

Exhibit 10

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of:

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

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

RESPONSE TO OFFICE ACTION MAILED MARCH 2, 2010

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

Sir:

INTRODUCTORY COMMENTS

This is responsive to the Office Action mailed March 2, 2010 with regard to the above identified application. Reconsideration of this application is requested in view of the amendments and comments presented below.

AMENDMENTS

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

LIST OF CURRENT CLAIMS

1. (Previously Presented) 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 user authentication method used and attaching said authentication quality information 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.

8. (Previously Presented) The method according to claim 6, wherein no quality information is produced for an authentication method.

9. (Previously Presented) The method according to claim 1, wherein a user is asked to select an authentication method.

10. (Currently Amended) A portable data carrier for performing a security-establishing operation within a secure electronic transaction and arranged to perform different quality user authentication methods, 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, comprising: whereby the portable data carrier is arranged to perform a user authentication using one of said implemented user authentication methods and the portable data carrier is arranged to confirm the authentication to a terminal, and wherein the data carrier is arranged to create quality information about said user authentication method used and to attach such quality information to the result of the security establishing operation.

11. (Previously Presented) The data carrier according to claim 10, wherein the portable data carrier is set up to create a digital signature.

12. (Previously Presented) The data carrier according to claim 10, wherein the data carrier supports at least two qualitatively different authentication methods.

13. (Currently Amended) A terminal for use in connection with the portable data carrier according to claim ~~[[9]]~~ 10, said terminal including a device arranged to cause a user to select one of at least two possible different quality authentication methods.

14. (Previously Presented) A system for effecting a secure electronic transaction within which the quality of authentication of a user of the system is ascertained, comprising the portable data carrier according to claim 10 and the terminal according to claim 13.

REMARKS

Amendments to the Claims

Claim 10 is amended to change “whereby” to “comprising:” in line 5 to more properly recite the inventive subject matter in terms reflecting appropriate U.S. practice. The scope and meaning of the claim is unchanged by the amendment.

Claim 13 is amended to correct an obvious mistake resulting from the original claim referring back to claim 9 instead of claim 10. The claim has been amended to properly refer back to claim 10.

Claim Rejections – 35 USC §102

The rejection of claims 1-6 and 8-14 under 35 USC §102(e) as being anticipated by Russo (U.S. 2003/0101348 A1) is respectfully traversed. As a starting point, the scope and meaning of the claims are reviewed from the perspective of a person skilled in the art based on the written description and drawings of the application.

Claim 1 recites a method for effecting a secure electronic transaction on a terminal using a portable data carrier that is capable of performing different quality user authentication methods. It is important to note that the terminal is a separate device from the portable data carrier and that the portable data carrier is capable of performing a user authentication using one of the different user authentication methods varying between an inherently relatively lower quality and an inherently relatively higher quality of user authentication, and further wherein the data carrier creates authentication quality information about the user authentication method and attaches the authentication quality information to the result of the security establishing operation carried out by the portable data carrier.

An important point to note is that the portable data carrier performs the security establishing operation after the initial user authentication procedure performed by the portable data carrier (claim 1, line 5).

Thus, the user authentication carried out by the portable data carrier is a separate and distinct operation from the authentication quality information generated by the portable data carrier during a secure electronic transaction.

The original description explains the process in more conventional language, particularly in the description spanning pages 3 and 4 of the specification. As explained in the paragraphs spanning pages 3 and 4, the terminal has an interface (19) for communication with a portable data carrier (20). The data carrier may be of the contact or non-contact type.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.