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UTILITY PATENT APPLICATION TRANSMITTAL <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>	Attorney Docket No.	0813EBDD-2
	First Named Inventor	Aviel David Rubin
	Title	UTILIZATION OF MULTIPLE DEVICES TO SECURE ONLINE TRANSACTIONS
	Express Mail Label No.	

APPLICATION ELEMENTS <i>See MPEP chapter 600 concerning utility patent application contents.</i>	Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
1. ☒ Fee Transmittal Form (PTO/SB/17 or equivalent) 2. ☒ Applicant asserts small entity status. See 37 CFR 1.27 3. ☐ Applicant certifies micro entity status. See 37 CFR 1.29. Applicant must attach form PTO/SB/15A or B or equivalent. 4. ☒ Specification [Total Pages <u>33</u>] Both the claims and abstract must start on a new page. (See MPEP § 608.01(a) for information on the preferred arrangement) 5. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets <u>10</u>] 6. Inventor's Oath or Declaration [Total Pages <u>2</u>] (including substitute statements under 37 CFR 1.64 and assignments serving as an oath or declaration under 37 CFR 1.63(e)) a. ☒ Newly executed (original or copy) b. ☐ A copy from a prior application (37 CFR 1.63(d)) 7. ☒ Application Data Sheet * See note below. See 37 CFR 1.76 (PTO/AIA/14 or equivalent) 8. CD-ROM or CD-R in duplicate, large table, or Computer Program (Appendix) ☐ Landscape Table on CD 9. Nucleotide and/or Amino Acid Sequence Submission (if applicable, items a. – c. are required) a. ☐ Computer Readable Form (CRF) b. ☐ Specification Sequence Listing on: i. ☐ CD-ROM or CD-R (2 copies); or ii. ☐ Paper c. ☐ Statements verifying identity of above copies	ACCOMPANYING APPLICATION PAPERS 10. ☐ Assignment Papers (cover sheet & document(s)) Name of Assignee _____ 11. ☐ 37 CFR 3.73(c) Statement ☒ Power of Attorney (when there is an assignee) 12. ☐ English Translation Document (if applicable) 13. ☒ Information Disclosure Statement (PTO/SB/08 or PTO-1449) ☒ Copies of citations attached 14. ☐ Preliminary Amendment 15. ☐ Return Receipt Postcard (MPEP § 503) (Should be specifically itemized) 16. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed) 17. ☒ Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or equivalent. 18. ☒ Other: PTO/AIA/424 CERTIFICATION AND REQUEST FOR PRIORITIZED EXAMINATION UNDER 37 OF _____ _____ _____ _____

***Note:** (1) Benefit claims under 37 CFR 1.78 and foreign priority claims under 1.55 **must** be included in an Application Data Sheet (ADS).
 (2) For applications filed under 35 U.S.C. 111, the application must contain an ADS specifying the applicant if the applicant is an assignee, person to whom the inventor is under an obligation to assign, or person who otherwise shows sufficient proprietary interest in the matter. See 37 CFR 1.46(b).

19. CORRESPONDENCE ADDRESS					
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Signature	/James M. Denaro/			Date	July 28, 2014
Name (Print/Type)	James M. Denaro			Registration No. (Attorney/Agent)	54063

This collection of information is required by 37 CFR 1.53(b). 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. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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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.
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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.

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

Title of Invention	UTILIZATION OF MULTIPLE DEVICES TO SECURE ONLINE TRANSACTIONS
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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.

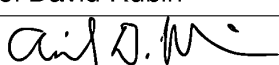
I believe that I am the original inventor or an original joint inventor of a claimed invention in the application.

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: Aviel David Rubin Date (Optional): July 28, 2014
Signature: 

Note: An application data sheet (PTO/SB/14 or equivalent), including naming the entire inventive entity, must accompany this form or must have been previously filed. Use an additional PTO/AIA/01 form for each additional inventor.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. 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.**

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**CERTIFICATION AND REQUEST FOR PRIORITIZED EXAMINATION
UNDER 37 CFR 1.102(e)** (Page 1 of 1)

First Named Inventor:	Aviel David Rubin	Nonprovisional Application Number (if known):	
Title of Invention:	UTILIZATION OF MULTIPLE DEVICES TO SECURE ONLINE TRANSACTIONS		

APPLICANT HEREBY CERTIFIES THE FOLLOWING AND REQUESTS PRIORITIZED EXAMINATION FOR THE ABOVE-IDENTIFIED APPLICATION.

1. The processing fee set forth in 37 CFR 1.17(i)(1) and the prioritized examination fee set forth in 37 CFR 1.17(c) have been filed with the request. The publication fee requirement is met because that fee, set forth in 37 CFR 1.18(d), is currently \$0. The basic filing fee, search fee, and examination fee are filed with the request or have been already been paid. I understand that any required excess claims fees or application size fee must be paid for the application.
2. I understand that the application may not contain, or be amended to contain, more than four independent claims, more than thirty total claims, or any multiple dependent claims, and that any request for an extension of time will cause an outstanding Track I request to be dismissed.
3. The applicable box is checked below:
 - I. ☒ **Original Application (Track One) - Prioritized Examination under § 1.102(e)(1)**
 - i. (a) The application is an original nonprovisional utility application filed under 35 U.S.C. 111(a). This certification and request is being filed with the utility application via EFS-Web.
---OR---
 - (b) The application is an original nonprovisional plant application filed under 35 U.S.C. 111(a). This certification and request is being filed with the plant application in paper.
 - ii. An executed inventor's oath or declaration under 37 CFR 1.63 or 37 CFR 1.64 for each inventor, or the application data sheet meeting the conditions specified in 37 CFR 1.53(f)(3)(i) is filed with the application.
- II. ☐ **Request for Continued Examination - Prioritized Examination under § 1.102(e)(2)**
 - i. A request for continued examination has been filed with, or prior to, this form.
 - ii. If the application is a utility application, this certification and request is being filed via EFS-Web.
 - iii. The application is an original nonprovisional utility application filed under 35 U.S.C. 111(a), or is a national stage entry under 35 U.S.C. 371.
 - iv. This certification and request is being filed prior to the mailing of a first Office action responsive to the request for continued examination.
 - v. No prior request for continued examination has been granted prioritized examination status under 37 CFR 1.102(e)(2).

Signature <u>/James M. Denaro/</u>	Date <u>July 28, 2014</u>
Name (Print/Typed) <u>James M. Denaro</u>	Practitioner Registration Number <u>54063</u>
Note: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. Submit multiple forms if more than one signature is required.*	
☒ *Total of <u>1</u> forms are submitted.	

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UNITED STATES UTILITY PATENT APPLICATION
FOR
UTILIZATION OF MULTIPLE DEVICES TO SECURE ONLINE TRANSACTIONS

INVENTOR
AVIEL DAVID RUBIN

Cross-Reference to Related Applications

[1] This application claims priority to U.S. Provisional Application Ser. No. 62/008,561, filed on June 6, 2014, entitled “Utilization of Multiple Devices to Secure Online Transactions,” the entire contents of which is hereby incorporated by reference.

Field of the Invention

[2] This application relates generally to securing communications against malware by utilizing two devices with differential or application-specific components during an online session.

Background

[3] Online applications typically run locally on computers or other computing devices such as tablets or smartphones. As depicted in Fig. 1, in the current state of the art, a game server (120) communicates with the players (115) in the game. Each of the players utilizes a single computing device (*e.g.*, computer, phone, or tablet), and the players can communicate with the game server (120) or with each other over the Internet (110).

[4] In other examples, the games may require a direct communication between the two devices so that two devices can be used together to play games and may not utilize an online server. Furthermore, these games do not use two devices to achieve security, nor to split up an application to protect against malware.

[5] It is common for these computing devices to become infected with malware (*i.e.*, malicious code that runs on the user’s device). Malware can compromise the security of a user’s device. When online applications involve the transfer of money, the consequences are that the attacker can steal money. For example, there are documented instances where malicious code on a user’s computer has revealed confidential information to an attacker in an online game, and the attacker was able to use this information to defeat the other player and thus steal money from the victim.

[6] Efforts to secure online applications have focused on requiring the user to install anti-virus or firewall technologies on the electronic devices to attempt to keep the malicious code from being installed or from running. However, it is not realistic to assume that average users can administer their computers and other electronic devices adequately.

[7] Further efforts to secure online applications have involved two-factor authentication. Two-factor authentication is utilized to authenticate users, authorize transactions, or to notify users of irregularities in their accounts. In two-factor authentication, a user logs into a first device (*e.g.*, a computer) and then uses a second device (*e.g.*, a smartphone) as part of the authentication process. The second device receives code, for example by text or email, and the user is instructed to enter that code into the first device, where the rest of the interaction with the application takes place. Examples of two-factor authentication include RSA™ tokens and SMS notification systems. In two-factor authentication, the second device is no longer needed once the authentication takes place. Accordingly, two-factor authentication will not offer protection against malware after the authentication takes place.

Brief Description of the Drawings

[8] Fig. 1 illustrates an example a prior art architecture for online games.

[9] Fig. 2 illustrates an example of running a persistent authentication application whereby an identifier links two separate computing devices.

[10] Fig. 3 illustrates an example display on a second device incorporating additional information.

[11] Fig. 4 illustrates an example screen layout for a compact device, such as a smartphone.

[12] Fig. 5 illustrates an example in which a game server sends information about the user's hole cards to the second device over the cellular network as a text message.

[13] Fig. 6 illustrates another example where the game server sends the user hole cards over a separate Internet connection.

[14] Fig. 7 illustrates an example flow of control for a poker hand at the game server.

[15] Fig. 8 illustrates an architecture for an embodiment of the present invention in a banking application.

[16] Fig. 9 illustrates an example of the communication among the central banking server, the user's first device and the user's second device.

[17] Fig. 10 illustrates an example of a database entry on the central server for a particular user in the banking example.

Detailed Description

[18] The present invention describes a system where the user has persistent use of a first device and a second device throughout the use of an online application to prevent a compromise of the transaction if malware infects either device. Whereas two-factor authentication in the prior art is application-agnostic and takes place before a user engages in the specific functionality of a particular application, the present invention includes a system that utilizes the two devices at multiple times, and in some cases persistently and/or continuously, during an online session and includes application-specific components in each of the devices.

[19] The present invention includes an architecture whereby a user's interaction with an application includes a first device, which can be a computer, a tablet, a smartphone or other electronic device and second device, such as a computer, tablet, smartphone or another type of electronic device. Any combination of electronic devices can be used.

[20] One preferred embodiment of the invention is directed to online games. However, the invention may also be used in any other domain, such as online banking, mobile healthcare, online investing, and other online activities that would benefit from enhanced security against malware on a user's computing device. Although the preferred embodiment is described using the game of poker as an example, this example is non-limiting and the preferred embodiment could apply to any online game.

[21] One example application of the invention is to a game of Texas Holdem, which is a form of poker in which every player receives two secret "hole" cards from a standard deck of 52 playing cards. The cards in the deck can be in any of four suits, namely, clubs, spades, hearts, and diamonds, and there are 13 ranks of cards, 2, 3, 4, 5, 6, 7, 8, 9, 10, J, Q, K, A, with one card of each rank in each suit.

[22] After each user receives two hole cards, there is a round of betting. Then, three community cards are dealt, which everybody sees. Then there is another round of betting. Next, a fourth community card (the "turn") is dealt that everybody sees. Next, there is another round of betting. Finally, the fifth and last community card (the "river") is dealt, and then there is a final round of betting. After the last round of betting, the player with the best five card poker hand out of the seven cards that include the five community cards and the two hole cards of that player, wins. Texas Holdem is often played online, where the players are in remote locations, using the Internet to communicate with a centralized game server. The centralized game server randomizes the cards (shuffles the deck), and deals the cards to the players.

[23] In some embodiments, a player runs gaming software on a first device. In the case of the poker example described herein, the game server does not communicate certain sensitive information (such as, for example, the user's hole cards) to the first device. The player's sensitive information (*e.g.*, the user's hole cards) are therefore not displayed on the first device. Accordingly, because the sensitive information is not displayed or transmitted to the first device, an attacker using malware cannot gain access to the sensitive information.

[24] In the preferred embodiment, the user also utilizes a second device. Everything that is known and displayed on the first device is considered to be public information, and the only private, sensitive information exists on or is transmitted to a separate electronic device.

[25] The game server communicates the user's sensitive information (*e.g.*, the user's hole cards) to the second device via a separate communication channel, such as a different Internet connection, or via the cellular phone network. The second device then displays the sensitive information to the user. The game server may communicate additional sensitive information to the second device.

[26] In one example of a preferred embodiment, illustrated in Fig. 2, a user is playing online poker, and the user sees the same view of a table as is common in online poker, but the hole cards are not displayed (210). In this embodiment, the user runs a separate app on a second device (215) that uses its own authentication (which can be different from the authentication required on the first device), and over that channel, the game server sends the user the hole cards for that hand. An identifier is used to link the current hand on the first device to the hole cards that are displayed on the second device.

[27] In another example of a preferred embodiment, the user may receive the sensitive information as an SMS or other kind of text message and does not have to run a specialized application on a second device. One illustration of this example is depicted in Fig. 5. With reference to this example (510), the user can register a mobile phone number on which to receive sensitive information messages and can see the cards as a text message (515). A player engaged in a game will receive information about the game on a first device (511). This information will be transmitted to the first device (511) from the game server (513) through the Internet (512), but will exclude sensitive information such as hole cards. In turn, the server (513) will verify the player and will send the sensitive information to a cellular network (514), which will be transmitted to a user's second device (515).

[28] For example, the sensitive card information could be “Ah3c”, representing the ace of hearts and the three of clubs. Alternatively, the user can utilize an application that would translate this text into pictures of the cards that are displayed to the user. In another example of the preferred embodiment, the user runs an app on a smartphone that communicates with the game server and receives and displays the user’s hole cards.

[29] In another example, the user can receive the information about sensitive information over the Internet, as depicted in Fig. 6 (610). As illustrated in this figure, a player engaged in a game can receive information about the game on a first device (611). This information will be transmitted through the Internet (612) from the game server (613). The game server (613) will verify the player and will send the user’s sensitive information over a separate Internet connection (614) to the user’s second device (615) via the Internet connection.

[30] With reference to the example illustrated in Fig. 7, the dealer will shuffle cards (711) or send other information to the player (712). The first device will determine or identify preferences for the player (713) and will determine whether the player is using two computing devices (714). If the player is not using two devices, the sensitive information will be sent to the first device (718). On the other hand, if the user is using two devices, the sensitive information will be sent to the second device (715). In either situation, the betting can be managed (721, 722) and multiple players can be involved (717, 720). While the example illustrated in Fig. 7 references a card game, the same methods can be generalized to a broad range of environments.

[31] In one embodiment, the second device returns an acknowledgement to the game server indicating that the sensitive information, such as hole cards, was received. The game server then communicates to the first device an indication that the second device has received the hole cards. If it is the user’s turn to act in the poker game, and the first device has not received the indication that the second device has received the hole cards, then the user’s turn is delayed, and the user is charged time against the user’s time bank until the user either receives an indication that the cards have been received, or until the time bank is exhausted, at which point the user is folded

out of the hand. If the user notices that there is a problem with the second device not receiving the hole cards in time, and if this affects his ability to play the game, the user may elect to downgrade the user's security and to receive his hole cards on the first device, until such time as the problem is rectified.

[32] In one example embodiment, once the first device receives an indication that the second device has received sensitive information, the first device can display a visual cue that the second device has received the cards, for example, by changing the color of a box that symbolizes the sensitive information, or by highlighting the text in the box. For example, as illustrated in Fig.2, the box that shows the hidden hole cards on the second device (215) can change from red to green, and/or the outline of the box can have a shadow added. In this manner, the user is made aware that he can now act on his hand when it is his turn.

[33] In some embodiments, the server can be configured to determine whether both a first device and a second device are accessible over at least one electronic communications network. According to one embodiment, the server maintains a heartbeat message with the second device. This can be a simple ping message (*e.g.*, via ICMP) or a short message over an existing TCP/IP connection. In some embodiments, the determination of accessibility can be made by transmitting arbitrary packets over a TCP connection and receiving an acknowledgment and inaccessibility determined by the absence of an acknowledgement. In this manner, the server can determine the status and availability of the second device. In the event that there is a network connection disruption with the second device, the server may attempt to switch communication mechanisms to use text message instead of the Internet. Alternatively or in addition, the server may terminate the session.

[34] If the game server remains unable to communicate with the second device, the game server can indicate to the first device that the second device is unavailable, and the first device can display a warning to the user that the second device is not reachable. In this event, the poker game can proceed. For example, if the second device is not reachable from the game server, the

user can be forced to sit out until such time as the user's two devices are reachable. At any point, the user can elect to switch to not using two devices, if the user is willing to assume the risk and wants to continue to play.

[35] According to one embodiment, each user of an online game site can choose from several alternatives on how the user wants to receive sensitive information, thus balancing security needs with convenience. The choices can include, but are not limited to:

- (1) no change from the status quo: the sensitive information is visible at the poker table on one device;
- (2) receiving the sensitive information over the Internet on a second, networked device by running an application (app) on that second device;
- (3) receiving the sensitive information as a cellular text message on a second device, which can be display as text or as an image or images.

[36] The user may also elect to change the choice at some of all of the times the user plays, based on the user's circumstances and perceived level of risk. For example, if playing a low stakes game, the user may elect to receive and view the user's sensitive information on the first device, or if there is an area of low cellular coverage, the user may elect not to receive the sensitive information on a second device as a text message. The above examples are only illustrative and other ways in which the user can elect to receive sensitive information on a second device could be implemented.

[37] According to another embodiment of the invention, each player can decide what level of security the user is most comfortable with, and the game server can support either one. At any time, any player may elect to switch to a different level of security by receiving the user's sensitive information in a different way. This method may be utilized by some players, but need not necessarily be utilized by all players.

[38] In one implementation of the preferred embodiment, the game server adds an identifier to the second device that is visible only to the player. This identifier can be, for example, a number, color, or any other identifier that signifies a new hand. In this manner, the player can be assured that the hole cards the user is viewing on the first device correspond to the correct poker table. This improves the chances that the user will correctly match up the hole cards with the poker table. It is preferable, for security reasons, that the identifier shown on the second device not contain any information that would allow an attacker to find the player at the poker site.

[39] In another implementation of the preferred embodiment, the user sees the entire poker table on the second device, rather than just the hole cards, as illustrated in Fig. 3 (310). In this implementation, the game server sends the second device additional information such as the identities of the other players and their stack sizes. In this implementation, the second device can be only informational, and no actions can be executed from it.

[40] After the hand is completed, when any exposed cards, such as at a showdown, are sent to the player, the hidden hole cards can be sent to the first device, so that they can be stored in hand histories that are kept on the first device. More generally, after the information has diminished value, for example because the hand is completed, the information previously only visible on the second device can be sent to the first device. Beyond this particular application, many different types of information can lose some, or all, of its value due to (a) passage of time, (b) sequence of events such that the risk to combine the information from two devices on the same device is acceptable.

[41] Multi-Tabling Function

[42] According to some embodiments, there may be players who play at more than one virtual table at a time. This is a common practice in online poker and may be referred to as “multi-tabling.”

[43] If the second device has a big enough screen, and if there are few enough tables, the second device may be able to display the sensitive information for all of the tables at the same

time. However, even if the screen is small, the system can display the information from a variety of tables on the second device. Fig.4 illustrates an example of a screen layout depicting hole cards from a variety of tables (415). As illustrated in Fig. 4, the active hand is highlighted on the second device (420).

[44] Some embodiments of the present invention include mechanisms for supporting multi-tabling, even where the user can only see one poker hand at a time on a second device.

[45] Embodiments can include one or more ways of synchronizing the active poker table on the first device with the second device. One way to link the active table on the first device with the cards displayed on the second device is to perform a visual enhancement to each table, such as a special border, a skin, or a color scheme, and then to match that on the second device. For example, if the second device is a smartphone, and the smartphone displays a pair of hole cards on the screen, the user can swipe to the left or right within the smartphone application and thus scroll through hole cards for different hands. Each hand may have a visual cue that is similar to a visual cue (*e.g.*, color, a border, or some other marking) that matches a similar visual cue on that poker table on the first device.

[46] Another way to keep the two devices synchronized is for the first device to communicate to the game server which table currently has the focus, and the game server can then relay that information to the second device over the independent channel.

[47] Yet another way that the two devices can remain synchronized is for the application on the first device and the application on the second device to share a direct communication line such as Bluetooth, WiFi, or some other way of communicating. The first device would then send the second device the information about which poker hand is currently active. In some embodiments, this channel may not be utilized for any other purpose and that the communication be one way – from the first device to the second device, to avoid creating a vector of attack.

[48] Yet another way that the user can keep track of which poker hand corresponds to which table is to display additional information in the second device, such as the names of the other

players at the table and/or the community cards and/or the pot size, or any other information that would help the user associate the current hole cards on the second device to a particular poker table on the first device. In this example of the preferred embodiment, the game server communicates the additional information to the second device, in addition to the hole cards.

[49] Any of the foregoing synchronization methods can be utilized alone or in conjunction with any of the other synchronization methods described above.

[50] In the preferred embodiment, the online poker server implements the functionality described above. In another embodiment, the described functionality can be implemented for legacy systems by incorporating a trusted proxy. The trusted proxy can be implemented by the entity that is running the online gaming server or by a third party.

