

Exhibit 2



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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 03/28/2002
 SPENCER AND FRANK
 SUITE 300 EAST
 1100 NEW YORK AVENUE NW
 WASHINGTON, DC 200053955

EXAMINER	
HEWITT II, CALVIN L	
ART UNIT	CLASS-SUBCLASS
2161	705-059000

DATE MAILED: 03/28/2002

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/164,777	10/01/1998	MIKI MULLOR	RENC4237.01	7068

TITLE OF INVENTION: METHOD OF RESTRICTING SOFTWARE OPERATION WITHIN A LICENSE LIMITATION

TOTAL CLAIMS	APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
19	nonprovisional	YES	\$640	\$0	\$640	06/28/2002

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

- I. Review the SMALL ENTITY status shown above. If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:
 - A. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or
 - B. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.
 - Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and mail this form, together with applicable fee(s), to:

**Box ISSUE FEE
Assistant Commissioner for Patents
Washington, D.C. 20231**

MAILING INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

7590 03/28/2002
SPENCER AND FRANK
SUITE 300 EAST
1100 NEW YORK AVENUE NW
WASHINGTON, DC 200053955

Note: The certificate of mailing below can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

Certificate of Mailing

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/164,777	10/01/1998	MIKI MULLOR	REINC4237.01	7068

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19	nonprovisional	YES	\$640	\$0	\$640	06/28/2002

EXAMINER	ART UNIT	CLASS-SUBCLASS
HEWITT II, CALVIN L	2161	705-059000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Use of PTO form(s) and Customer Number are recommended, but not required.

- Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47) attached.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) individual corporation or other private group entity government

4a. The following fee(s) are enclosed:

- Issue Fee
- Publication Fee
- Advance Order - # of Copies _____

4b. Payment of Fee(s):

- A check in the amount of the fee(s) is enclosed.
- Payment by credit card. Form PTO-2038 is attached.
- The Commissioner is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

The COMMISSIONER OF PATENTS AND TRADEMARKS is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature) (Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, United States Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington, D.C. 20231

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TRANSMIT THIS FORM WITH FEE(S)



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/164,777	10/01/1998	MIKI MULLOR	REINC4237.01	7068
	7590 03/28/2002		EXAMINER	
SPENCER AND FRANK SUITE 300 EAST 1100 NEW YORK AVENUE NW WASHINGTON, DC 200053955			HEWITT II, CALVIN L	
			ART UNIT	PAPER NUMBER
			2161	
DATE MAILED: 03/28/2002				

Determination of Patent Term Extension under 35 U.S.C. 154 (b)
 (application filed after June 7, 1995 but prior to May 29, 2000)

The patent term extension is 0 days. Any patent to issue from the above identified application will include an indication of the 0 day extension on the front page.

If a continued prosecution application (CPA) was filed in the above-identified application, the filing date that determines patent term extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system. (<http://pair.uspto.gov>)

TS

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

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

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

- 1. This communication is responsive to 2-5-02.
- 2. The allowed claim(s) is/are 1-10,13 and 16-23.
- 3. The drawings filed on _____ are accepted by the Examiner.
- 4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
- 5. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) The translation of the foreign language provisional application has been received.
- 6. Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

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

- 7. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
- 8. CORRECTED DRAWINGS must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No. _____.
 - (b) including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

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

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

Attachment(s)

- 1 Notice of References Cited (PTO-892)
- 3 Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 5 Information Disclosure Statements (PTO-1449), Paper No. 11.
- 7 Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 2 Notice of Informal Patent Application (PTO-152)
- 4 Interview Summary (PTO-413), Paper No. 14.
- 6 Examiner's Amendment/Comment
- 8 Examiner's Statement of Reasons for Allowance
- 9 Other


 Hyung-Suk Soogh
 Primary Examiner

14/P
me
2-2207

Application/Control Number: 09/164,777

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Art Unit: 2161

Status of Claims

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

Examiner's Amendment

- 2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffri Kaminski on 19 February 2002.

- 3. The application has been amended as follows:

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

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

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

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

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

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Art Unit: 2161

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"encrypting...", "storing...", and "subsequently verifying..." are performed by the agent. This **does not** apply, however, to the "acting..." limitation.

Reasons for Allowance

4. Claims 1-10, 13, and 16-19 have been allowed. The instant application teaches a method for restricting software use by storing a verification structure in a computer BIOS.

It is well known to those of ordinary skill in the art of software licensing to monitor the use of software using special code that enforces the preferences of the software provider (e.g. creator, distributor, or service provider), or provider and end-user, by restricting the manner in which an end-user can manipulate (e.g. print, save, redistribute, customize) the software. For example, Ginter et al. (US 5,892,900) implement their software distribution system by dynamically linking a verification structure, such as a PERC or permission record, to software content that dynamically control how the software, and its associated administrative data, may be distributed and used (column 155, lines 46-51). Misra et al. (US 6,189,146) disclose a method for licensing software that uses agents to manage software licenses, and stores the licenses in persistent non-volatile storage (column 12, lines 8-31). Neither reference teaches utilizing BIOS

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Art Unit: 2161

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as the non-volatile means for storing a licensed software verification structure. Ewertz et al. (US 5,479,639) teach the use of BIOS memory for storing licensing numbers. Hence, it appears initially, that to one of ordinary skill of the art, the combination of Ewertz et al. with either Ginter et al. and/or Misra et al., would render the present invention obvious. However, the key distinction between the present invention and the closest prior art, is that the Misra et al., and Ginter et al. systems and the Ewertz et al. system run at the operating system level and BIOS level, respectively. More specifically, the closest prior art systems, singly or collectively, do not teach licensed programs running at the OS level interacting with a program verification structure stored in the BIOS to verify the program using the verification structure and having a user act on the program according to the verification. Further, it is well known to those of ordinary skill of the art that a computer BIOS is not setup to manage a software license verification structure. **The present invention overcomes this difficulty by using an agent to set up a verification structure in the erasable, non-volatile memory of the BIOS.**

5. Claims 20-23 have been allowed. The instant application teaches a method for restricting software use by storing license information in a computer BIOS.

