

# EXHIBIT 8

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of:

|                         |                |                          |               |
|-------------------------|----------------|--------------------------|---------------|
| <b>Application No.:</b> | 10/531,259     | <b>Examiner:</b>         | Trang T. Doan |
| <b>Filing Date:</b>     | April 24, 2006 | <b>Art Unit:</b>         | 2131          |
| <b>First Inventor:</b>  | Gisela MEISTER | <b>Customer No.:</b>     | 23364         |
| <b>Attorney No.:</b>    | MEIS3002/JEK   | <b>Confirmation No.:</b> | 4669          |

**For:** METHOD FOR CARRYING OUT A SECURE ELECTRONIC TRANSACTION USING A PORTABLE DATA SUPPORT

**RESPONSE AND PROPOSED AMENDMENTS AFTER FINAL REJECTION**  
**(37 CFR §1.116)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INTRODUCTORY COMMENTS**

Reconsideration of the final rejection of the claims of this application as expressed in the Office Action mailed February 18, 2009 is respectfully requested. Applicant proposes to further amend claim 1 to clearly place the application in condition for allowance without raising new issues or requiring further searching by the examiner.

**AMENDMENTS**

Amendments to the Specification

The specification is amended as shown in the following pages under the heading "AMENDMENTS TO SPECIFICATION."

Amendments to the Claims

The claims are amended as shown in the following pages under the heading "LIST OF CURRENT CLAIMS". This listing of claims supersedes all prior listings of the claims

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presented in this application, shows the current status of all claims in the application and shows currently proposed amendments to the claims.

AMENDMENTS TO THE SPECIFICATION

On page 4, the last paragraph spanning pages 4 and 5 is amended to read:

The portable data carrier 20 is further set up to perform at least one, but expediently a plurality of different quality user authentication methods. It preferably supports at least two authentication methods of different order with regard to the quality of authentication. It expediently supports at least one knowledge-based authentication method, e.g. a PIN check, and at least one biometric method, within which a biometric feature of the user 30 to be presented at the terminal 14 is checked. The biometric method inherently constitutes the higher-quality one here, since it presupposes the personal presence of the user 30; this is not ensured in the knowledge-based method since the knowledge can have been acquired by an unauthorized user. Accordingly the storage means 26 store at least one secret to be presented by the user 30, e.g. a reference PIN assigned to a user 30, and at least one biometric reference data record assigned to a user 30. It can expediently be provided that the portable data carrier 20 supports more than two authentication methods, in particular further biometric methods. Accordingly the storage means 26 in this case store further secrets and/or reference data records and the integrated circuit 24 is set up to perform the further authentication methods.

On page 5, the last paragraph is amended to read:

After the signature application has been started, the user 30 presents a suitable portable data carrier 20 to the terminal 40, step 104. The portable data carrier 20 will hereinafter be taken to have the form of a contact-type chip card. Further, it will hereinafter be assumed that the chip card 20 supports two authentication methods, namely a PIN check as a knowledge-based, inherently low-quality method, and a fingerprint check as a biometric, inherently higher-quality method.

LIST OF CURRENT CLAIMS

1. (Currently Amended) A method for effecting a secure electronic transaction on a terminal using a portable data carrier arranged to perform different quality user authentication methods, wherein the portable data carrier performs a user authentication using one of said different user authentication methods, the portable data carrier confirms the proof of authentication to the terminal, and the portable data carrier then performs a security-establishing operation within the electronic transaction, comprising the steps of creating authentication quality information by the portable data carrier about said ~~how the~~ authentication of the user was performed by the used user authentication method used and attaching said authentication quality information ~~is attached~~ to the result of the security-establishing operation, wherein the difference in quality of user authentication varies between an inherently relatively lower quality and an inherently relatively higher quality from a security perspective.

2. (Previously Presented) The method according to claim 1, wherein the security-establishing operation performed by the portable data carrier comprises creating a digital signature.

3. (Previously Presented) The method according to claim 1, wherein the authentication of the user is performed by presentation of a biometric feature.

4. (Previously Presented) The method according to claim 3, wherein the authentication of the user is performed by presentation of a physiological or behavior-based feature characteristic of a user.

5. (Previously Presented) The method according to claim 1, wherein the authentication of the user is performed by proof of knowledge of a secret.

6. (Previously Presented) The method according to claim 1, wherein at least two different authentication methods of different quality are offered for authentication of the user.

7. (Previously Presented) The method according to claim 6, wherein the particular authentication methods not used are disabled.

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