[51] In the trusted proxy solution, the gaming server need not be aware of the fact that a player is utilizing two devices, and the player registers a second device with the proxy server instead of with the gaming server. The communication between the online gaming server and the proxy mimics the communication between the online gaming server and a gaming client in the prior art systems. In this example, the online gaming server sends information, including the user's hole cards to the proxy, and the proxy implements the functionality of sending the hole cards only to the user's second device.

[52] The online proxy can be implemented with only modest changes to the client software. In one example of implementing the client in the trusted proxy example, the client on the first device is programmed to not receive hole cards, and displays an indication to the user that the cards are not known to the device. In an alternate implementation, fake cards are sent by the proxy to the client on the first device. For example, the proxy could, on multiple occasions, send the two of hearts and the two of diamonds to the client which would display those two cards to the user. The player would know that these cards were only placeholders and not the actual cards that were dealt. The player would see the actual hole cards on the second device. This solution requires that the legacy client not check for cases such as where the two of hearts is sent

to the user and where the same card also shows up in the community cards. Furthermore, such a client would rely on the server to indicate who won the hand, as the cards represented on the first device would not be the actual cards.

[53] In the preferred embodiment of the trusted proxy solution, a client is implemented that is aware of the two devices being used, whereas the online gaming server may or may not be aware of the existence of the trusted proxy.

[54] On-Line Banking Embodiments

[55] Another embodiment of the present invention can be applied to online banking applications. This embodiment includes a system and method for users to use their first device and their second device at the same time, to protect against malware on either one.

[56] In one example of this embodiment, a banking application can require that users log into the user's bank account from a first device and also from a second device, and that the user perform some action on each of those devices before the action is authorized.

[57] In another example of this embodiment, the user requests some information on the first device and can only view it on the second device. For example, the user can use the bank's website on the user's computer to request a balance in an account, and the user can then view the balance on the second device, but not on the first device.

[58] This embodiment involves splitting the transaction into different components, where at least one of the application-specific components of the application requires a first device and one of the other application-specific components requires a second device. The use of the two devices is related to an application-specific activity, such as viewing an account balance or performing a funds transfer, or performing a bill payment.

[59] In the example of a transaction, if the user wants to perform a funds transfer in a banking application, the application is split up into two components, one of which runs on the user's first device, and the other runs on a second device. It is understood that this is one example, and that

the two application components can run on two computers or on a combination of smartphones, tablets or computers.

[60] In the example illustrated in Fig. 8, the banking application is split into two components. On a first device, a user with a web browser logs in and initiates a transaction. The bank then communicates with the user's second device over an independent Internet channel to obtain details about the desired transaction. For example, as illustrated in Fig. 8, the user indicates over the internet (811), via the first device (812), that the user wishes to perform a transfer. The bank server (813) communicates with the user's second device over the internet (814). Next, using the second device component of the application (815), the user can select the accounts to transfer to/from as well as the amount. In this manner, different parts of the experience of performing a banking transaction occur on different devices.

[61] In some embodiments, no restriction is placed on the account, and there is no re-authentication of the user. The system can include an application where the user utilizes an application that has been designed to utilize two different devices, to avoid the threat of malware, not explicitly for user authentication.

[62] The communication with the first device could be over the Internet, and the communication with the second device could be over a separate Internet connection or via text message, or some other communication channel to the second device, such as a smartphone or tablet, in addition to logging into their account on their computers.

[63] Similarly, an online investment application where the user purchases stocks could be split so that the user performs an application-specific action on a first device and another application-specific action on a second device, where sensitive information is not displayed on the first device, but instead is displayed to the user on the second device. Any number of application domains could utilize the present invention to provide security against malware on a user's first device and thus hide sensitive information from an attacker who has compromised the first device.

[64] Below are additional non-limiting, illustrative examples of different types of banking transactions and how they can be split using into steps performed on two separate devices that communicate with a bank server over independent communication channels to protect the user's banking information and the user's funds against malware on the user's devices. Other variations for splitting the transaction are possible.

[65] Account balance inquiry: A user initiates a request to view the account balance on a first device, and the account balance is displayed on the second device. Thus, malware on the first device cannot obtain or view account balances.

[66] Funds transfer: This example is illustrated and described above where a user initiates a funds transfer on a first device, and the amount and designated recipient are entered on the second device. It should be noted that other combinations of splitting are possible, for example, in another embodiment the user may indicate the recipient on the first device and the amount on the second device.

[67] Bill Payment: In this example, a user initiates a request to pay a bill in online bill pay on a first device, and then on the second device, the user chooses a recipient and the amount. Another way this could be implemented is to choose the recipient on the first device and the amount of the bill and the date of payment on the second device. The present invention can also be utilized to add a new payee to online bill pay. The user could request to add a new payee on the first device, and then enter the name and address of the payee on the second device. Other ways of splitting up the various tasks in the bill pay activities are possible.

[68] Linking to an external account: In this example, a user wants to link an external bank account to the user's bank account. In one embodiment, the user initiates a request to link accounts on the first device. Then, the user enters the account details for the external account on the second device.

[69] Other banking activities: Other activities that the user performs with the user's online bank can be split up in a similar manner to the examples given above, where the user performs

part of the activity on the first device such that even if an attacker compromised the first device, the attacker would not be able to do anything damaging, and part of the activity is performed on a second device. Only the combination of the actions performed on the two devices will cause the user action to succeed.

[70] There are many ways that the central banking server can implement the present invention. For example, the banking server could implement a system-wide threshold for funds transfers. A bank could specify that, for any transaction over \$3,000 in this example, the user must use a second device and a split application. (A split application refers to an application as described above where part of the transaction is performed on a first device and part of the transaction is performed on a second device.) Individual users may specify lower thresholds for their accounts. For example, a user may specify that any funds transfer over \$500 requires a second device and a split application. Thus, in this example, some users who may be more security conscious and who may be comfortable using their smartphone more often may set their own thresholds for certain activities, and other users may default to the system-wide threshold set by the bank.

[71] The splitting up of applications in banking transactions into application-specific components, as described above, can be done in conjunction with other security mechanisms known in the prior art such as two-factor authentication or two-factor transaction confirmations.

[72] Application-specific components of an online application can include functions within the application that are specific to that application. For example, two-factor authentication is not considered to be application-specific because two-factor authentication is usually implemented generically as part of many different types of applications. Two-factor authentication can be implemented in conjunction with online banking, online healthcare, or online gaming. By contrast, an application-specific component of an online application may be a subset of the functionality of the application itself. For example, in online banking, an application-specific component is the function for a user to elect an option to check the account balance. Another example of an application-specific component of online banking is the function by which user

designates a payee in online bill pay. These application-specific components may or may not be relevant in other contexts. For example, functionality for a user to check a balance in an online bank account may not be used in an online healthcare application for accessing private medical records because it is specific to the online banking application.

[73] Another way that a bank can improve its security with the present invention is by using its existing or new heuristics for detecting possible suspicious activity to increase its level of security requirements. For example, the bank may detect an abnormal amount of activity in one account that normally only performs a few transactions a month. In that instance, the bank could require that all future transactions in that account utilize a split application and two devices as per the present invention until there is a satisfactory explanation for the increased activity. Once the bank is satisfied that the activity is legitimate, it can reduce the need for increased security and allow standard transactions through its web server. In this manner, the present invention allows suspicious accounts that are actually not involved in anything inappropriate to continue to function instead of locking those accounts and inconveniencing its customers.

[74] As illustrated in Fig. 9, using a first device, a user logs into a banking application (911), selects an account for balance inquiry (912), and sends a request for a balance to a bank server (913). Using a second device, the user logs into a banking application (916). A banking server authenticates the user on the two devices (914). The banking server then receives a request from a user on the first device for a balance (915), looks up the specified account balance (917), sends the account balance to the user on the second device (918). The second device receives the account balance from the banking server (919), and displays the account balance to the user (920).

[75] Fig. 10 illustrates an example of a database entry on the central server for a particular user in the banking example. The central server can store hashes of the passwords that are used on the first device and the second device. When a user submits a password on a device, the device hashes the password and sends the hash to the central server over a secure connection

(e.g., SSL). The central server extracts the stored password from the database shown in the figure and compares the two. If they match, then authentication is successful. The figure shows that the database may store the authentication token as described above, as well as information about the user's preferences, such as the dollar amount above which use of a second device is required for funds transfers.

[76] Sensitive Healthcare Information Embodiment

[77] In another embodiment of the present invention, the invention is utilized to help protect sensitive healthcare information. In this embodiment, a user logs into a healthcare portal to access the user's medical records. The application is split such that most of the interaction between the user and the healthcare records system is via the user's first device. Additionally, the user also utilizes a second device, and the healthcare information server communicates over an independent channel with the user's second device.

[78] For example, if a user wishes to view sensitive medical records, the user would log into the healthcare information portal via a first device and request the specific information that is desired to view. Once the user has indicated which records are desired, the healthcare information server sends those records either via text message or over an independent Internet connection to the user's second device. Thus, if the user's first device is infected with malware that allows an attacker to view the screen, the attacker will still not be able to see any sensitive records. The only way to compromise the user's healthcare information would be to compromise both the user's first device and the user's second device, in this example.

[79] Examples of Second Device Customization

[80] In some embodiments, the second device can be off-the-shelf or customized. The user's second device may be, for example, a custom electronic device that is specifically built to help secure applications. This type of second device can be built with security as the motivating factor, and it can be a simplified electronic system that is not running full versions of a standard operating system. In this embodiment, the second device runs only software and hardware necessary to provide a split application functionality according to the present invention. A single such second device can be designed to support multiple types of applications at the same time.

[81] As a non-limiting example, the second device can be an electronic device with a processor, a screen and a network interface that can communicate with a central application server to display content related to a particular networked application, but which is designed not to allow the user to download new applications. In this way, the custom second device may be relatively less vulnerable to malware.

[82] Applications can be split such that the user can use the first device for part of the communication with the user, and the custom second device over an independent communication channel for the remainder of the communication with the user, as described below. For example, the user can perform some, most, or all, of the actions in an application using the first device, but then when it is time for the central server to communicate sensitive information to the user, that information is sent to the second device, which displays it to the user. The custom second device can be configured such that it has a keyboard and other data entry mechanisms, such as a mouse or a touch sensor, allowing additional functionality in the second device.

[83] The custom second device can optionally be initialized with security keys and cryptographic tokens, allowing the second device authentication capabilities, in addition to or instead of authentication by the user. For example, the device can be loaded with client SSL private keys and certificates, allowing the server to directly authenticate the custom second device. Additionally, user authentication inside of an application can allow for even greater

security. Since the custom second device may be much less vulnerable to malware than a standard computer, tablet or smartphone, these pre-loaded keys and cryptographic tokens are correspondingly less vulnerable to malware infections.

[84] Examples of Independent Communication Channels

[85] In some embodiments, the first and second devices can be used through a single or a plurality of communication channels between a central server and the devices of the user. By utilizing independent communication channels, the devices can be further protected from each other.

[86] As a non-limiting example, the first device can be connected to the Internet in a user's home. This type of a connection typically involves an Internet Service Provider (ISP) that links the user's home to the Internet, such as over fiber optics, cable modem, DSL, or any other means of connecting users to the Internet. In the home, the user typically utilizes a modem that provides for a Local Area Network (LAN) for the devices in the home. The user may connect to the LAN via Ethernet cable or wirelessly via WiFi or via some combination of wired and wireless connections. The second device may communicate with the central server via any one of multiple mechanisms. For example, the central server may utilize text messages via SMS to communicate with the second device. Or, the user can connect the second device to the Internet either via the cellular network's Internet service such as a 3G or 4G (*e.g.*, LTE) network or similar networks of the cellular provider, or using WiFi. There are some security benefits to connecting the second device to the Internet via a network other than the home network, but the protection from malware is achieved even if the first and second device are on the same WiFi home network, and the network paths to the central server are thus still independent.

[87] Examples of Device Registration

[88] The first and second devices can either be unregistered or can be registered with the central server. As a non-limiting example, while interacting with the central server via use of the first device, the user can indicate via an application menu selection or by entering a configuration

mode or preferences screen in the application that he or she wishes to add a device and to require the use of the new device in the application. The user can then include information about the device, such as whether it is a computer, a tablet or a smartphone.

[89] At registration time, upon receiving a request to add a second device from a user's first device, the central server creates a new database entry or adds fields to an existing database record for the user for storing information about the user's second device. Next, in this example, the user initiates a connection to the central server from the second device, and the central server correlates the communication from the second device with the database entry created or modified based on earlier communication with the first device. In this embodiment, the central server creates authentication information, such as a 256-bit random number and sends that authentication information to the first device. Upon registering the second device, the user enters the authentication information into the second device to complete the registration. The authentication information, consisting of a 256 bit random string, in this example, can be converted into a human readable ASCII string using, for example, uuencoding, such that the user can read it and enter it into the second device. The central server uses the authentication information to ensure that only the actual user adds a new device, and that the new device that is added is added to the account of the correct user.

[90] If the first device is compromised by malware, then the attacker controlling the malware can learn the user's password. If the same authentication means is used for both devices, then the attacker could conceivably connect to the server with an illegitimate second device and impersonate the user. In some embodiments, the central server stores two different means of authenticating the user. One means of authentication, in some cases a password, is stored for authenticating the user on the first device, and a second means of authentication, possibly a different password, is stored to authenticate the user on the second device. Thus, two separate authentications can be used to prevent some attacks. In another embodiment, the central server and the second device can agree on a secret value, such as an authentication token, that is stored on the second device and in the central server database. Whenever the second device

communicates with the central server, the authentication token is used, such that any device without the authentication token cannot act as the second device.

[91] The authentication token can be derived by combining (*e.g.*, via xor or Diffie Helman key exchange or similar protocol) a secret value generated on the second device and a secret value generated on the secure server, during device registration.

[92] It should be noted that if an authentication token is used on the second device, then the user will be limited to using that specific device whenever using the application with the central server. If it is desired to be able to use different devices to serve as the second device in the application, then the authentication should be limited to the user entering authentication information, such as a password, into the second device, which can then be any device that contains the appropriate application software.

[93] In addition to creating a database entry or adding to an existing database record for the user, the central server may also store in its database, user preferences, such as in the game of poker, whether or not the user prefers to receive hole cards on the first device or on the second device. Or, for example, in the banking application, the central server can store user-specific information in the database corresponding to the user's threshold for transaction amounts that require performing some part of a transaction in a split way on a first device and on a second device to protect the user from malware on either of the devices as described in detail above.

[94] Example System Components

[95] The systems and methods described herein can be implemented in software or hardware or any combination thereof. The systems and methods described herein can be implemented using one or more computing devices which may or may not be physically or logically separate from each other. Additionally, various aspects of the methods described herein may be combined or merged into other functions.

[96] In some embodiments, the illustrated system elements could be combined into a single hardware device or separated into multiple hardware devices. If multiple hardware devices are used, the hardware devices could be physically located proximate to or remotely from each other.

[97] The methods can be implemented in a computer program product accessible from a computer-usable or computer-readable storage medium that provides program code for use by or in connection with a computer or any instruction execution system. A computer-usable or computer-readable storage medium can be any apparatus that can contain or store the program for use by or in connection with the computer or instruction execution system, apparatus, or device.

[98] A data processing system suitable for storing and/or executing the corresponding program code can include at least one processor coupled directly or indirectly to computerized data storage devices such as memory elements. Input/output (I/O) devices (including but not limited to keyboards, displays, pointing devices, etc.) can be coupled to the system. Network adapters may also be coupled to the system to enable the data processing system to become coupled to other data processing systems or remote printers or storage devices through intervening private or public networks. To provide for interaction with a user, the features can be implemented on a computer with a display device, such as a CRT (cathode ray tube), LCD (liquid crystal display), or another type of monitor for displaying information to the user, and a keyboard and an input device, such as a mouse or trackball by which the user can provide input to the computer.

[99] A computer program can be a set of instructions that can be used, directly or indirectly, in a computer. The systems and methods described herein can be implemented using programming languages such as Ruby™, Flash™, JAVA™, C++, C, C#, Visual Basic™, JavaScript™, PHP, XML, HTML, etc., or a combination of programming languages, including compiled or interpreted languages, and can be deployed in any form, including as a stand-alone program or as a module, component, subroutine, or other unit suitable for use in a computing environment.

The software can include, but is not limited to, firmware, resident software, microcode, etc. Protocols such as SOAP/HTTP may be used in implementing interfaces between programming modules. The components and functionality described herein may be implemented on any operating system or environment executing in a virtualized or non-virtualized environment, using any programming language suitable for software development, including, but not limited to, different versions of Microsoft Windows™, Android™, Apple™ Mac™, iOS™, Unix™/X-Windows™, Linux™, etc. The system could be implemented using a web application framework, such as Ruby on Rails.

[100] The processing system can be in communication with a computerized data storage system. The data storage system can include a non-relational or relational data store, such as a MySQL™ or other relational database. Other physical and logical database types could be used. The data store may be a database server, such as PostgreSQL™, MongoDB™, Microsoft SQL Server™, Oracle™, IBM DB2™, SQLITE™, or any other database software, relational or otherwise. The data store may store the information identifying syntactical tags and any information required to operate on syntactical tags. In some embodiments, the processing system may use object-oriented programming and may store data in objects. In these embodiments, the processing system may use an object-relational mapper (ORM) to store the data objects in a relational database.

[101] Suitable processors for the execution of a program of instructions include, but are not limited to, general and special purpose microprocessors, and the sole processor or one of multiple processors or cores, of any kind of computer. A processor may receive and store instructions and data from a computerized data storage device such as a read-only memory, a random access memory, both, or any combination of the data storage devices described herein. A processor may include any processing circuitry or control circuitry operative to control the operations and performance of an electronic device.

[102] The processor may also include, or be operatively coupled to communicate with, one or more data storage devices for storing data. Such data storage devices can include, as non-limiting examples, magnetic disks (including internal hard disks and removable disks), magneto-optical disks, optical disks, read-only memory, random access memory, and/or flash storage. Storage devices suitable for tangibly embodying computer program instructions and data can also include all forms of non-volatile memory, including, for example, semiconductor memory devices, such as EPROM, EEPROM, and flash memory devices; magnetic disks such as internal hard disks and removable disks; magneto-optical disks; and CD-ROM and DVD-ROM disks. The processor and the memory can be supplemented by, or incorporated in, ASICs (application-specific integrated circuits).

[103] The systems, modules, and methods described herein can be implemented using any combination of software or hardware elements. The systems, modules, and methods described herein can be implemented using one or more virtual machines operating alone or in combination with each other. Any applicable virtualization solution can be used for encapsulating a physical computing machine platform into a virtual machine that is executed under the control of virtualization software running on a hardware computing platform or host. The virtual machine can have both virtual system hardware and guest operating system software.

[104] The systems and methods described herein can be implemented in a computer system that includes a back-end component, such as a data server, or that includes a middleware component, such as an application server or an Internet server, or that includes a front-end component, such as a client computer having a graphical user interface or an Internet browser, or any combination of them. The components of the system can be connected by any form or medium of digital data communication such as a communication network. Examples of communication networks include, *e.g.*, a LAN, a WAN, and the computers and networks that form the Internet.

[105] One or more embodiments of the invention may be practiced with other computer system configurations, including hand-held devices, microprocessor systems, microprocessor-based or

programmable consumer electronics, minicomputers, mainframe computers, etc. The invention may also be practiced in distributed computing environments where tasks are performed by remote processing devices that are linked through a network.

[106] While one or more embodiments of the invention have been described, various alterations, additions, permutations and equivalents thereof are included within the scope of the invention.

[107] In the description of embodiments, reference is made to the accompanying drawings that form a part hereof, which show by way of illustration specific embodiments of the claimed subject matter. The figures herein represent example use cases for the syntactic tagging system and are not intended to be limiting on the scope of the invention. It is to be understood that other embodiments may be used and that changes or alterations, such as structural changes, may be made. Such embodiments, changes or alterations are not necessarily departures from the scope with respect to the intended claimed subject matter. While the steps herein may be presented in a certain order, in some cases the ordering may be changed so that certain inputs are provided at different times or in a different order without changing the function of the systems and methods described. The disclosed procedures could also be executed in different orders. Additionally, various computations that are herein need not be performed in the order disclosed, and other embodiments using alternative orderings of the computations could be readily implemented. In addition to being reordered, the computations could also be decomposed into sub-computations with the same results.

CLAIMS

What is claimed is:

1. A method for transmitting information to multiple electronic devices, the method comprising:
 - electronically storing a set of information at a server;
 - identifying a first subset of the information and identifying a second subset of the information;
 - determining at the server whether both a first device and a second device are accessible over at least one electronic communications network;
 - if both the first and second devices are determined to be accessible:
 - transmitting a first subset of the information to the first device from the server;
 - and
 - transmitting a second subset of the information to the second device from the server,
 - wherein the second subset of the information includes information not transmitted to the first device.
2. The method of claim 1, further comprising transmitting at least a portion of the first subset of the information to the second device from the server.
3. The method of claim 1, wherein
 - the first subset of the information comprises non-sensitive information; and
 - the second subset of the information comprises sensitive information.

