description | Fee Code | Quantity | Amount | Sub-Total in USD(\$) |
|------------------------------------------|----------|----------|--------|----------------------|
| Post-Allowance-and-Post-Issuance: | | | | |
| Extension-of-Time: | | | | |
| Miscellaneous: | | | | |
| Total in USD (\$) | | | | 730 |

Electronic Acknowledgement Receipt

| | |
|---------------------------------------------|--------------------------------------------------|
| EFS ID: | 24970054 |
| Application Number: | 15049060 |
| International Application Number: | |
| Confirmation Number: | 2423 |
| Title of Invention: | Biometric Personal Data Key (PDK) Authentication |
| First Named Inventor/Applicant Name: | John J. Giobbi |
| Customer Number: | 89194 |
| Filer: | Matthew M. Holmes |
| Filer Authorized By: | |
| Attorney Docket Number: | 10001-05488 US |
| Receipt Date: | 20-FEB-2016 |
| Filing Date: | |
| Time Stamp: | 17:13:53 |
| Application Type: | Utility under 35 USC 111(a) |

Payment information:

| | |
|------------------------------------------|-------------|
| Submitted with Payment | yes |
| Payment Type | Credit Card |
| Payment was successfully received in RAM | \$730 |
| RAM confirmation Number | 7642 |
| Deposit Account | |
| Authorized User | |

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

| File Listing: | | | | | |
|-------------------------------------|------------------------------------------------------------|--------------------------------------------|------------------------------------------|-------------------------|-------------------------|
| Document Number | Document Description | File Name | File Size(Bytes)/ Message Digest | Multi Part /.zip | Pages (if appl.) |
| 1 | Application Data Sheet | 05488US2016-02-20-ApplicationDataSheet.pdf | 1822918 | no | 9 |
| | | | 2f55af80c229ff40698d3c4849dff473b653cb8e | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 2 | Oath or Declaration filed | 05488US2016-02-20-Declaration.pdf | 446979 | no | 2 |
| | | | 0502ca6cd46b798d1a4dbdd9b72d2fdac30a3f3f | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 3 | | 05488US2016-02-20-Specification.pdf | 149572 | yes | 26 |
| | | | fdb7915cf7b96e488b8489cd7dec5254885a65a | | |
| | Multipart Description/PDF files in .zip description | | | | |
| | Document Description | | Start | End | |
| | Specification | | 1 | 24 | |
| | Claims | | 25 | 25 | |
| | Abstract | | 26 | 26 | |
| Warnings: | | | | | |
| Information: | | | | | |
| 4 | Drawings-only black and white line drawings | 05488US2016-02-20-Drawings.pdf | 59151 | no | 6 |
| | | | cd368cee7367a0f95ef049dd5ee43fa1031441a1 | | |
| Warnings: | | | | | |
| Information: | | | | | |
| 5 | Fee Worksheet (SB06) | fee-info.pdf | 35046 | no | 2 |
| | | | 1b64edfec82357e7b69bf7847b324820764efccb | | |
| Warnings: | | | | | |
| Information: | | | | | |
| Total Files Size (in bytes): | | | 2513666 | | |

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.