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

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Application/Control Number: 09/164,777
Art Unit: 2161

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6. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
- Infoworld magazine evaluates desktop management software
 - Saito et al. disclose a method for automatic license monitoring
8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

D

Application/Control Number: 09/164,777
Art Unit: 2161

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Commissioner of Patents and Trademarks
c/o Technology Center 2100
Washington, D.C. 20231

or faxed to:

(703) 746-7239 (for formal communications intended for entry),
(703) 746-7238 (for after-final communications),

or:

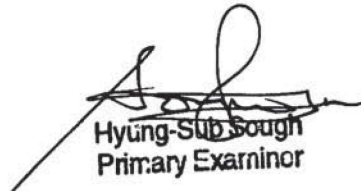
(703) 746-7240 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application
should be directed to the Group receptionist whose telephone number is (703)
305-3900.

Calvin Loyd Hewitt II

February 20, 2002


Hyung-Sup Bough
Primary Examiner

D

Notice of References Cited	Application/Control No. 09/164,777	Applicant(s)/Patent Under Reexamination MULLOR ET AL.	
	Examiner Calvin L Hewitt II	Art Unit 2161	Page 1 of 1

U.S. PATENT DOCUMENTS

*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A US-			
	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	Classification
	N JP-408286906-A	11-1996	Japan	Saito et al.	G06F 9/06
	O				
	P				
	Q				
	R				
	S				
	T				

NON-PATENT DOCUMENTS

*	Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U Dornbusch et al., Destop management software: no need to adjust your set., Infoworld, v17, n37, p60
	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.

12/06/01 16:17 FAX 202 962 8300

VENABLE

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Please type a plus sign (+) inside this box +

PTO/SB/08A (08-00)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO <h2 style="text-align: center;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="text-align: center;">(use as many sheets as necessary)</p>		Complete if Known	
Application Number		09/164,777	
Filing Date		October 1, 1998	
First Named Inventor		Miki MULLOR et al.	
Group Art Unit		2161	
Examiner Name		J. Trammell	
Attorney Docket Number		39636-176166	

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
C. J. P.		5,754,763		Bereiter	5/19/1998	
		5,758,068		Brandt et al.	5/26/1998	
		5,790,664		Coley et al.	8/4/1998	
		5,758,069		Olsen	5/26/1998	
		5,905,860		Olsen et al.	5/18/1999	
		5,390,297		Barber et al.	2/14/1995	
		6,173,446		Khan et al.	1/9/2001	
		4,903,296		Chandra et al.	2/20/1990	
		6,298,138		Gotoh et al.	10/2/2001	
		6,192,475		Wallano	2/20/2001	
		6,272,636		Neville et al.	8/7/2001	
		6,055,503		Korsmann	4/25/2000	
		6,073,256		Sosna	6/6/2000	
		6,006,190		Baena-Arnauiz et al.	12/21/1999	
		6,078,909		Knutson	6/20/2000	
		6,243,468		Pearce et al.	6/5/2001	
		6,189,146		Misra et al.	2/13/2001	
		5,671,412		Christiano	9/23/1997	
	5,826,011		Chou et al.	10/20/1998		
	6,023,763		Crumpstrup et al.	2/8/2000		

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Office ³	Number ⁴	Kind Code ⁵ (if known)			

Examiner Signature		Date Considered	12/19/01
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 18 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.




Please type a plus sign (+) inside this box


Approved for _____ through 10/31/2002. OMB 0961-0031
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Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	09/164,777
		Filing Date	October 1, 1998
		First Named Inventor	Miki MULLOR et al.
		Group Art Unit	2161
		Examiner Name	J. Trattnell
Sheet 2 of 2	Attorney Docket Number	39636-176166	

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (If known)			
		6,226,747		Larsson et al.	5/1/2001	
		6,128,741		Goetz et al.	10/3/2000	
		4,924,378		Hershey et al.	5/8/1990	
		5,386,369		Christiano	1/31/1995	
		6,239,567		Cohen	5/15/2001	
		4,866,769		Krup	9/12/1989	
		6,021,438		Duyvoort et al.	2/1/2000	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Ts
		Office ³	Number ⁴	Kind Code ⁵ (If known)				

Examiner Signature		Date Considered	12/19/02
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

VENABLE
ATTORNEYS AT LAW

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

All participants (applicant, applicant's representative, PTO personnel):

- (1) Calvin L Hewitt II. (3) _____
 (2) Jeffri A. Kaminski. (4) _____

Date of Interview: 19 February 2002 .

Type: a) Telephonic b) Video Conference
 c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.
 If Yes, brief description: _____ .

Claim(s) discussed: 1 and 20 .

Identification of prior art discussed: _____ .

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Claim 20 was amended to add the limitation of "an agent to perform the following steps" .

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) It is not necessary for applicant to provide a separate record of the substance of the interview(if box is checked).

Unless the paragraph above has been checked, 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 ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

 Examiner's signature, if required

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 unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check the appropriate box at the bottom of the Form which informs the applicant that the submission of a separate record of the substance of the interview as a supplement to the Form is not required.

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.