4. The method of claim 1, wherein the information received at the second device is more sensitive than the information received at the first device.
5. The method of claim 1, further comprising:
 - determining if connectivity between the server and the second device has been disrupted;
 - and
 - providing a notification on the second device that the connectivity has been disrupted.
6. The method of claim 5, further comprising determining by the absence of a heartbeat if the connectivity has been disrupted.
7. The method of claim 6, further comprising:
 - receiving an election from the user whether or not to switch to using only the first device for subsequent communications.
8. The method of claim 1, further comprising:
 - detecting whether the second device has received the second subset of the information;
 - displaying the second subset of the information on the second device; and
 - generating an indicator on the first device indicating that the second device has received the second subset of the information.
9. The method of claim 1, wherein the transmitting a first subset of the information to the first device from the server and transmitting a second subset of the information to the second device from the server are executed over independent electronic communications networks.

10. The method of claim 1, further comprising displaying a graphical identifier on the first device and a corresponding graphical indicator on the second device indicating a link between the information displayed on the respective devices.
11. The method of claim 10, wherein the information linked at the second device comprises hole cards and the information linked at the first device comprises community cards in a hand in a game of poker.
12. The method of claim 1, wherein the information received at the second device is a user's private cards in an online card game.
13. The method of claim 1, wherein the second subset of the information is received through an SMS message on the second device.
14. The method of claim 1, wherein the second device is a mobile device.
15. The method of claim 1, wherein the server is a proxy server configured to relay communications from a game server to the first and second devices wherein the proxy server emulates a game client to the game server.
16. The method of claim 1, further comprising configuring the server for managing an online game, and wherein the server is configured to communicate with a plurality of devices including a first electronic device and a second electronic device, wherein the first electronic device is primarily used to play the game, and wherein in the game server communicates sensitive information to the second electronic device so that sensitive information can be presented to a user.
17. The method of claim 16, wherein the online game is poker.

18. The method of claim 17, wherein the information that is communicated to the second device includes hole cards.
19. The method of claim 18, wherein the first device provides a visual mark on each of multiple tables that is displayed that matches a visual mark on the hole cards that are displayed on the second device to keep the hole cards and the tables synchronized.
20. The method of claim 18, wherein the game server provides information to identify the table to which table the hole cards belong.
21. The method of claim 18, wherein the first device communicates to the game server which table has focus, and wherein the game server then communicates to the second device an instruction to display the hole cards that correspond to the active table that has the focus in the first device.
22. The method of claim 18, wherein a user is playing more than one poker table, and wherein the first device communicates to the second device information indicating which hole cards to view on the second device corresponding to an active table having focus on the first device.
23. The method of claim 1, wherein the set of information at a server represents financial record information and the first subset of the information comprises account identifying information and the second subset of the information comprises account balance information.
24. The method of claim 1, further comprising electronically storing at the server a parameter indicating whether subsets of the information are to be divided between two or more devices.
25. A method for transmitting information to multiple electronic devices, the method comprising:
electronically storing a set of information at a server;

configuring an online application to execute as at least two application-specific components;

requiring one application-specific component to execute on a first electronic device and the other application-specific component to execute on a second electronic device;

wherein the application-specific components do not perform user authentication, and wherein the application-specific components do not perform transaction confirmation; and

the first application-specific component being configured for processing an application-specific query from the server on the first device;

the second application-specific component being configured for processing a response to the application-specific query at the second device,

wherein the response is transmitted to the server from the second device.

26. The method of claim 25, further comprising terminating a session if no response is received in response to a second query.

27. The method of claim 25, further comprising terminating a session if an incorrect response is received in response to a second query.

28. The method of claim 26, further comprising periodically detecting whether both the first device and the second device are accessible over at least one electronic communications network.

29. The method of claim 28, further comprising terminating a session if both the first device and the second device are not accessible over the at least one electronic communications network.

30. A system for transmitting information to multiple electronic devices, the system comprising:

an electronic data store configured for electronically storing a set of information at a server;

a processor device programmed for:

- identifying a first subset of the information and identifying a second subset of the information;
- determining at the server whether both a first device and a second device are accessible over at least one electronic communications network;
- if both the first and second devices are determined to be accessible:
 - transmitting a first subset of the information to the first device from the server; and
 - transmitting a second subset of the information to the second device from the server,
- wherein the second subset of the information includes information not transmitted to the first device.

ABSTRACT

The invention described herein can be configured for securing communications against malware by utilizing two devices with differential or application-specific components during an online session. The invention can determine whether both a first device and a second device are accessible and if both the first and second devices are determined to be accessible, transmitting a first subset of the information to the first device from the server and transmitting a second subset of the information to the second device from the server.

FIG. 1

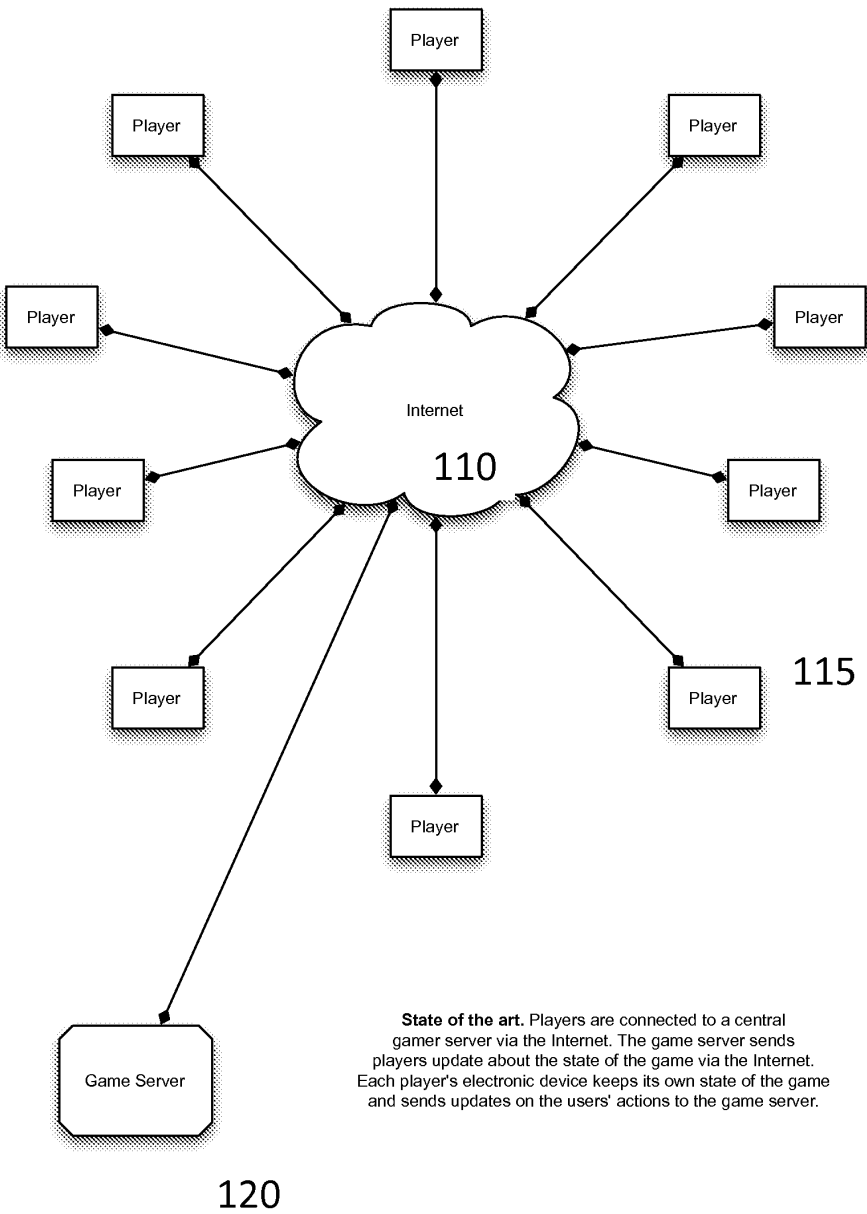
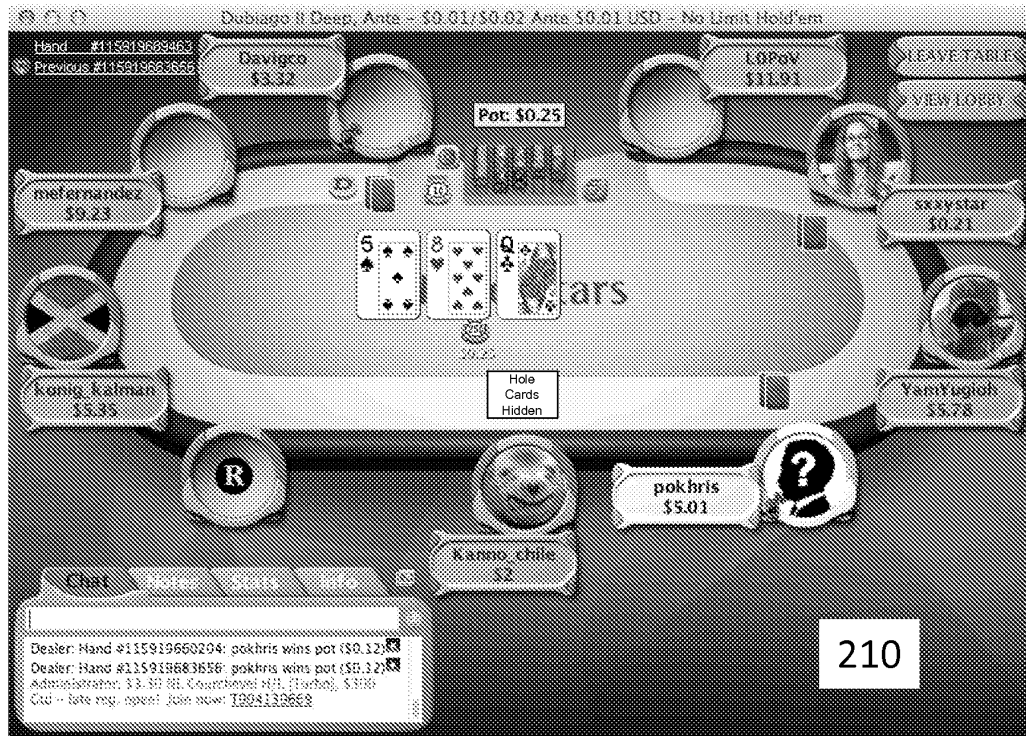
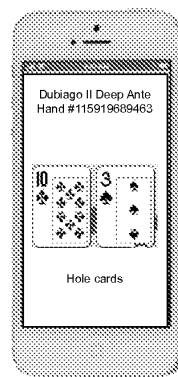


FIG. 2



215

FIG. 3



310

FIG. 4

410

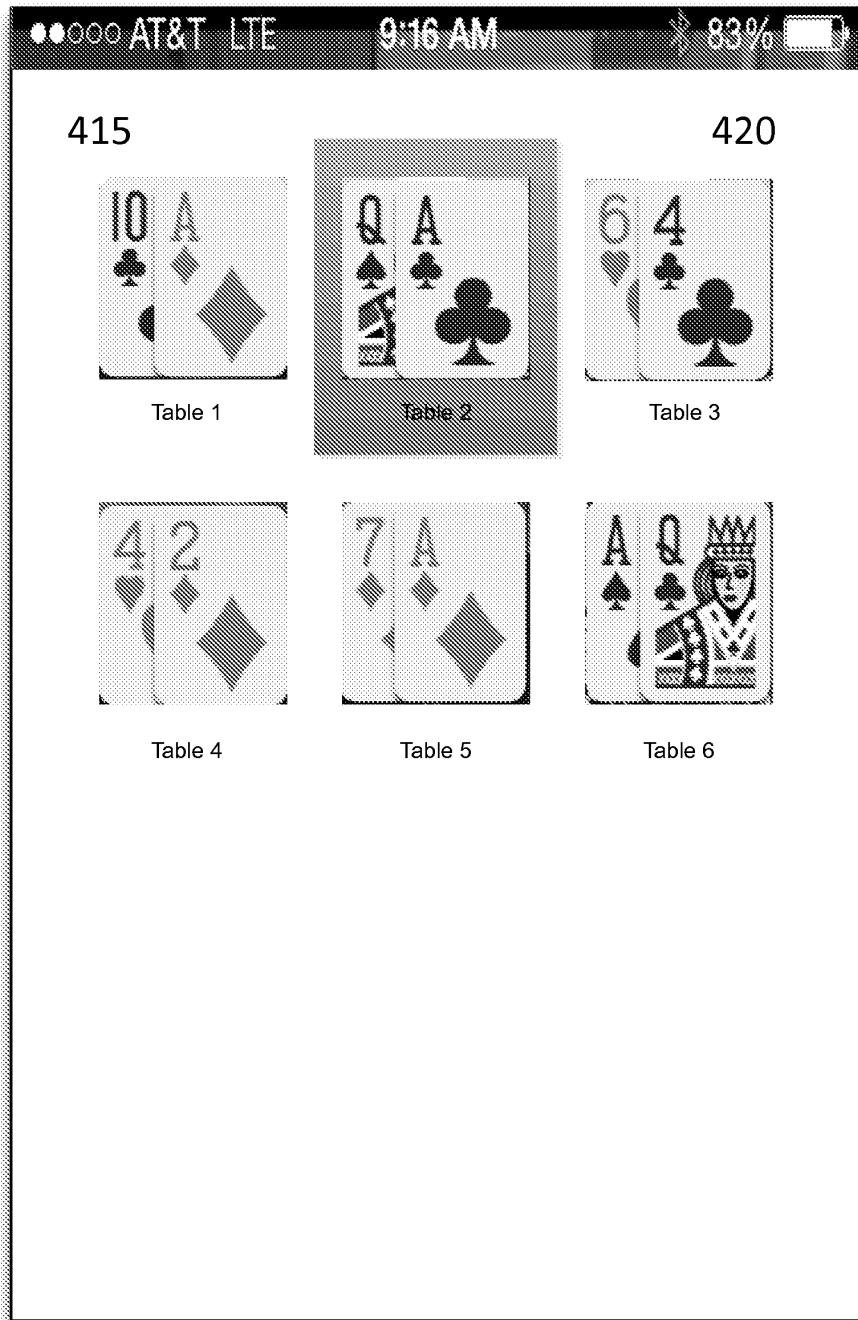


FIG. 5

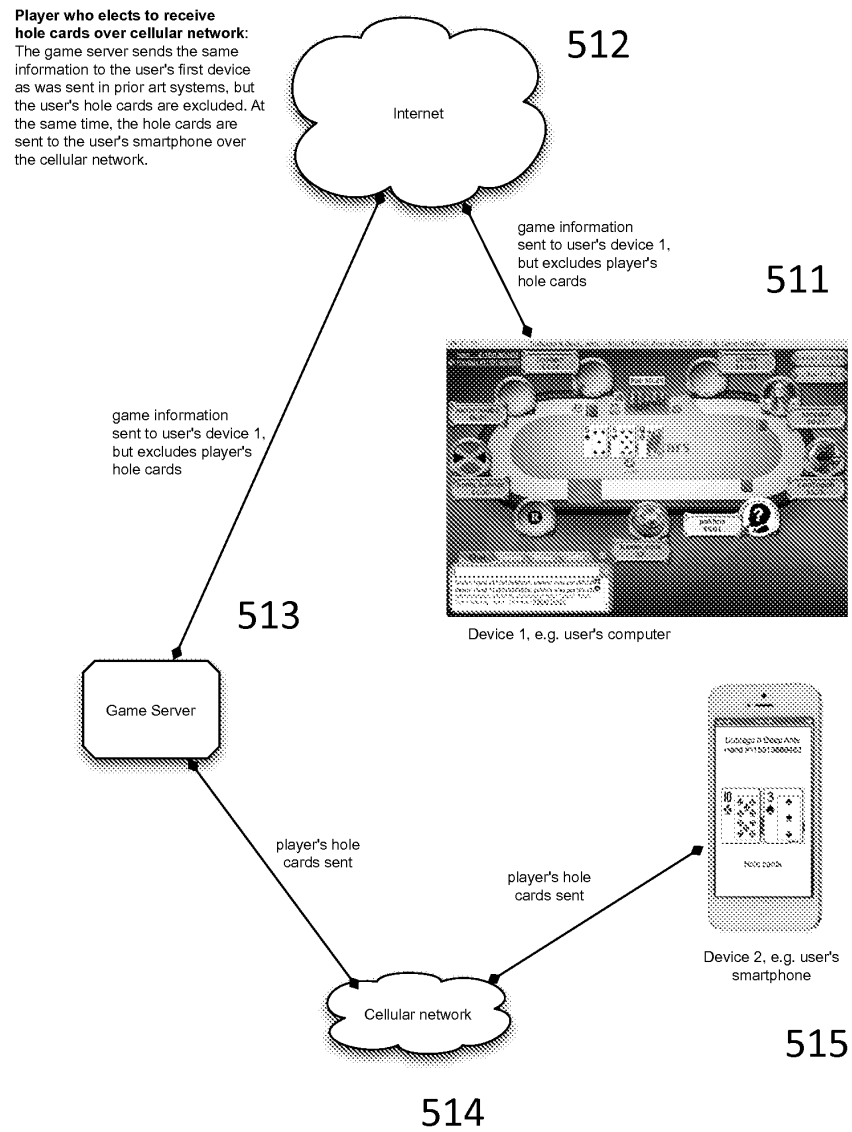


FIG. 6

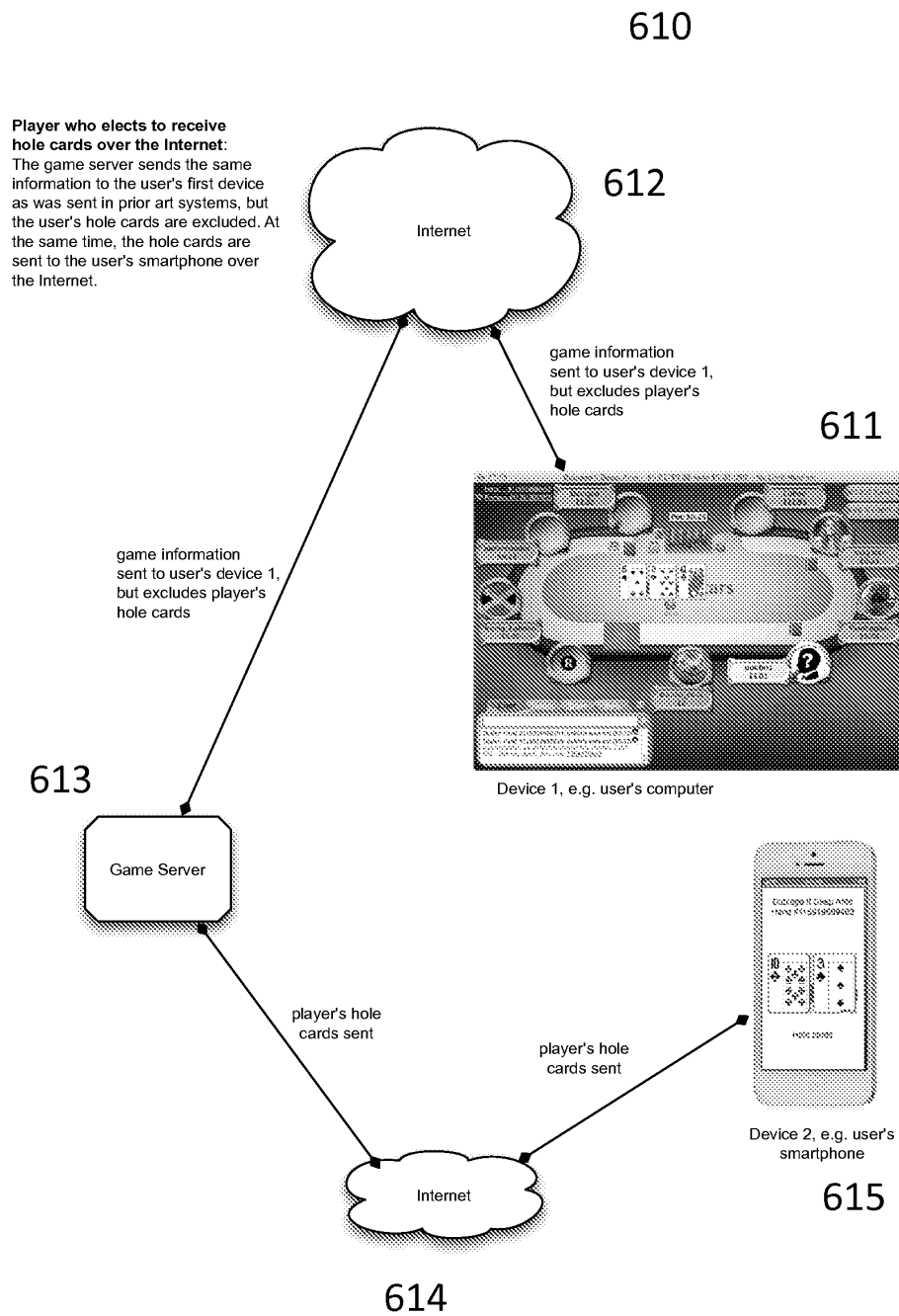


FIG. 7

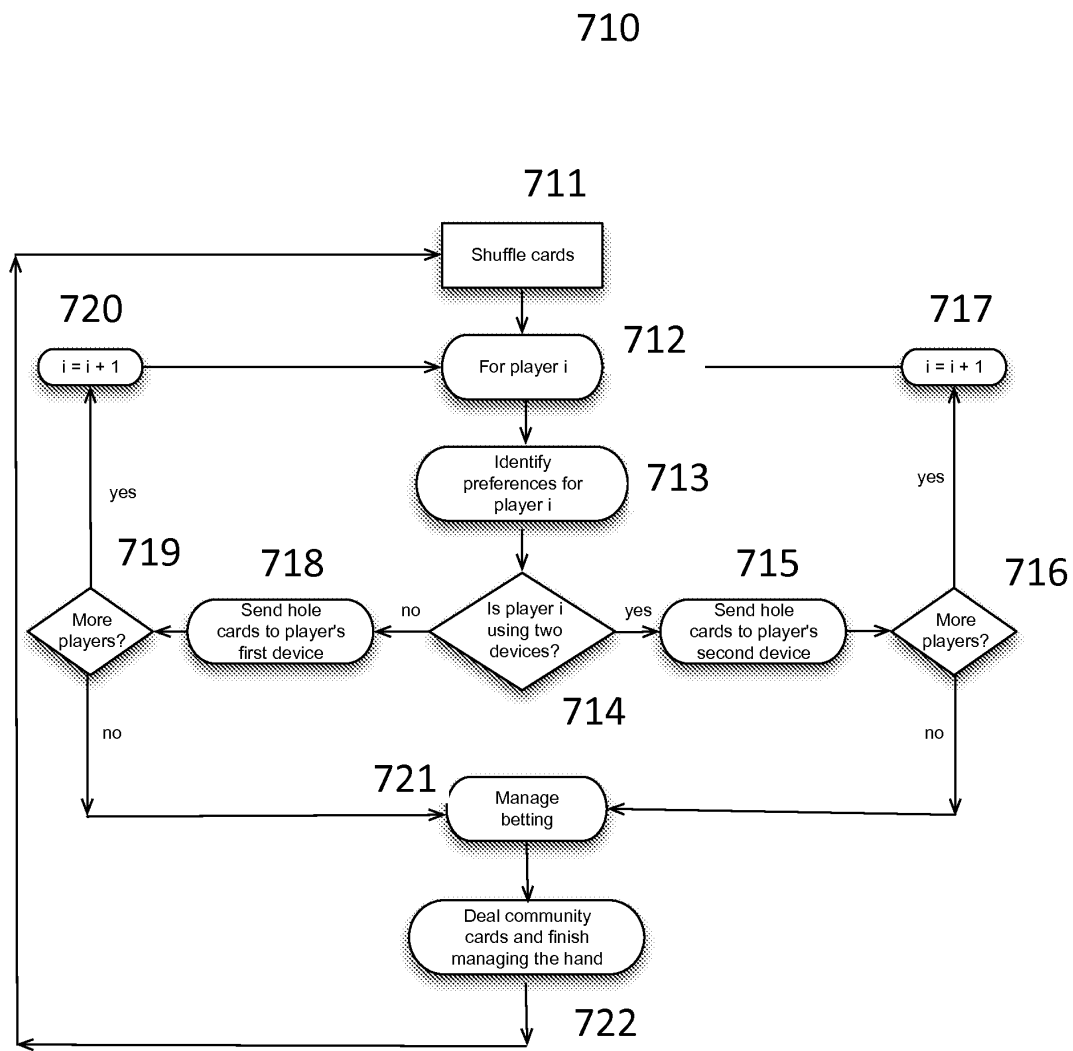


FIG. 8

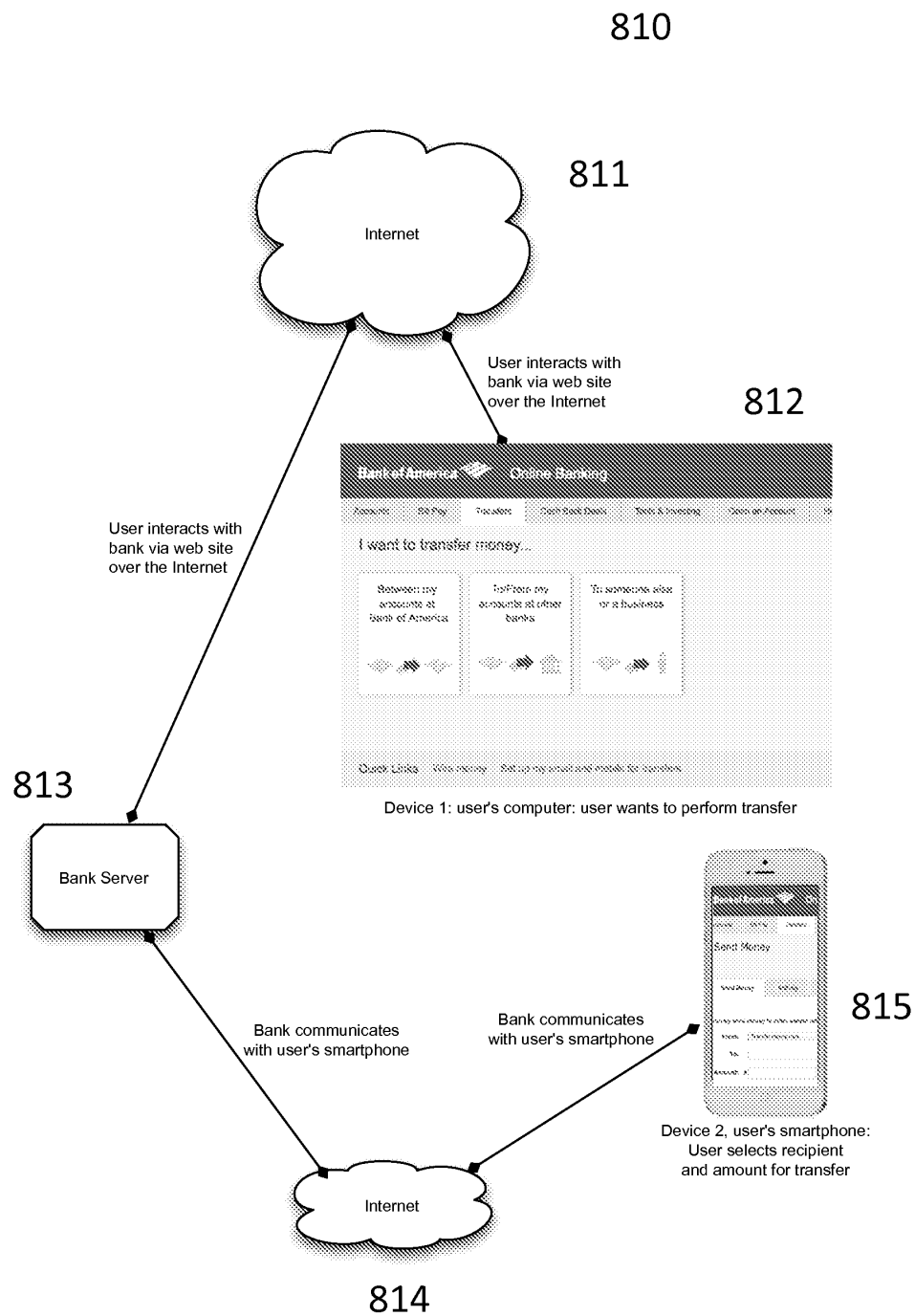


FIG. 9

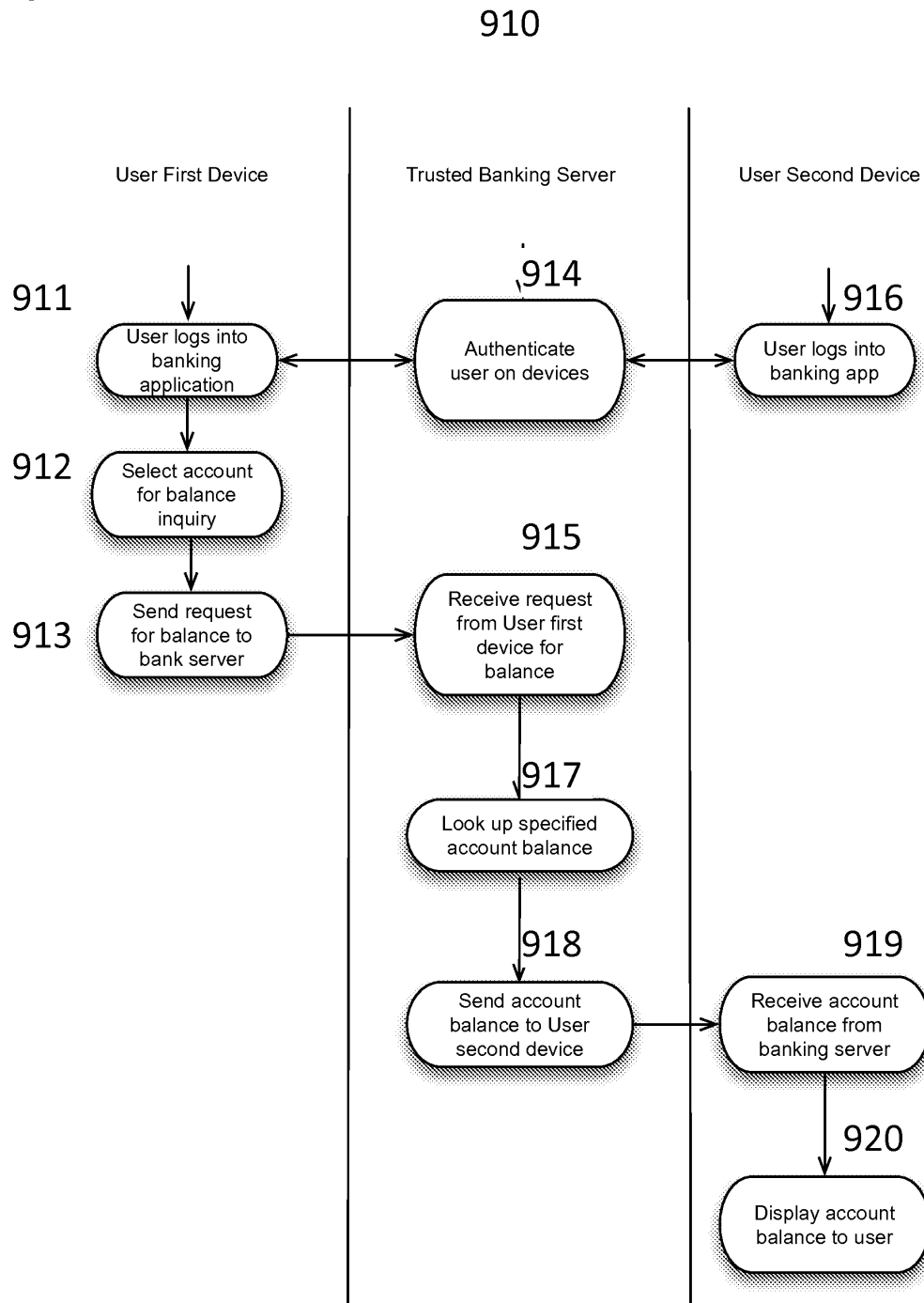


FIG. 10

1010

username	<div>John Doe</div>
requires second device	<div>Yes</div>
hashed pw for first device	<div>3987a87b87c73f3490c9d0</div>
hashed pw for second device	<div>98b7c73a347e789f98d342</div>
authentication token	<div>98234f342e324a7cd98b2a</div>
funds transfer threshold	<div>\$800</div>
link to bank account info	<div>Pointer to banking database: 0x00123adf32 Key to user entry in bank database: 3a98c3243f</div>

Example database entry on central server
for user John Doe in banking example



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
14/444,995	07/28/2014	Aviel David Rubin	0813EBDD-2

CONFIRMATION NO. 4562

FORMALITIES LETTER



OC000000070026425

17012
CipherLaw
PO Box 34783
Bethesda, MD 20827

Date Mailed: 08/07/2014

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
 - Numbers, letters, and reference characters on the drawings must measure at least 0.32 cm (1/8 inch) in height. See Figure(s) 1, 5-6.
 - The drawings contain excessive text. Suitable descriptive legends may be used, or may be required by the Examiner where necessary for understanding of the drawing but should contain as few words as possible (see 37 CFR 1.84(o)). See Figure(s) 1, 5-6.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

Replies must be received in the USPTO within the set time period or must include a proper Certificate of Mailing or Transmission under 37 CFR 1.8 with a mailing or transmission date within the set time period. For more information and a suggested format, see Form PTO/SB/92 and MPEP 512.

Replies should be mailed to:

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web, including a copy of this Notice and selecting the document description "Applicant response to Pre-Exam Formalities Notice".
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

/lchau/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

Docket No.: 0813EBDD-2
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Aviel David RUBIN

Serial No.: 14/444,995

Filed: 07-28-2014

For: UTILIZATION OF MULTIPLE
DEVICES TO SECURE ONLINE
TRANSACTIONS

Confirmation No.: 4562

Group Art Unit: 2856

Examiner: TBD

CORRECTED APPLICATION PAPERS

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Corrected Application Papers mailed August 7, 2014,
please amend this application as follows:

Remarks begin on page 2.

Replacement drawing sheets are attached.

REMARKS

A Notice to File Corrected Application Papers was mailed on August 7, 2014. The Notice indicated certain informalities in Figures 1, 5 and 6. Replacement drawings are attached hereto correcting the sizing of the characters and removing certain text indicated as excessive.

CONCLUSION

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 506129 referencing attorney docket no. 0813EBDD-2.

Respectfully submitted,

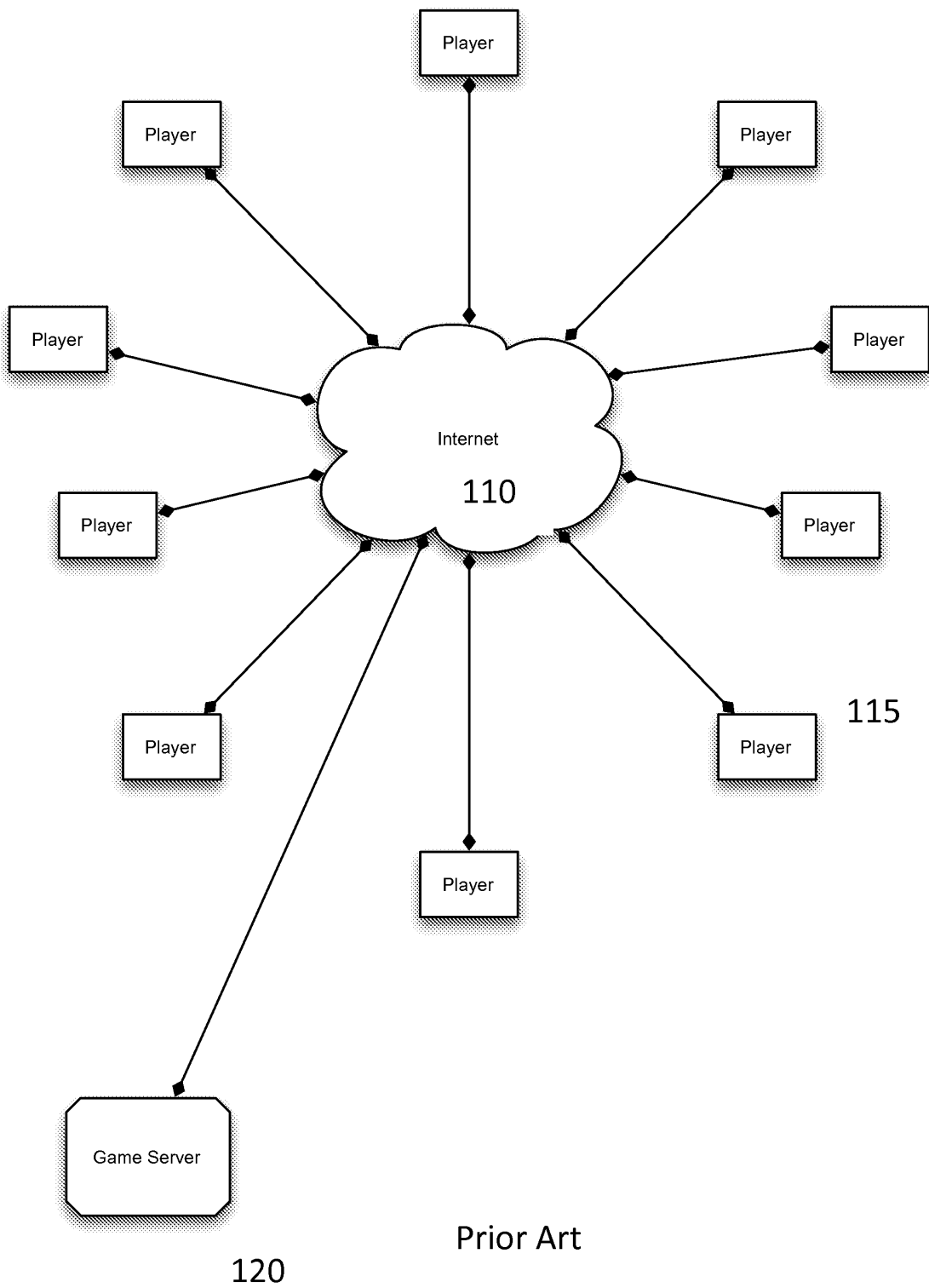
Dated: August 19, 2014 By: /James M. Denaro/

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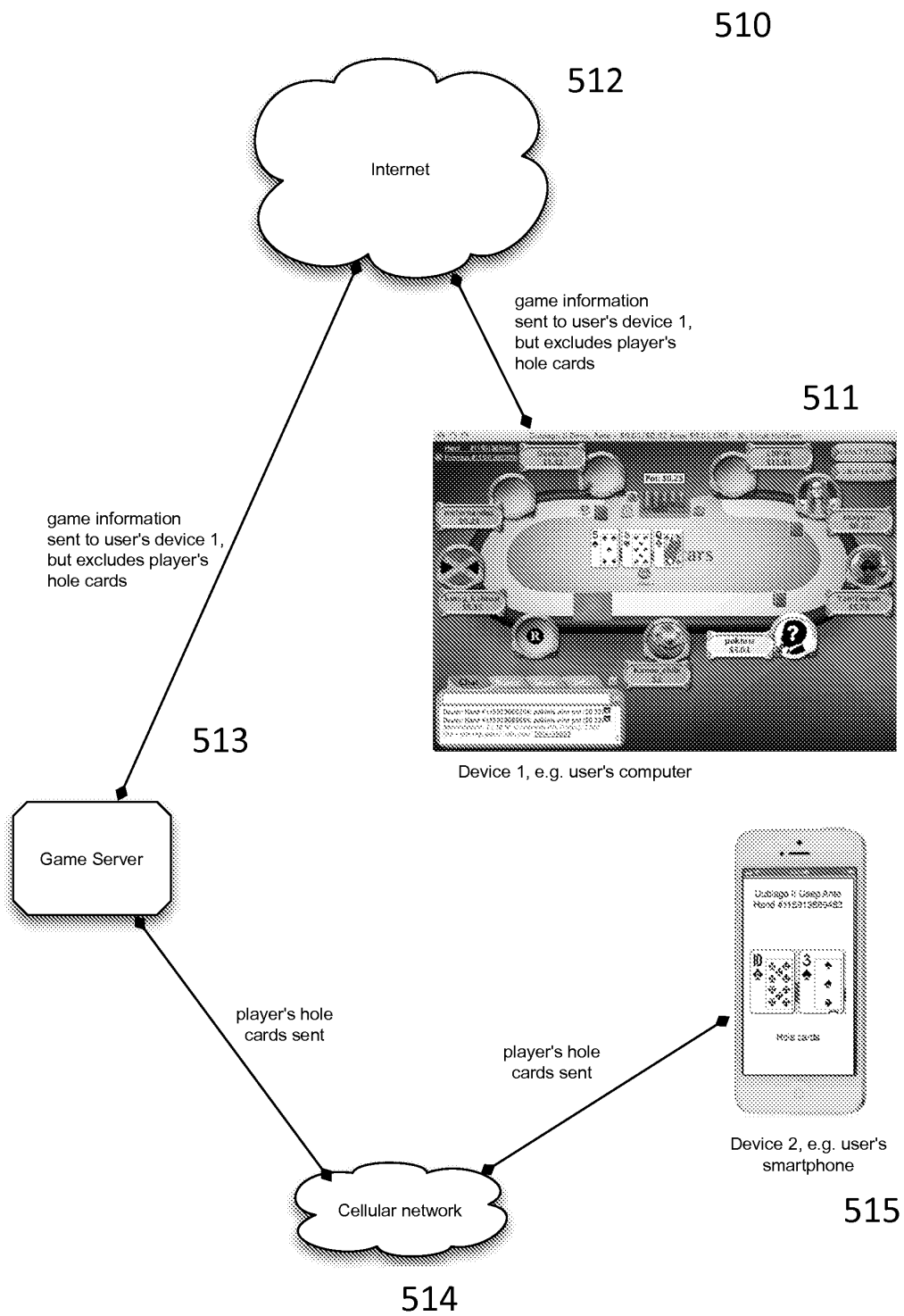
Replacement Sheet

FIG. 1



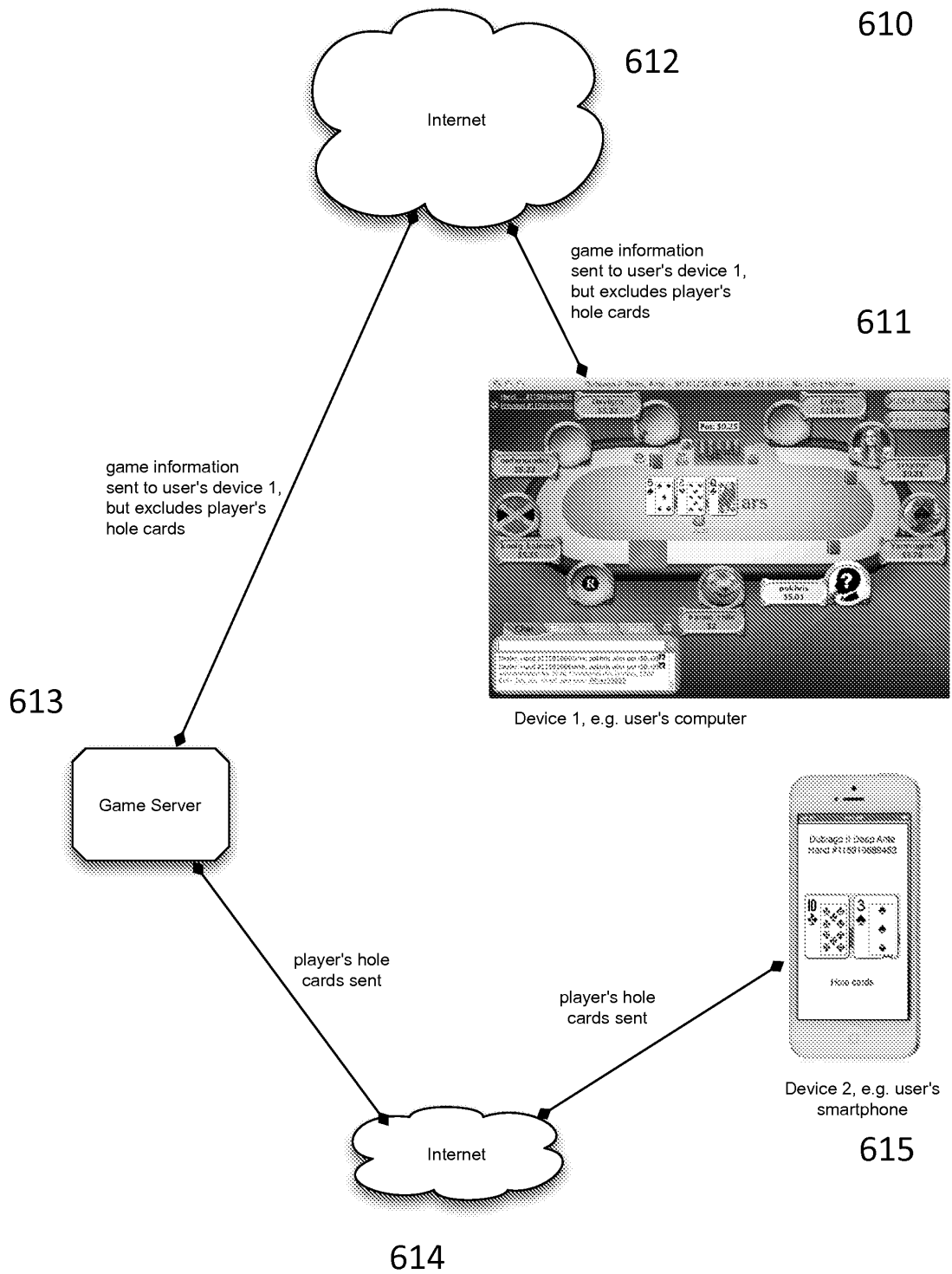
Replacement Sheet

FIG. 5



Replacement Sheet

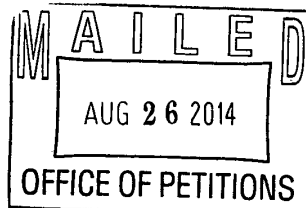
FIG. 6





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Doc Code: TRACK1.GRANT

Decision Granting Request for Prioritized Examination (Track I or After RCE)	Application No.: 14/444,995
<p>1. THE REQUEST FILED <u>July 28, 2014</u> IS GRANTED.</p> <p>The above-identified application has met the requirements for prioritized examination</p> <p>A. ☒ for an original nonprovisional application (Track I).</p> <p>B. ☐ for an application undergoing continued examination (RCE).</p> <p>2. The above-identified application will undergo prioritized examination. The application will be accorded special status throughout its entire course of prosecution until one of the following occurs:</p> <p>A. filing a <u>petition for extension of time</u> to extend the time period for filing a reply;</p> <p>B. filing an <u>amendment to amend the application to contain more than four independent claims, more than thirty total claims</u>, or a multiple dependent claim;</p> <p>C. filing a <u>request for continued examination</u>;</p> <p>D. filing a notice of appeal;</p> <p>E. filing a request for suspension of action;</p> <p>F. mailing of a notice of allowance;</p> <p>G. mailing of a final Office action;</p> <p>H. completion of examination as defined in 37 CFR 41.102; or</p> <p>I. abandonment of the application.</p> <p>Telephone inquiries with regard to this decision should be directed to Brian W. Brown at 571-272-5338.</p> <p>/Brian W. Brown/ [Signature]</p> <p>Petitions Examiner, Office of Petitions (Title)</p>	



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/444,995	07/28/2014	Aviel David Rubin	0813EBDD-2	4562
17012	7590	09/24/2014		
CipherLaw PO Box 34783 Bethesda, MD 20827			EXAMINER PIERCE, DAMON JOSEPH	
			ART UNIT 3718	PAPER NUMBER
			NOTIFICATION DATE 09/24/2014	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):

james.denaro@cipherlawgroup.com

Office Action Summary	Application No. 14/444,995	Applicant(s) RUBIN, AVIEL DAVID	
	Examiner DAMON PIERCE	Art Unit 3718	AIA (First Inventor to File) Status Yes

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 07/28/2014 and 08/19/2014.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☒ An election was made by the applicant in response to a restriction requirement set forth during the interview on 12 September 2014; the restriction requirement and election have been incorporated into this action.

4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) ☒ Claim(s) 1-30 is/are pending in the application.
5a) Of the above claim(s) 25-29 is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☒ Claim(s) 1-24 and 30 is/are rejected.

8) ☐ Claim(s) _____ is/are objected to.

9) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

10) ☐ The specification is objected to by the Examiner.

11) ☒ The drawing(s) filed on See Continuation Sheet is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

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)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date 07/28/2014.

3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

4) ☐ Other: _____.

Continuation of Application Papers 11).The drawing(s) filed on: 07/28/2014 and 08/19/2014.

DETAILED ACTION

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-24 and 30, drawn to a method for transmitting information to electronic devices, classified in 463/42.

II. Claims 25-29, drawn to a method for transmitting information to multiple electronic devices, classified in 726/22.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because of the application-specific components which includes processing application-specific queries at two multiple devices. The subcombination has separate utility such as an online banking application as embodied in Fig. 8 of instant application.

The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are

subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

4. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and/or examination burden if restriction were not required because one or more of the following reasons apply:

- the species or groupings of patentably indistinct species have acquired a separate status in the art in view of their different classification; and
- the species or groupings of patentably indistinct species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search strategies or search queries).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of an invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly

and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103 or pre-AIA 35 U.S.C. 103(a) of the other invention.

5. During a telephone conversation with James Denaro on 09/12/2014 a provisional election was made without traverse to prosecute the invention I, claims 1-24 and 30. Affirmation of this election must be made by applicant in replying to this Office action. Claims 25-29 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Information Disclosure Statement

6. The information disclosure statement filed 07/28/2014 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because EP reference has not been completely provided to the Patent Office. It has been placed in the application file, but

the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Drawings

7. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figs. 2, 5, 6, and 8, corresponding to respective elements 210, 511, 515, 611, 615, 812, and 815 includes text that is not legible. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112(a):

(a) IN GENERAL.—The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

The following is a quotation of the first paragraph of pre-AIA 35 U.S.C. 112:

Art Unit: 3718

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

9. Claim 8 are rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor, or for pre-AIA the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 8 recites the limitation “an indicator on the first device indicating that the second device has received the second subset of information”; however, the original specification does not provide support for this limitation.

10. 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.

11. Claims 1, 6, 7, and 21 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention.

12. Claim 1 recites the limitation “if both the first and second device are determined to be accessible:” (emphasis added), where it appears that the claim is in alternative

form such that the claim may or may not require both devices to be accessible, thus, deemed indefinite. For purposes of examination, the claim is interpreted as not necessarily requiring both devices to be accessible.

13. Claim 6 recites the limitation "the absence" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim.

14. Claim 7 recites the limitation "the user" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

15. Claim 21 recites the limitation "the active table" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

16. 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.

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a)(1) the claimed invention was patented, described in a printed publication, or in public use, on sale or otherwise available to the public before the effective filing date of the claimed invention.

(a)(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the

patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

18. Claims 1-4, 9-12, 14-18, 20, 21, and 30 are rejected under 35 U.S.C. 102a(1)(2) as being anticipated by US Pub. # 20120072561 to Rebacz.

Claims 1 and 30. Rebacz discloses **a method for transmitting information to multiple electronic devices** (Fig. 1, abstract, and ¶13), the method comprising:

- electronically storing a set of information at a server** (¶19 and 21);
- identifying a first subset of the information and identifying a second subset of the information** (¶25);
- determining at the server whether both a first device and a second device are accessible over at least one electronic communications network** (Fig. 1, and ¶21);
- if both the first and second devices are determined to be accessible** (Fig. 1 and ¶21):
 - transmitting a first subset of the information to the first device from the server** (Fig. 1 and ¶25); and
 - transmitting a second subset of the information to the second device from the server** (Fig. 1 and ¶25),
 - wherein the second subset of the information includes information not transmitted to the first device** (¶25).

Claim 2. Rebacz discloses further comprising transmitting at least a portion of the first subset of the information to the second device from the server (¶25, i.e., part of the game play is sent to the cellular devices).

Claim 3. Rebacz discloses wherein
the first subset of the information comprises non-sensitive information (¶25, discloses public information); and
the second subset of the information comprises sensitive information (¶25, discloses private information).

Claim 4. Rebacz discloses wherein the information received at the second device is more sensitive than the information received at the first device (¶25, discloses private information).

Claim 9. Rebacz discloses wherein the transmitting a first subset of the information to the first device from the server and transmitting a second subset of the information to the second device from the server are executed over independent electronic communications networks (Fig. 1, and ¶13, a wireless access point to communicate with cellular devices which is independent from communicating with element 20).

Claim 10. Rebacz discloses further comprising displaying a graphical identifier on the first device and a corresponding graphical indicator on the second device indicating a link between the information displayed on the respective devices (¶25, where the cards of the video poker game is interpreted as a link between the respective devices).

Claim 11. Rebacz discloses wherein the information linked at the second device comprises hole cards and the information linked at the first device comprises community cards in a hand in a game of poker (¶25).

Claim 12. Rebacz discloses wherein the information received at the second device is a user's private cards in an online card game (¶25).

Claim 14. Rebacz discloses wherein the second device is a mobile device (see Fig. 1).

Claim 15. Rebacz discloses wherein the server is a proxy server configured to relay communications from a game server to the first and second devices wherein the proxy server emulates a game client to the game server (Fig. 1, elements 18 and 24, and ¶20, 21, and 24, where element 18 is interpreted as the proxy server, and elements 24 are interpreted as game

servers; where elements 18 and 24 communicate with each other to perform game play interaction with different players).

Claim 16. Rebacz discloses further comprising configuring the server for managing an online game, and wherein the server is configured to communicate with a plurality of devices including a first electronic device and a second electronic device, wherein the first electronic device is primarily used to play the game, and wherein in the game server communicates sensitive information to the second electronic device so that sensitive information can be presented to a user (Fig. 1 and ¶25).

Claim 17. Rebacz discloses wherein the online game is poker (¶25).

Claim 18. Rebacz discloses wherein the information that is communicated to the second device includes hole cards (¶25).

Claim 20. Rebacz discloses wherein the game server provides information to identify the table to which table the hole cards belong (¶9 and 25, in this case, there is only one table, thus, the hole cards belong to the one table).

Claim 21. Rebacz discloses wherein the first device communicates to the game server which table has focus, and wherein the game server then

communicates to the second device an instruction to display the hole cards that correspond to the active table that has the focus in the first device (§9 and 25, in this case, there is only one table, thus, the hole cards belong to the one table).

Claim Rejections - 35 USC § 103

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

A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102 of this title, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

20. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103 are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating

obviousness or nonobviousness.

21. Claims 5 and 6 are rejected under 35 U.S.C. 103 as being unpatentable over US Pub. # 20120072561 to Rebacz in view of US Pub. # 20080039203 to Ackley et al (Ackley).

Claims 5 and 6. *Rebacz discloses fails to explicitly disclose further comprising:*

(as required by claim 5) determining if connectivity between the server and the second device has been disrupted; and

(as required by claim 5) providing a notification on the second device that the connectivity has been disrupted; and

(as required by claim 6) further comprising determining by the absence of a heartbeat if the connectivity has been disrupted.

Ackley teaches determining if connectivity between the server and the second device has been disrupted; providing a notification on the second device that the connectivity has been disrupted; and further comprising determining by the absence of a heartbeat if the connectivity has been disrupted (§57). The gaming system of Rebacz would have motivation to use the teachings of Ackley in order to provide a means to notify mobile device users' the status of their respective game play connections.

It would have been obvious to a person of ordinary skill in the art before the effective filing date of the claimed invention to modify the gaming system of Rebacz with the teachings of Ackley in order to notify mobile device users' the status of their respective game play connections.

22. Claim 7 is rejected under 35 U.S.C. 103 as being unpatentable over US Pub. # 20120072561 to Rebacz in view of US Pub. # 20080039203 to Ackley et al (Ackley) as applied to claim 6 above, and further in view of US Pub. # 20090292640 to Heatherly.

Claim 7. However, Rebacz fails to explicitly disclose receiving an election from the user whether or not to switch to using only the first device for subsequent communications.

Heatherly teaches receiving an election from the user whether or not to switch to using only the first device for subsequent communications (Fig. 1, and ¶¶23 and 38, in this case, once the portable device is disconnected then the user may continue game play using only the client machine, ie, a personal computer, PC). The gaming system of Rebacz would have motivation to use the teachings of Heatherly in order to provide multiple game devices available for a player to participate in game play as insurance if one device is disconnected then the user may use another device for game play which would assist in maintaining access to game play.

It would have been obvious to a person of ordinary skill in the art before the effective filing date of the claimed invention to modify the gaming system of Rebacz with the teachings of Heatherly in order to assist in maintaining access to game play.

23. Claims 8 and 24 are rejected under 35 U.S.C. 103 as being unpatentable over US Pub. # 20120072561 to Rebacz.

Claim 8. Rebacz discloses, further comprising:

detecting whether the second device has received the second subset of the information; and displaying the second subset of the information on the second device (¶25).

However, Rebacz fails to explicitly disclose generating an indicator on the first device indicating that the second device has received the second subset of the information.

Yet, Rebacz does disclose interactivity between several cellular devices and a server is provided for controlling games and other applications in a physical locale (see ¶5, 19, and 25). Where it obvious that the interaction between the cell phone and displayed images on another device includes indications based on players' inputs on respective cell phones in respect to game play.

It would have been obvious to a person of ordinary skill in the art before the effective filing date of the claimed invention that the gaming system of Rebacz includes indications during game play to different game players in order to allow the game players to perform game actions during a poker game such as raising a bid or folding a hand.

Claim 24. Rebacz discloses further comprising electronically storing at the server (§19 and 21) indicating whether subsets of the information are to be divided between two or more devices (§25).

However, Rebacz fails to explicitly disclose a parameter indicating whether subsets of the information are to be divided between two or more devices (emphasis added).

Rebacz discloses sending public information to a display and private information to cell phones (§25). It is obvious that there is programming in the system set to divide the public and private information to different devices which is interpreted as a parameter.

It would have been obvious to a person of ordinary skill in the art before the effective filing date of the claimed invention that the gaming system of Rebacz is programmed with a parameter in order to differential public and private data and sent corresponding data to the proper intended device.

24. Claim 13 is rejected under 35 U.S.C. 103 as being unpatentable over US Pub. # 20120072561 to Rebacz in view of US Pub. # 20090227375 to Weisman et al (Weisman).

Claim 13. Rebacz discloses wherein the second subset of the information is received through an message on the second device (§25).

However, Rebacz fails to explicitly disclose SMS message.

Weisman teaches SMS message (§89). SMS messages are commonly known ways of communicating data to cell phones.

It would have been obvious to a person of ordinary skill in the art before the effective filing date of the claimed invention to modify the gaming system of Rebacz with the teachings of Weisman in order to transmit data to a cell phone.

25. Claim 19 is rejected under 35 U.S.C. 103 as being unpatentable over US Pub. # 20120072561 to Rebacz in view of US Pub. # 20080318651 to Gross et al (Gross).

Claim 19. Rebacz discloses wherein the first device provides a visual mark that is displayed that matches a visual mark on the hole cards that are displayed on the second device to keep the hole cards and the tables synchronized (§25, where playing cards are interpreted as visual marks).

However, Rebacz fails to explicitly disclose a visual mark on each of multiple tables that is displayed that matches a visual mark on the hole cards.

Gross teaches a visual mark on each of multiple tables that is displayed that matches a visual mark on the hole cards (Fig. 3, and ¶3, 9, 14, discloses support of card table game via cell phones, distinguishing players from each other using iconic/summary text information, and playing simultaneously at multiple tables, thus, while playing multiple tables highlight/visual indicators are showing players' spots relative to corresponding hole cards image). The gaming system of Rebacz would have motivation to use the teachings of Gross so that

respective players' can easily identify their positions at the electronic card table display(s) during game play.

It would have been obvious to a person of ordinary skill in the art before the effective filing date of the claimed invention to modify the gaming system of Rebacz with the teachings of Gross so that respective players' can easily identify their positions at the electronic card table display(s) during game play.

26. Claim 22 is rejected under 35 U.S.C. 103 as being unpatentable over US Pub. # 20120072561 to Rebacz in view of US Pub. # 20080318651 to Gross et al (Gross) and US Pub. # 20090292640 to Heatherly.

Claim 22. Rebacz discloses communicates to the second device information indicating which hole cards to view on the second device corresponding to an active table having focus on the first device (¶25).

However, Rebacz fails to explicitly disclose wherein a user is playing more than one poker table and wherein the first device communicates to the second device information indicating which hole cards to view on the second device corresponding to an active table having focus on the first device (emphasis added).

Gross teaches wherein a user is playing more than one poker table (¶14, discloses playing simultaneously at multiple tables). The gaming system of Rebacz would have motivation to use the teachings of Gross so that respective

players' can easily identify their positions at the electronic card table display(s) during game play.

It would have been obvious to a person of ordinary skill in the art before the effective filing date of the claimed invention to modify the gaming system of Rebacz with the teachings of Gross so that respective players' can easily identify their positions at the electronic card table display(s) during game play.

Heatherly teaches wherein the first device communicates to the second device information (Fig. 3, and ¶22). The gaming system of Rebacz would have motivation to use the teachings of Heatherly in order to provide multiple game devices available for a player to participate in game play as insurance if one device is disconnected then the user may use another device for game play which would assist in maintaining access to game play.

Thus, it would have been obvious to a person of ordinary skill in the art before the effective filing date of the claimed invention to modify the gaming system of Rebacz with the teachings of Heatherly in order to assist in maintaining access to game play.

27. Claim 23 is rejected under 35 U.S.C. 103 as being unpatentable over US Pub. # 20120072561 to Rebacz in view of US Pub. #20020010013 to Walker et al (Walker).

Claim 23. *Rebacz fails to explicitly disclose wherein the set of information at a server represents financial record information and the first subset of the*

information comprises account identifying information and the second subset of the information comprises account balance information (emphasis added).

Walker teaches wherein the set of information at a server represents financial record information and the information comprises account identifying information and the information comprises account balance information (§40 and 58). The gaming system of Rebacz would have motivation to use the teachings of Walker in order to assist players' in identifying themselves during game play and also provide notice of amount of money/credits that players' have remaining to participate in game, which would provide an added convenience for players' during game play.

It would have been obvious to a person of ordinary skill in the art before the effective filing date of the claimed invention to modify the gaming system of Rebacz with the teachings of Walker in order to provide an added convenience for players' during game play.

Conclusion

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAMON PIERCE whose telephone number is (571)270-1997. The examiner can normally be reached on 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Hall can be reached on 571-270-1814. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

29. 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.

/Damon Pierce/
Primary Examiner, Art Unit 3718



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/444,995	07/28/2014	Aviel David Rubin	0813EBDD-2	4562
17012	7590	10/17/2014		
CipherLaw PO Box 34783 Bethesda, MD 20827			EXAMINER PIERCE, DAMON JOSEPH	
			ART UNIT 3718	PAPER NUMBER
			NOTIFICATION DATE 10/17/2014	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):

james.denaro@cipherlawgroup.com

<i>Applicant-Initiated Interview Summary</i>	Application No.	Applicant(s)	
	14/444,995	RUBIN, AVIEL DAVID	
	Examiner	Art Unit	
	DAMON PIERCE	3718	

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

(1) DAMON PIERCE. (3) Aviel Rubin.

(2) Jim Denaro. (4) _____.

Date of Interview: 09 October 2014.

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: 4.

Identification of prior art discussed: Rebacz, Ackley, and Heatherly.

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...)

The Applicant requested an interview to discuss differences between the prior art and possible claim amendments to overcome the prior art, specifically, to the instant invention elements of: (a) determining accessibility to both devices, (b) transmitting information only if both devices are accessible; and (c) specific subsets of information. Further, Applicant mentioned differences between elements presented in claims 5-7 of the instant application and the prior art of record. Consequently, the Examiner will contact the Applicant's representative with further feedback upon receiving a written response.

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

/Damon Pierce/ Primary Examiner, Art Unit 3718	
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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.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/444,995	07/28/2014	Aviel David Rubin	0813EBDD-2	4562
17012	7590	11/18/2014		
CipherLaw PO Box 34783 Bethesda, MD 20827			EXAMINER PIERCE, DAMON JOSEPH	
			ART UNIT 3718	PAPER NUMBER
			NOTIFICATION DATE 11/18/2014	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):

james.denaro@cipherlawgroup.com

Summary of Record of Interview Requirements

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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.

Docket No.: 0813EBDD-2
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Aviel David RUBIN

Serial No.: 14/444,995

Filed: July 28, 2014

For: UTILIZATION OF MULTIPLE
DEVICES TO SECURE ONLINE
TRANSACTIONS

Confirmation No.: 4562

Group Art Unit: 3718

Examiner: Damon Pierce

AMENDMENT UNDER 37 CFR 1.111

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

Sir:

In response to the Action of September 24, 2014, please amend this application as follows:

Amendments to the Claims begin on page 2.

Remarks begin on page 9.

Replacement Figures are attached.

AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A method for transmitting information to multiple electronic devices, the method comprising:

electronically storing a set of information at a server;

identifying a first subset of the information and identifying a second subset of the information;

determining at the server whether both a first device being operated exclusively by a first user and a second device also being operated exclusively by the first user are accessible over at least one electronic communications network;

if both the first and second devices are determined to be accessible by the server, then:

transmitting a first subset of the information to the first device from the server;

and

transmitting a second subset of the information to the second device from the server,

wherein the second subset of the information includes information not transmitted to the first device.

2. (Currently Amended) The method of claim 1, further comprising transmitting at least a portion of the first subset of the information to the second device from the server only if both the first and second devices are determined to be accessible by the server.

3. (Previously Presented) The method of claim 1, wherein

the first subset of the information comprises non-sensitive information; and

the second subset of the information comprises sensitive information.

4. (Previously Presented) The method of claim 1, wherein the information received at the second device is more sensitive than the information received at the first device.

5. (Previously Presented) The method of claim 1, further comprising:

determining if connectivity between the server and the second device has been disrupted;

and

providing a notification on the second device that the connectivity has been disrupted.

6. (Currently Amended) The method of claim 5, further comprising determining by ~~the~~ an absence of a heartbeat if the connectivity has been disrupted and receiving an election from the user whether or not to switch to using only the first device for subsequent communications.

7. (Cancelled)

8. (Previously Presented) The method of claim 1, further comprising:

detecting whether the second device has received the second subset of the information;

displaying the second subset of the information on the second device; and

generating an indicator on the first device indicating that the second device has received the second subset of the information.

9. (Previously Presented) The method of claim 1, wherein the transmitting a first subset of the information to the first device from the server and transmitting a second subset of the information to the second device from the server are executed over independent electronic communications networks.

10. (Previously Presented) The method of claim 1, further comprising displaying a graphical identifier on the first device and a corresponding graphical indicator on the second device indicating a link between the information displayed on the respective devices.

11. (Previously Presented) The method of claim 10, wherein the information linked at the second device comprises hole cards and the information linked at the first device comprises community cards in a hand in a game of poker.

12. (Previously Presented) The method of claim 1, wherein the information received at the second device is a user's private cards in an online card game.

13. (Currently Amended) The method of claim 1, wherein ~~the second subset of the information is received through an SMS message on the second device~~ a display on the first device is being viewed exclusively by a first user and a display on a second device is also being viewed exclusively by the first user.

14. (Currently Amended) The method of claim 1, wherein ~~the second device is a mobile device,~~ neither the first subset of information nor the second subset comprise a two factor authentication code.

15. (Currently Amended) The method of claim 1, wherein the server is a proxy server configured to relay communications from ~~an game application~~ server to the first and second devices wherein the proxy server emulates a ~~game~~ client to the ~~game application~~ server.

16. (Previously Presented) The method of claim 1, further comprising configuring the server for managing an online game, and wherein the server is configured to communicate with a plurality of devices including a first electronic device and a second electronic device, wherein the first electronic device is primarily used to play the game, and wherein in the game server communicates sensitive information to the second electronic device so that sensitive information can be presented to a user.

17. (Currently Amended) The method of claim 16, wherein the online game is poker and wherein the information that is communicated to the second device includes hole cards.

18. (Cancelled)

19. (Currently Amended) The method of claim [[18]] 17, wherein the first device provides a visual mark on each of multiple tables that is displayed that matches a visual mark on the hole cards that are displayed on the second device to keep the hole cards and the tables synchronized.

20. (Currently Amended) The method of claim [[18]] 17, wherein the game server provides information to identify the table to which table the hole cards belong.

21. (Currently Amended) The method of claim [[18]] 17, wherein the first device communicates to the game server which table has focus, and wherein the game server then communicates to the second device an instruction to display the hole cards that correspond to ~~the~~ an active table that has the focus in the first device.

22. (Currently Amended) The method of claim [[18]] 17, wherein a user is playing more than one poker table, and wherein the first device communicates to the second device information indicating which hole cards to view on the second device corresponding to an active table having focus on the first device.

23. (Previously Presented) The method of claim 1, wherein the set of information at a server represents financial record information and the first subset of the information comprises account identifying information and the second subset of the information comprises account balance information.

24. (Previously Presented) The method of claim 1, further comprising electronically storing at the server a parameter indicating whether subsets of the information are to be divided between two or more devices.

25. (Withdrawn) A method for transmitting information to multiple electronic devices, the method comprising:

electronically storing a set of information at a server;
configuring an online application to execute as at least two application-specific components;
requiring one application-specific component to execute on a first electronic device and the other application-specific component to execute on a second electronic device;
wherein the application-specific components do not perform user authentication, and wherein the application-specific components do not perform transaction confirmation; and
the first application-specific component being configured for processing an application-specific query from the server on the first device;
the second application-specific component being configured for processing a response to the application-specific query at the second device,
wherein the response is transmitted to the server from the second device.

26. (Withdrawn) The method of claim 25, further comprising terminating a session if no response is received in response to a second query.

27. (Withdrawn) The method of claim 25, further comprising terminating a session if an incorrect response is received in response to a second query.

28. (Withdrawn) The method of claim 26, further comprising periodically detecting whether both the first device and the second device are accessible over at least one electronic communications network.

29. (Withdrawn) The method of claim 28, further comprising terminating a session if both the first device and the second device are not accessible over the at least one electronic communications network.

30. (Currently Amended) A system for transmitting information to multiple electronic devices, the system comprising:

an electronic data store configured for electronically storing a set of information at a server;

a processor device programmed for:

identifying a first subset of the information and identifying a second subset of the information;

determining at the server whether both a first device being operated exclusively by a first user and a second device also being operated exclusively by the first user are accessible over at least one electronic communications network;

if both the first and second devices are determined to be accessible by the server,
then:

transmitting a first subset of the information to the first device from the server; and

transmitting a second subset of the information to the second device from the server,

wherein the second subset of the information includes information not transmitted to the first device.

31. (New) The method of claim 8, wherein if the first device has not received the indication that the second device has received the second subset of the information, then a user's turn in an online game is delayed.

32. (New) The method of claim 1, wherein the first and second subsets of information are application-specific, and wherein the first and second subsets of information derive from functions within a specific application.

REMARKS

Applicant thanks Examiner Pierce for the courtesies extended during the interview held on November 5, 2014. By this amendment, claims 1, 2, 6, 13-15, 17, 19-22, and 30 have been amended. Claims 25-29 were previously withdrawn without traverse during a telephone conversation with the Examiner on September 12, 2014. Claim 7 has been cancelled and claim 6 amended to include the limitations of claim 7. Claim 18 has been cancelled and claim 17 amended to include the limitations of claim 18. New claims 31 and 32 are added. Support for new claim 31 can be found in at least paragraph [31] as well as elsewhere in the application and support for new claim 32 can be found in at least paragraphs [18] and [72] as well as elsewhere in the application. Because claims 7 and 18 have been cancelled, no additional claims fees are due and the total number of pending claims is not more than 30 claims. No new matter has been added.

Information Disclosure Statement

The Office Action indicated that the Information Disclosure Statement submitted on July 28, 2014, did not completely provide EP reference EP2350941. Due to the unavailability of that publication, a supplemental Information Disclosure Statement is submitted concurrently herewith enclosing a complete copy of the corresponding WIPO publication of that application, WO 2010/43722.

Drawings

Figs. 2, 5, 6, and 8, corresponding to respective elements 210, 511, 515, 611, 615, 812, and 815 were objected to for including text that is not legible. Replacement sheets correcting this are attached hereto. No new matter has been added in the replacement sheets.

Rejections Under 35 USC §112

Claim 8 was rejected under 35 U.S.C. 112(a) as failing to comply with the written description requirement. The Office Action states that claim 8 recites the limitation “an indicator on the first device indicating that the second device has received the second subset of information” and alleges that the original specification does not provide support for this

limitation. As examples of support in the specification for this limitation, Applicant respectfully draws the Examiner's attention to paragraph [31] of the application wherein it is described that "The game server then communicates to the first device an indication that the second device has received the hole cards." Paragraph [32] of the application describes that "In one example embodiment, once the first device receives an indication that the second device has received sensitive information, the first device can display a visual cue that the second device has received the cards, for example, by changing the color of a box that symbolizes the sensitive information, or by highlighting the text in the box." Paragraph [34] of the application further describes that "If the game server remains unable to communicate with the second device, the game server can indicate to the first device that the second device is unavailable, and the first device can display a warning to the user that the second device is not reachable." Withdrawal of this rejection is respectfully requested.

Claims 1, 6, 7, and 21 are rejected under 35 U.S.C. §112(b) as being indefinite. Claim 1 has been amended to recite "if both the first and second devices are determined to be accessible by the server" to clarify that the recited determination of accessibility is performed by the server. Claim 6 has been amended to recite "determining by ~~the~~ an absence of a heartbeat if the connectivity has been disrupted". Claim 7 has been cancelled and claim 6 has been further amended to recite "receiving an election from the user." Claim 21 has been amended to recite "an active table". Withdrawal of these rejections is respectfully requested.

Rejections Under 35 USC §102 and §103

In the Office Action, claims 1-24 and 30 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Pub. No. 2012/0072561 to Rebacz or under 35 U.S.C. §103 as being obvious in light of Rebacz in combination with other references. As indicated in the Interview Summary of November 18, 2014, it was agreed with the Examiner during the interview of November 5, 2014, that the proposed amendments to the independent claims, as presented herein, overcome the Rebacz reference.

In accordance with the agreement reached in the interview, claim 1 has been amended to recite “determining at the server whether both a first device being operated exclusively by a first user and a second device also being operated exclusively by the first user are accessible over at least one electronic communications network”. Corresponding amendments have been made to independent claim 30. Support for these amendments, as well as the amendments to claim 13, can be found in at least paragraph [18], [19], [23], [24] and elsewhere in the application.

In light of these amendments, withdrawal of these rejections is respectfully requested

CONCLUSION

In view of the above, early action allowing the pending claims is solicited. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 506129 referencing docket no. 0813EBDD-2.

Respectfully submitted,

Dated: November 19, 2014

By:

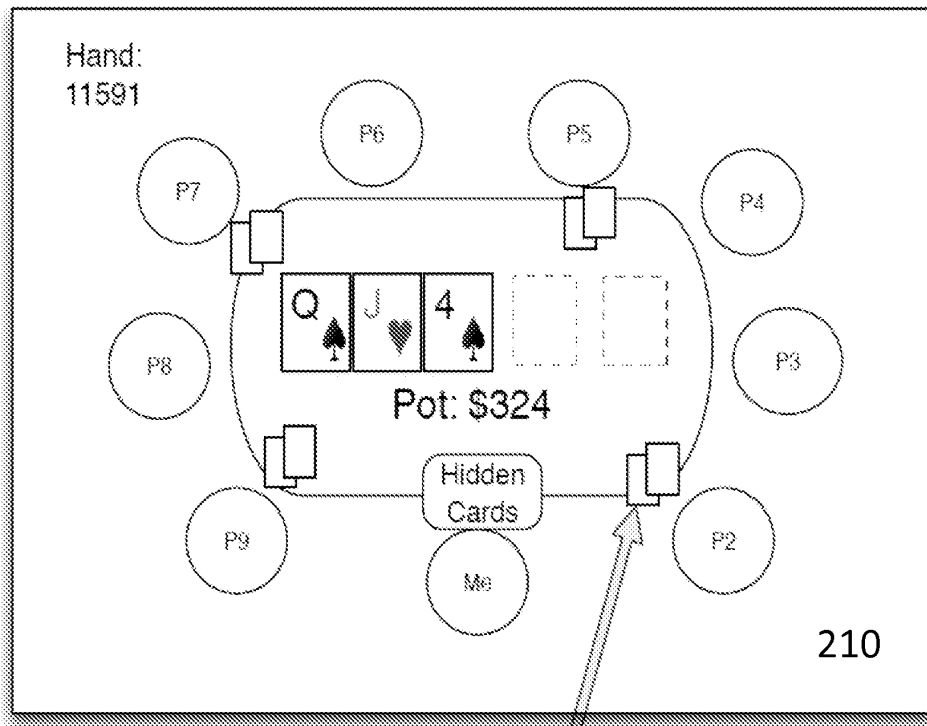
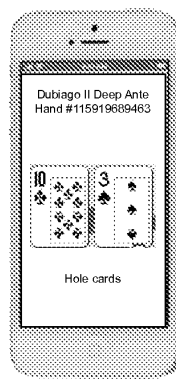
/James M. Denaro/

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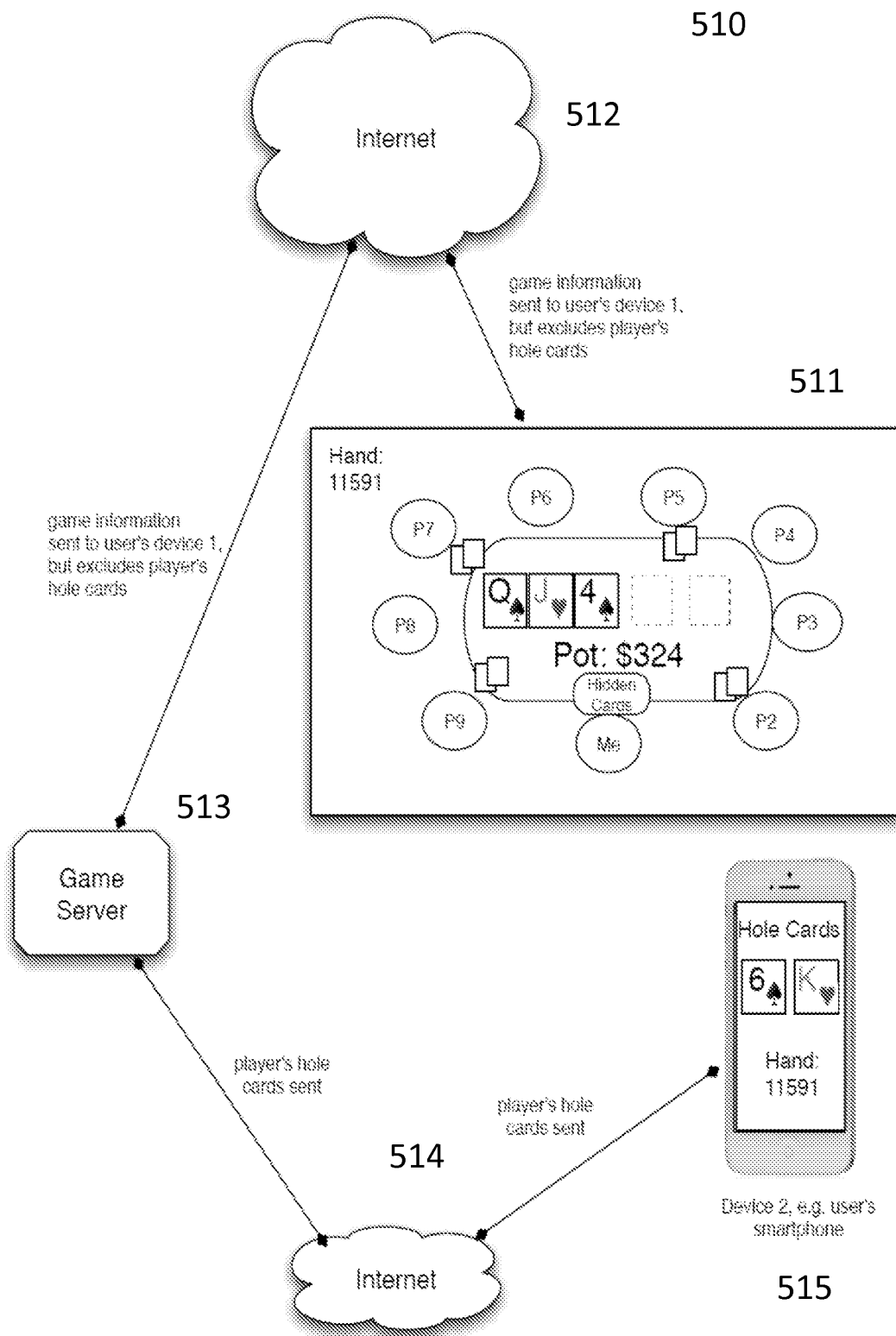
Replacement Sheet

FIG. 2



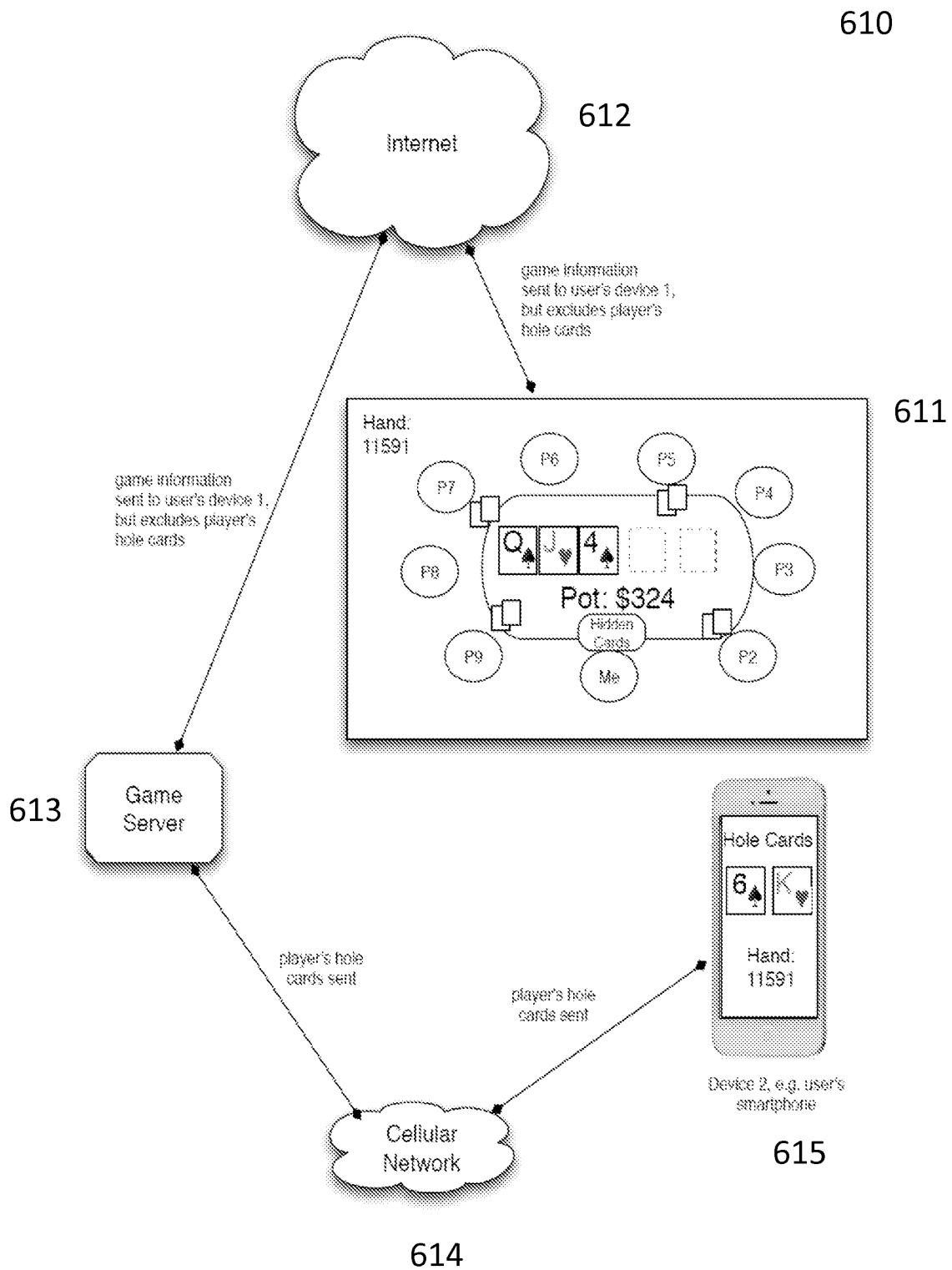
Replacement Sheet

FIG. 5



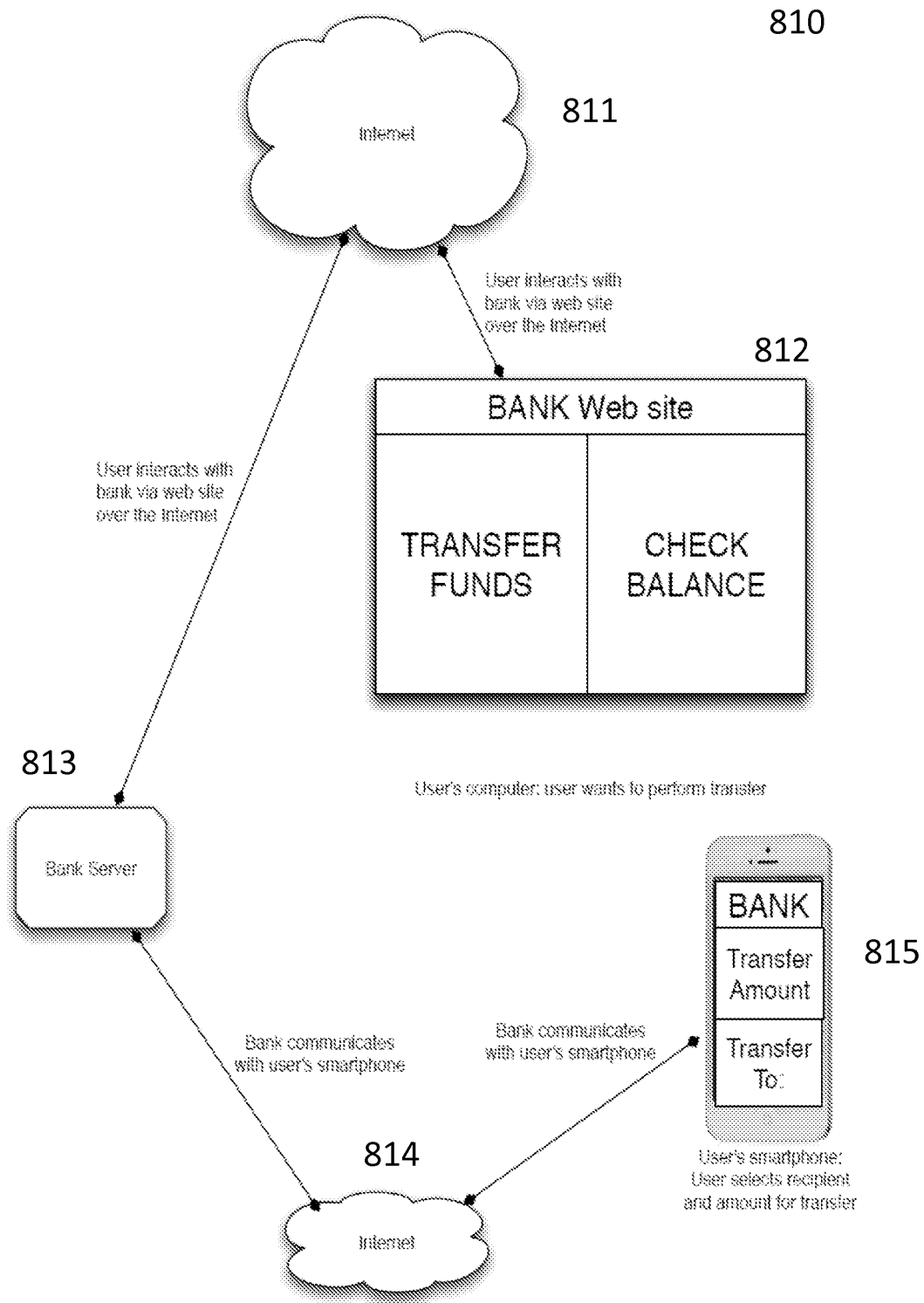
Replacement Sheet

FIG. 6



Replacement Sheet

FIG. 8





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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/444,995	07/28/2014	Aviel David Rubin	0813EBDD-2	4562
17012	7590	01/27/2015		
CipherLaw PO Box 34783 Bethesda, MD 20827			EXAMINER PIERCE, DAMON JOSEPH	
			ART UNIT 3717	PAPER NUMBER
			NOTIFICATION DATE 01/27/2015	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):

james.denaro@cipherlawgroup.com

Office Action Summary	Application No. 14/444,995	Applicant(s) RUBIN, AVIEL DAVID	
	Examiner DAMON PIERCE	Art Unit 3717	AIA (First Inventor to File) Status Yes

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 11/19/2014.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) ☒ Claim(s) 1-6,8-17 and 19-32 is/are pending in the application.
5a) Of the above claim(s) 25-29 is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☒ Claim(s) 1-6,8-17, 19-24 and 30-32 is/are rejected.

8) ☐ Claim(s) _____ is/are objected to.

9) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

10) ☐ The specification is objected to by the Examiner.

11) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

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)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☒ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date 11/19/2014.

3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

4) ☐ Other: _____.

DETAILED ACTION

1. The present application, filed on or after March 16, 2013, is being examined under the first inventor to file provisions of the AIA.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112(a):

(a) IN GENERAL.—The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor or joint inventor of carrying out the invention.

The following is a quotation of the first paragraph of pre-AIA 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-6, 8-17, 19-24, and 30-32 are rejected under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor, or for pre-AIA the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites the limitation “determining at the server whether both a first device being operated exclusively by a first user and a second device also being operated exclusively by the first user are accessible over at least one electronic

communications network” (emphasis added), however, the original specification does not provide support for this limitation. The original specification discloses a single player using two different devices simultaneously, however, it was not found in the disclosure that these devices are exclusive to the single player. For example, (a) a device is used for a multi-player game thus not exclusive to just one player, or (b) a user gives permission to another person to play the game for him/her. Note claims 13 and 30 has similar issues as mentioned above to claim 1; and all other dependent claims are rejected because of their respective dependence on independent claims 1 and 30.

4. 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.

5. Claims 1-6, 8-17, and 19-24 are rejected under 35 U.S.C. 112(b) or 35 U.S.C. 112 (pre-AIA), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the inventor or a joint inventor, or for pre-AIA the applicant regards as the invention.
6. Claim 1 recites the limitation “if both the first and second device are determined to be accessible by the server:” (emphasis added), where it appears that the claim is in alternative form such that there is an option where the first and second devices are not determined to be accessible by the server, thus, no transmission of information would occur. For purposes of examination, the claim is interpreted as being in an alternative

form where when one of the two devices are not deemed accessible by the server then there would be no transmission of information from the server. Note dependent claims 2-6, 8-17, and 19-24 are all rejected under 112(b) because of their respective dependence of claim 1.

7. Claim 13 recites "The method of claim 1, wherein the a display" (emphasis added) is unclear.

Claim Rejections - 35 USC § 102

8. 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.

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a)(1) the claimed invention was patented, described in a printed publication, or in public use, on sale or otherwise available to the public before the effective filing date of the claimed invention.

(a)(2) the claimed invention was described in a patent issued under section 151, or in an application for patent published or deemed published under section 122(b), in which the patent or application, as the case may be, names another inventor and was effectively filed before the effective filing date of the claimed invention.

10. Claims 1-4, 10-17, 23, 30, and 32 are rejected under 35 U.S.C. 102a(1)(2) as being anticipated by US Pub. # 20140121015 to Massing et al (Massing).

Claims 1 and 30. Massing discloses **a method for transmitting information to multiple electronic devices** (Fig. 11, and ¶[81-86 and 88-91]), the method comprising:

electronically storing a set of information at a server (Fig. 11, and ¶[81-83] discloses storing wagering game content for a wagering game machine and gaming eyewear);

identifying a first subset of the information and identifying a second subset of the information (Fig. 11, and ¶[81-86 and 88-91]);

determining at the server whether both a first device being operated exclusively by a first user and a second device also being operated exclusively by the first user are accessible over at least one electronic communications network (Fig. 11, and ¶[81-86 and 88-91] in this case, a server is capable of communicating with the wagering game machine and the gaming eyewear);

if both the first and second devices are determined to be accessible by the server, then: (Fig. 11, and ¶[81-85 and 88-91] in this case, a server is capable of communicating with the wagering game machine and the gaming eyewear):

transmitting a first subset of the information to the first device from the server (Fig. 11, and ¶[81-86 and 88-91]); and

transmitting a second subset of the information to the second device from the server (Fig. 11, and ¶[81-86 and 88-91] such as virtual hole cards presented on the gaming eyewear as disclosed in ¶[23 and 38]),

wherein the second subset of the information includes information not transmitted to the first device (Fig. 11, and ¶[81-86 and 88-91] such as the hole cards on the gaming eyewear as disclosed in ¶[23 and 38]).

Claim 2. Massing discloses further comprising transmitting at least a portion of the first subset of the information to the second device from the server only if both the first and second devices are determined to be accessible by the server (Fig. 11, and ¶[81-86 and 88-91] such as the hole cards on the gaming eyewear as disclosed in ¶[23 and 38]).

Claim 3. Massing discloses wherein
the first subset of the information comprises non-sensitive information (¶[22 and 86] discloses a community hand);and
the second subset of the information comprises sensitive information (¶[23 and 38] discloses hole cards).

Claim 4. Massing discloses wherein the information received at the second device is more sensitive than the information received at the first device (¶[23 and 38] discloses hole cards at the gaming eyewear which is more sensitive than community info displayed at the gaming machine).

Claim 10. Massing discloses further comprising displaying a graphical identifier on the first device and a corresponding graphical indicator on the second device indicating a link between the information displayed on the respective devices (¶[81-86 and 88-91]).

Claim 11. Massing discloses wherein the information linked at the second device comprises hole cards and the information linked at the first device comprises community cards in a hand in a game of poker (¶[22 and 86] discloses a community hand, and ¶[23 and 38] discloses hole cards).

Claim 12. Massing discloses wherein the information received at the second device is a user's private cards in an online card game (¶30 discloses online casino, and ¶[23 and 38] discloses hole cards).

Claim 13. Massing discloses wherein a display on the first device is being viewed exclusively by a first user and a display on a second device is also being viewed exclusively by the first user (¶[81-86 and 88-91], in this case, the first user is using a game machine designed for a single player and the eyewear is designed for only one player).

Claim 14. Massing discloses wherein neither the first subset of information nor the second subset comprise a two factor authentication code (¶[81-86 and

88-91] in this case, the subsets of information does not use a two factor authentication code process when sent to devices via a wagering game server).

Claim 15. Massing discloses wherein the server is a proxy server configured to relay communications from an application server to the first and second devices wherein the proxy server emulates a client to the application server (Fig. 11, and ¶[81-93] discloses using different servers in communication with wagering game server to provide game data to the wagering game machine and the gaming eyewear).

Claim 16. Massing discloses further comprising configuring the server for managing an online game, and wherein the server is configured to communicate with a plurality of devices including a first electronic device and a second electronic device, wherein the first electronic device is primarily used to play the game, and wherein in the game server communicates sensitive information to the second electronic device so that sensitive information can be presented to a user (Fig. 11, and ¶[81-93] discloses using different servers in communication with wagering game server to provide game data to the wagering game machine and the gaming eyewear).

Claim 17. Massing discloses wherein the online game is poker and wherein the information that is communicated to the second device includes hole cards (¶[23 and 38]).

Claim 23. Massing discloses wherein the set of information at a server represents financial record information and the first subset of the information comprises account identifying information and the second subset of the information comprises account balance information (¶[78-81]).

Claim 32. Massing discloses wherein the first and second subsets of information are application-specific, and wherein the first and second subsets of information derive from functions within a specific application (Fig. 11, and ¶[81-86 and 88-91] in this case the specific application is related to a game).

Claim Rejections - 35 USC § 103

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

A patent for a claimed invention may not be obtained, notwithstanding that the claimed invention is not identically disclosed as set forth in section 102 of this title, if the differences between the claimed invention and the prior art are such that the claimed invention as a whole would have been obvious before the effective filing date of the claimed invention to a person having ordinary skill in the art to which the claimed invention pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103 are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
13. Claims 5, 6, and 9 are rejected under 35 U.S.C. 103 as being unpatentable over US Pub. # 20140121015 to Massing et al (Massing) in view of US Pub. # 20080039203 to Ackley et al (Ackley) and US Pub. # 20090292640 to Heatherly.

Claims 5 and 6. *Massing discloses fails to explicitly disclose further comprising:*

(as required by claim 5) determining if connectivity between the server and the second device has been disrupted; and

(as required by claim 5) providing a notification on the second device that the connectivity has been disrupted; and

(as required by claim 6) further comprising determining by an absence of a heartbeat if the connectivity has been disrupted and receiving an election from the user whether or not to switch to using only the first device for subsequent communications.

Ackley teaches determining if connectivity between the server and the second device has been disrupted; providing a notification on the second device that the connectivity has been disrupted; and further comprising determining by

the absence of a heartbeat if the connectivity has been disrupted (§57). The gaming system of Massing would have motivation to use the teachings of Ackley in order to provide a means to notify game players the status of their respective game play connections when respective devices has connection issues of receiving game related data.

It would have been obvious to a person of ordinary skill in the art before the effective filing date of the claimed invention to modify the gaming system of Massing with the teachings of Ackley in order to notify mobile device users' the status of their respective game play connections.

Heatherly teaches receiving an election from the user whether or not to switch to using only the first device for subsequent communications (Fig. 1, and ¶23 and 38, in this case, once the portable device is disconnected then the user may continue game play using only the client machine, ie, a personal computer, PC). The gaming system of Massing would have motivation to use the teachings of Heatherly in order to provide multiple game devices available for a player to participate in game play as insurance if one device is disconnected then the user may use another device for game play which would assist in maintaining access to game play.

It would have further been obvious to a person of ordinary skill in the art before the effective filing date of the claimed invention to modify the gaming system of Massing with the teachings of Heatherly in order to assist in maintaining access to game play.

Claim 9. Massing discloses wherein the transmitting a first subset of the information to the first device from the server and transmitting a second subset of the information to the second device from the server are executed over independent electronic communications networks (§82 discloses a communication network).

However, Massing fails to explicitly disclose independent electronic communications networks (emphasis added).

Yet, Massing does disclose a variety of different networks (§[30 and 95]). It would have been obvious to one of ordinary skill in the art to configure the gaming server of Massing to use different networks to transmit data to different devices in order to use network communications preset and compatible with respective devices, for example some devices come preset with Bluetooth capabilities while others come preset with a specific wagering network configuration.

Further, Heatherly discloses independent electronic communications networks (Fig. 3 and ¶22). The gaming system of Massing would have motivation to use the teachings of Heatherly in order to provide multiple game devices available for a player to participate in game play as insurance if one device is disconnected then the user may use another device for game play which would assist in maintaining access to game play.

Thus, it would have been obvious to a person of ordinary skill in the art before the effective filing date of the claimed invention to modify the gaming

system of Massing with the teachings of Heatherly in order to assist in maintaining access to game play.

14. Claims 8 and 24 are rejected under 35 U.S.C. 103 as being unpatentable over US Pub. # 20140121015 to Massing et al (Massing) in view of US Pub. # 20120072561 to Rebacz.

Claim 8. Massing discloses, further comprising:

detecting whether the second device has received the second subset of the information; and displaying the second subset of the information on the second device (¶[23 and 38]).

However, Massing fails to explicitly disclose generating an indicator on the first device indicating that the second device has received the second subset of the information.

Rebacz discloses interactivity between several cellular devices and a server is provided for controlling games and other applications in a physical locale (see ¶5, 19, and 25, note the indicator on the first device is interpreted as a player making a game play input according to hole cards received, also see Massing ¶29). The gaming system of Massing would have motivation to use the teachings of Rebacz in order to interact between different devices and show indications based on players' inputs on respective devices with respect to game play and/or game-related inputs.

It would have been obvious to a person of ordinary skill in the art before the effective filing date of the claimed invention to combine the gaming system of Massing with the teachings of Rebacz in order to include indications during game play to different game players in order to allow the game players to perform game actions during a poker game such as raising a bid or folding a hand.

Claim 24. Massing discloses further comprising electronically storing at the server indicating whether subsets of the information are to be divided between two or more devices (§[81-86 and 88-91] where the server determines which game data goes to which devices).

However, Massing fails to explicitly disclose a parameter indicating whether subsets of the information are to be divided between two or more devices (emphasis added).

Rebacz discloses sending public information to a display and private information to cell phones (§[19, 21, and 25]). The gaming system of Massing would have motivation to use the teachings of Rebacz in order to program the system set to divide the public and private information to different devices which is interpreted as a parameter.

It would have been obvious to a person of ordinary skill in the art before the effective filing date of the claimed invention to combine the gaming system of Massing with the teachings of Rebacz in order to differential public and private data and sent corresponding data to the proper intended device.

15. Claims 19-21 are rejected under 35 U.S.C. 103 as being unpatentable over US Pub. # 20140121015 to Massing et al (Massing) in view of US Pub. # 20080318651 to Gross et al (Gross).

Claim 19. Massing discloses a visual mark on the hole cards that are displayed on the second device (¶¶23 and 38), in this case the visual marks are the card's indicia see Figs. 5A-6B).

However, Massing fails to explicitly disclose wherein the first device provides a visual mark on each of multiple tables that is displayed that matches a visual mark on the hole cards to keep the hole cards and the tables synchronized.

Gross teaches wherein the first device provides a visual mark on each of multiple tables that is displayed that matches a visual mark on the hole cards to keep the hole cards and the tables synchronized (Fig. 3, and ¶¶3, 9, 14, discloses support of card table game via cell phones, distinguishing players from each other using iconic/summary text information, and playing simultaneously at multiple tables, thus, while playing multiple tables highlight/visual indicators are showing players' spots relative to corresponding hole cards image). The gaming system of Massing would have motivation to use the teachings of Gross so that respective players' can easily identify their positions at the electronic card table display(s) during game play.

It would have been obvious to a person of ordinary skill in the art before the effective filing date of the claimed invention to modify the gaming system of Massing with the teachings of Gross so that respective players' can easily identify their positions at the electronic card table display(s) during game play.

Claim 20. However, Massing fails to explicitly disclose wherein the game server provides information to identify the table to which table the hole cards belong.

Gross teaches wherein the game server provides information to identify the table to which table the hole cards belong (Fig. 3, and ¶3, 9, 14, discloses support of card table game via cell phones, distinguishing players from each other using iconic/summary text information, and playing simultaneously at multiple tables, thus, while playing multiple tables highlight/visual indicators are showing players' spots relative to corresponding hole cards image). The gaming system of Massing would have motivation to use the teachings of Gross so that respective players' can easily identify their positions at the electronic card table display(s) during game play.

It would have been obvious to a person of ordinary skill in the art before the effective filing date of the claimed invention to modify the gaming system of Massing with the teachings of Gross so that respective players' can easily identify their positions at the electronic card table display(s) during game play.

Claim 21. Massing discloses wherein the game server then communicates to the second device an instruction to display the hole cards that correspond to the active table that has the focus in the first device (¶[23 and 38]).

However, Massing fails to explicitly disclose wherein the first device communicates to the game server which table has focus.

Gross teaches wherein the first device communicates to the game server which table has focus and the hole cards that correspond to the active table that has the focus in the first device (Fig. 3, and ¶3, 9, 14, discloses support of card table game via cell phones, distinguishing players from each other using iconic/summary text information, and playing simultaneously at multiple tables, thus, while playing multiple tables highlight/visual indicators are showing players' spots relative to corresponding hole cards image). The gaming system of Massing would have motivation to use the teachings of Gross so that respective players' can easily identify their positions at the electronic card table display(s) during game play.

It would have been obvious to a person of ordinary skill in the art before the effective filing date of the claimed invention to modify the gaming system of Massing with the teachings of Gross so that respective players' can easily identify their positions at the electronic card table display(s) during game play.

16. Claim 22 is rejected under 35 U.S.C. 103 as being unpatentable over US Pub. # 20140121015 to Massing et al (Massing) in view of in view of US Pub. # 20080318651 to Gross et al (Gross) and US Pub. # 20090292640 to Heatherly.

Claim 22. Massing discloses communicates to the second device information indicating which hole cards to view on the second device corresponding to an active table having focus on the first device (§[23 and 38]).

However, Massing fails to explicitly disclose wherein a user is playing more than one poker table and wherein the first device communicates to the second device information indicating which hole cards to view on the second device corresponding to an active table having focus on the first device (emphasis added).

Gross teaches wherein a user is playing more than one poker table (§14, discloses playing simultaneously at multiple tables). The gaming system of Massing would have motivation to use the teachings of Gross so that respective players' can easily identify their positions at the electronic card table display(s) during game play.

It would have been obvious to a person of ordinary skill in the art before the effective filing date of the claimed invention to modify the gaming system of Massing with the teachings of Gross so that respective players' can easily identify their positions at the electronic card table display(s) during game play.

Heatherly teaches wherein the first device communicates to the second device information (Fig. 3, and ¶22). The gaming system of Massing would have motivation to use the teachings of Heatherly in order to provide multiple game devices available for a player to participate in game play as insurance if one device is disconnected then the user may use another device for game play which would assist in maintaining access to game play.

Thus, it would have been further obvious to a person of ordinary skill in the art before the effective filing date of the claimed invention to modify the gaming system of Massing with the teachings of Heatherly in order to assist in maintaining access to game play.

17. Claim 31 is rejected under 35 U.S.C. 103 as being unpatentable over US Pub. # 20140121015 to Massing et al (Massing) in view of US Pub. # 20120072561 to Rebacz as applied to claim 8 above, and further in view of US Pub. # 20080318651 to Gross et al (Gross).

Claim 31. *Massing fails to explicitly disclose wherein if the first device has not received the indication that the second device has received the second subset of the information, then a user's turn in an online game is delayed.*

Gross teaches wherein if the first device has not received the indication that the second device has received the second subset of the information, then a user's turn in an online game is delayed (¶22 and 181, discloses a disconnect

protect, thus, when a player is unexpectedly disconnected the player receives a delay in time to input an action related to the game). The gaming system of Massing would have motivation to use the teachings of Gross in order to keep respective players' from being punished when they are unable to response to game play to no fault of their own.

It would have been obvious to a person of ordinary skill in the art before the effective filing date of the claimed invention to modify the gaming system of Massing with the teachings of Gross in order to keep respective players' from being punished when they are unable to response to game play due to a network issue.

Response to Arguments

18. Applicant's arguments with respect to claims 1-6, 8-17, 19-24, and 30-32 have been considered but are moot because the arguments do not apply to the combination of the references being used in the current rejection.

Conclusion

19. 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 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.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAMON PIERCE whose telephone number is (571)270-1997. The examiner can normally be reached on 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kang Hu can be reached on 571-270-1344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3717

21. 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.

/Damon Pierce/
Primary Examiner, Art Unit 3717

Docket No.: 0813EBDD-2
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Aviel David RUBIN

Serial No.: 14/444,995

Filed: July 28, 2014

For: UTILIZATION OF MULTIPLE
DEVICES TO SECURE ONLINE
TRANSACTIONS

Confirmation No.: 4562

Group Art Unit: 3717

Examiner: Damon Pierce

AMENDMENT UNDER 37 CFR 1.116
AFTER FINAL CONSIDERATION PILOT 2.0

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

Director:

In response to the Final Office Action in the above-referenced application issued on
January 27, 2015:

Amendments to the Claims begin on page 2.

Remarks begin on page 8.

AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A method for transmitting information to multiple electronic devices, the method comprising:

electronically storing a set of information at a server;

identifying a first subset of the information and identifying a second subset of the information;

determining at the server whether both a first device in possession of and being directly operated exclusively by a first user and a second device also in possession of and being directly operated exclusively by the first user are accessible over at least one electronic communications network;

if and only if both the first and second devices are determined to be accessible by the server, then:

transmitting a first subset of the information to the first device from the server;

and

transmitting a second subset of the information to the second device from the server,

wherein the second subset of the information includes information not transmitted to the first device.

2. (Previously Presented) The method of claim 1, further comprising transmitting at least a portion of the first subset of the information to the second device from the server only if both the first and second devices are determined to be accessible by the server.

3. (Previously Presented) The method of claim 1, wherein

the first subset of the information comprises non-sensitive information; and

the second subset of the information comprises sensitive information.

4. (Previously Presented) The method of claim 1, wherein the information received at the second device is more sensitive than the information received at the first device.

5. (Previously Presented) The method of claim 1, further comprising:

determining if connectivity between the server and the second device has been disrupted;

and

providing a notification on the second device that the connectivity has been disrupted.

6. (Previously Presented) The method of claim 5, further comprising determining by an absence of a heartbeat if the connectivity has been disrupted and receiving an election from the user whether or not to switch to using only the first device for subsequent communications.

7. (Cancelled)

8. (Previously Presented) The method of claim 1, further comprising:

detecting whether the second device has received the second subset of the information;

displaying the second subset of the information on the second device; and

generating an indicator on the first device indicating that the second device has received the second subset of the information.

9. (Previously Presented) The method of claim 1, wherein the transmitting a first subset of the information to the first device from the server and transmitting a second subset of the information to the second device from the server are executed over independent electronic communications networks.

10. (Previously Presented) The method of claim 1, further comprising displaying a graphical identifier on the first device and a corresponding graphical indicator on the second device indicating a link between the information displayed on the respective devices.

11. (Previously Presented) The method of claim 10, wherein the information linked at the second device comprises hole cards and the information linked at the first device comprises community cards in a hand in a game of poker.

12. (Previously Presented) The method of claim 1, wherein the information received at the second device is a user's private cards in an online card game.

13. (Previously Presented) The method of claim 1, wherein the a display on the first device is being viewed exclusively by a first user and a display on a second device is also being viewed exclusively by the first user.

14. (Previously Presented) The method of claim 1, wherein, neither the first subset of information nor the second subset comprise a two factor authentication code.

15. (Previously Presented) The method of claim 1, wherein the server is a proxy server configured to relay communications from an application server to the first and second devices wherein the proxy server emulates a client to the application server.

16. (Previously Presented) The method of claim 1, further comprising configuring the server for managing an online game, and wherein the server is configured to communicate with a plurality of devices including a first electronic device and a second electronic device, wherein the first electronic device is primarily used to play the game, and wherein in the game server communicates sensitive information to the second electronic device so that sensitive information can be presented to a user.

17. (Previously Presented) The method of claim 16, wherein the online game is poker and wherein the information that is communicated to the second device includes hole cards.

18. (Cancelled)

19. (Previously Presented) The method of claim 17, wherein the first device provides a visual mark on each of multiple tables that is displayed that matches a visual mark on the hole cards that are displayed on the second device to keep the hole cards and the tables synchronized.
20. (Previously Presented) The method of claim 17, wherein the game server provides information to identify the table to which table the hole cards belong.
21. (Previously Presented) The method of claim 17, wherein the first device communicates to the game server which table has focus, and wherein the game server then communicates to the second device an instruction to display the hole cards that correspond to an active table that has the focus in the first device.
22. (Previously Presented) The method of claim 17, wherein a user is playing more than one poker table, and wherein the first device communicates to the second device information indicating which hole cards to view on the second device corresponding to an active table having focus on the first device.
23. (Previously Presented) The method of claim 1, wherein the set of information at a server represents financial record information and the first subset of the information comprises account identifying information and the second subset of the information comprises account balance information.
24. (Previously Presented) The method of claim 1, further comprising electronically storing at the server a parameter indicating whether subsets of the information are to be divided between two or more devices.
25. (Withdrawn) A method for transmitting information to multiple electronic devices, the method comprising:
- electronically storing a set of information at a server;

configuring an online application to execute as at least two application-specific components;

requiring one application-specific component to execute on a first electronic device and the other application-specific component to execute on a second electronic device;

wherein the application-specific components do not perform user authentication, and wherein the application-specific components do not perform transaction confirmation; and

the first application-specific component being configured for processing an application-specific query from the server on the first device;

the second application-specific component being configured for processing a response to the application-specific query at the second device,

wherein the response is transmitted to the server from the second device.

26. (Withdrawn) The method of claim 25, further comprising terminating a session if no response is received in response to a second query.

27. (Withdrawn) The method of claim 25, further comprising terminating a session if an incorrect response is received in response to a second query.

28. (Withdrawn) The method of claim 26, further comprising periodically detecting whether both the first device and the second device are accessible over at least one electronic communications network.

29. (Withdrawn) The method of claim 28, further comprising terminating a session if both the first device and the second device are not accessible over the at least one electronic communications network.

30. (Currently Amended) A system for transmitting information to multiple electronic devices, the system comprising:

an electronic data store configured for electronically storing a set of information at a server;

a processor device programmed for:

identifying a first subset of the information and identifying a second subset of the information;

determining at the server whether both a first device in possession of and being directly operated ~~exclusively~~ by a first user and a second device also in possession of and being directly operated ~~exclusively~~ by the first user are accessible over at least one electronic communications network;

if and only if both the first and second devices are determined to be accessible by the server, then:

transmitting a first subset of the information to the first device from the server; and

transmitting a second subset of the information to the second device from the server,

wherein the second subset of the information includes information not transmitted to the first device.

31. (Previously Presented) The method of claim 8, wherein if the first device has not received the indication that the second device has received the second subset of the information, then a user's turn in an online game is delayed.

32. (Previously Presented) The method of claim 1, wherein the first and second subsets of information are application-specific, and wherein the first and second subsets of information derive from functions within a specific application.

REMARKS

Applicant thanks Examiner Pierce for the courtesies extended during the interview held on February 18, 2015. By this amendment, claims 1 and 30 have been amended consistent with the requirements of the After Final Consideration Pilot Program. No new matter has been added.

Rejections Under 35 U.S.C. §112

Independent claims 1 and 30 were rejected under 35 U.S.C. §112(a) as failing to comply with the written description requirement. The Office Action states that claims 1 and 30 recite the limitation of the device being operated “exclusively” by a first user and alleges that the original specification does not provide support for this limitation.

Applicant respectfully submits that there is no requirement for *in haec verba* support in a patent specification and the newly added claim limitations are supported in the specification through express, implicit, or inherent disclosure. (See MPEP 2163 (I)(B).) Applicant respectfully submits that the “exclusive” operation of the devices is supported implicitly and inherently in the original disclosure. Nonetheless, in the interest of efficient prosecution, Applicant has amended claims 1 and 30 to remove the recitation of “exclusively” and recite that the devices are “in possession of and being directly operated” by the user. Support for this feature is found at least in paragraph [16] of the specification (“Fig. 9 illustrates an example of the communication among the central banking server, the user’s first device and the user’s second device”), paragraph [34] (“For example, if the second device is not reachable from the game server, the user can be forced to sit out until such time as the user’s two devices are reachable”), paragraph [77] (“The application is split such that most of the interaction between the user and the healthcare records system is via the user’s first device. Additionally, the user also utilizes a second device, and the healthcare information server communicates over an independent channel with the user’s second device”), and paragraph [78] (“The only way to compromise the user’s healthcare information would be to compromise both the user’s first device and the user’s second device.”) (emphasis added)

The original specification supports the claim feature of being “directly operated” by the description in paragraph [18] that “The present invention describes a system where the user has persistent use of a first device and a second device throughout the use of an online application to prevent a compromise of the transaction if malware infects either device.” (emphasis added) Furthermore, the specification in paragraph [19] describes that the two devices can be of a type that can be directly operated without intermediation by a network or other third-party components: “The present invention includes an architecture whereby a user’s interaction with an application includes a first device, which can be a computer, a tablet, a smartphone or other electronic device and second device, such as a computer, tablet, smartphone or another type of electronic device. Any combination of electronic devices can be used.” Support for this feature can be found elsewhere throughout the application, explicitly, implicitly, and inherently. In light of the amendments to claims 1 and 30 and the support in the specification, withdrawal of these rejections is respectfully requested.

Claims 1 and 30 were also rejected as being indefinite based on the recitation of “if both the first and second device are determined to be accessible by the server”. In the interview, it was agreed that amendment to recite “if and only if both the first and second devices are determined to be accessible by the server” would overcome the rejection. Such amendment has been made to claims 1 and 30 and withdrawal of these rejections is respectfully requested.

Rejections Under 35 U.S.C. §102

In the outstanding Office Action, claims 1 and 30 were rejected as anticipated by Massing. As discussed in the interview, Massing fails to disclose several features of both claims 1 and 30.

Representative independent claim 1 recites “determining at the server whether both a first device in possession of and being directly operated by a first user and a second device also in possession of and being directly operated by the first user are accessible over at least one electronic communications network”. Massing fails to disclose or suggest this claim feature. In the outstanding Office Action at p. 5, it was alleged that this feature is taught in Massing by “Fig.

11, and ¶[81-86 and 88-91] in this case, a server is capable of communicating with the wagering game machine and the gaming eyewear”. While Massing does disclose various components, including a server, game machine, and eyewear in communication with each other, there is no suggestion of making the claimed determination. The cited portions of Massing disclose nothing more than a generic arrangement of components configured as a network and do not disclose or suggest the claimed determination of accessibility.

Claim 1 further recites “if and only if both the first and second devices are determined to be accessible by the server” then transmitting certain information. Massing also fails to disclose or suggest this claim feature. Nonetheless, the Office Action relied on the same portion of Massing cited above to allege that this feature is also taught in Massing. Because Massing does not teach or suggest making the claimed determination, it also does not teach transmitting certain information based on that determination.

These two claim limitations, taken together, require determining accessibility over a network and, based on that determination, transmitting information. Massing fails to teach this functionality.

In addition to the distinctions over the references described above, claim 1 also recites that the first and second devices are “in possession of and being directly operated” by the user. Neither Massing, nor Rebacz, the primary reference cited in the First Office Action, disclose or suggest this feature. In Rebacz, one of the devices, illustrated with reference numeral (20) is described only as a common “display” or “output” viewed by multiple users simultaneously (“output devices 20 comprising a television, monitor, view screen, speakers, or the like”, Rebacz at paragraph [0019]). Thus, the second device in Rebacz is not “in possession of and being directly operated” by the user. Similarly, in Massing, even if the “gaming eyewear” illustrated in Fig. 11 is in possession of and being operated by the user, there is no suggestion that the “wagering game server” or “wagering game machine” are both “in possession of and being directly operated” by the user.

Also as discussed in the interview, Massing also does not disclose the claim feature of “wherein the second subset of the information includes information not transmitted to the first device”. While Massing discloses transmitting various different types of information to a single device (such as the eyewear), Massing fails to disclose that the device in question (the eyewear) receives information that is not transmitted to any other device in the system.

In light of these amendments and distinctions over the prior art, withdrawal of these rejections is respectfully requested.

Rejections Under 35 U.S.C. §103

In the outstanding Office Action, various of the claims were rejected as obvious over Massing in light of secondary references. For at least the reasons discussed above, Massing does not teach at least the several features of independent claims 1 and 30 discussed above. As such, the rejections under 35 U.S.C. §103 should be withdrawn for at least the reasons presented above.

CONCLUSION

In view of the above, early action allowing the pending claims is solicited. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 506129 referencing docket no. 0813EBDD-2.

Respectfully submitted,

Dated: February 19, 2015

By: /James M. Denaro/

James M. Denaro
Registration No. 54,063

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Doc Code: A.NE.AFCP

Document Description: After Final Consideration Pilot Program Request

PTO/SB/434 (05-13)

CERTIFICATION AND REQUEST FOR CONSIDERATION UNDER THE AFTER FINAL CONSIDERATION PILOT PROGRAM 2.0		
Practitioner Docket No.: 0813EBDD-2	Application No.: 14/444,995	Filing Date: July 28, 2014
First Named Inventor: Aviel David RUBIN	Title: UTILIZATION OF MULTIPLE DEVICES TO SECURE ONLINE TRANSACTIONS	
<p>APPLICANT HEREBY CERTIFIES THE FOLLOWING AND REQUESTS CONSIDERATION UNDER THE AFTER FINAL CONSIDERATION PILOT PROGRAM 2.0 (AFCP 2.0) OF THE ACCOMPANYING RESPONSE UNDER 37 CFR 1.116.</p> <ol style="list-style-type: none">The above-identified application is (i) an original utility, plant, or design nonprovisional application filed under 35 U.S.C. 111(a) [a continuing application (e.g., a continuation or divisional application) is filed under 35 U.S.C. 111(a) and is eligible under (i)], or (ii) an international application that has entered the national stage in compliance with 35 U.S.C. 371(c).The above-identified application contains an outstanding final rejection.Submitted herewith is a response under 37 CFR 1.116 to the outstanding final rejection. The response includes an amendment to at least one independent claim, and the amendment does not broaden the scope of the independent claim in any aspect.This certification and request for consideration under AFCP 2.0 is the only AFCP 2.0 certification and request filed in response to the outstanding final rejection.Applicant is willing and available to participate in any interview requested by the examiner concerning the present response.This certification and request is being filed electronically using the Office's electronic filing system (EFS-Web).Any fees that would be necessary consistent with current practice concerning responses after final rejection under 37 CFR 1.116, e.g., extension of time fees, are being concurrently filed herewith. [There is no additional fee required to request consideration under AFCP 2.0.]By filing this certification and request, applicant acknowledges the following:<ul style="list-style-type: none">Reissue applications and reexamination proceedings are not eligible to participate in AFCP 2.0.The examiner will verify that the AFCP 2.0 submission is compliant, i.e., that the requirements of the program have been met (see items 1 to 7 above). For compliant submissions:<ul style="list-style-type: none">The examiner will review the response under 37 CFR 1.116 to determine if additional search and/or consideration (i) is necessitated by the amendment and (ii) could be completed within the time allotted under AFCP 2.0. If additional search and/or consideration is required but cannot be completed within the allotted time, the examiner will process the submission consistent with current practice concerning responses after final rejection under 37 CFR 1.116, e.g., by mailing an advisory action.If the examiner determines that the amendment does not necessitate additional search and/or consideration, or if the examiner determines that additional search and/or consideration is required and could be completed within the allotted time, then the examiner will consider whether the amendment places the application in condition for allowance (after completing the additional search and/or consideration, if required). If the examiner determines that the amendment does not place the application in condition for allowance, then the examiner will contact the applicant and request an interview.<ul style="list-style-type: none">The interview will be conducted by the examiner, and if the examiner does not have negotiation authority, a primary examiner and/or supervisory patent examiner will also participate.If the applicant declines the interview, or if the interview cannot be scheduled within ten (10) calendar days from the date that the examiner first contacts the applicant, then the examiner will proceed consistent with current practice concerning responses after final rejection under 37 CFR 1.116.		
Signature /James M. Denaro/		Date February 19, 2015
Name (Print/Typed) James M. Denaro		Practitioner Registration No. 54063
Note: This form must be signed in accordance with 37 CFR 1.33. See 37 CFR 1.4(d) for signature requirements and certifications. Submit multiple forms if more than one signature is required, see below*.		
☒ * Total of <u>1</u> forms are submitted.		

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.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/444,995	07/28/2014	Aviel David Rubin	0813EBDD-2	4562
17012	7590	03/11/2015		
CipherLaw PO Box 34783 Bethesda, MD 20827			EXAMINER PIERCE, DAMON JOSEPH	
			ART UNIT 3717	PAPER NUMBER
			NOTIFICATION DATE 03/11/2015	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):

james.denaro@cipherlawgroup.com

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.

Advisory Action Before the Filing of an Appeal Brief	Application No. 14/444,995	Applicant(s) RUBIN, AVIEL DAVID	
	Examiner DAMON PIERCE	Art Unit 3717	AIA (First Inventor to File) Status Yes

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

THE REPLY FILED 19 February 2015 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 3 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 Continuation Sheet. (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 Sheet.

13. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

14. ☒ Other: See attached PTO-2323 form, and Interview Summary.

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: 1-6,8-17,19-24 and 30-32.

Claim(s) withdrawn from consideration: _____.

/Damon Pierce/ Primary Examiner, Art Unit 3717	
---	--

Continuation of 3. NOTE: In regards to amended claim 1, the proposed claim amendments will require further consideration and further search, because the extent of the proposed claim amendments has subject matter that was not previously in the claims, which has changed the interpretation of the metes and bounds of the claim limitations.

Continuation of 12. does NOT place the application in condition for allowance because: Applicant's request for entry into AFCP is acknowledged, but is denied because the response cannot be reviewed and a search conducted in the limited amount of time authorized for this pilot program. Therefore, the response is being reviewed under pre-pilot practice.

Summary of Record of Interview Requirements

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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.

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37 CFR §1.2 Business to be transacted in writing.

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- 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.
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- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

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/Do Not Enter/
/DJP/

Docket No.: 0813EBDD-2
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Aviel David RUBIN

Serial No.: 14/444,995

Filed: July 28, 2014

For: UTILIZATION OF MULTIPLE
DEVICES TO SECURE ONLINE
TRANSACTIONS

Confirmation No.: 4562

Group Art Unit: 3717

Examiner: Damon Pierce

AMENDMENT UNDER 37 CFR 1.116
AFTER FINAL CONSIDERATION PILOT 2.0

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

Director:

In response to the Final Office Action in the above-referenced application issued on
January 27, 2015:

Amendments to the Claims begin on page 2.

Remarks begin on page 8.

AFCP 2.0 Decision

Application No.

14/444,995

Applicant(s)

RUBIN, AVIEL DAVID

Examiner

DAMON PIERCE

Art Unit

3717

This is in response to the After Final Consideration Pilot request filed 02/19/2015.

1. **Improper Request** – The AFCP 2.0 request is improper for the following reason(s) and the after final amendment submitted with the request will be treated under pre-pilot procedure.

- ☐ An AFCP 2.0 request form PTO/SB/434 (or equivalent document) was not submitted.
- ☐ A non-broadening amendment to at least one independent claim was not submitted.
- ☐ A proper AFCP 2.0 request was submitted in response to the most recent final rejection.
- ☐ Other:

2. **Proper Request**

- A. After final amendment submitted with the request will not be treated under AFCP 2.0.

The after final amendment cannot be reviewed and a search conducted within the guidelines of the pilot program.

- ☒ The after final amendment will be treated under pre-pilot procedure.

- B. Updated search and/or completed additional consideration.

The examiner performed an updated search and/or completed additional consideration of the after final amendment within the time authorized for the pilot program. The result(s) of the updated search and/or completed additional consideration are:

- ☐ 1. All of the rejections in the most recent final Office action are overcome and a Notice of Allowance is issued herewith.
- ☐ 2. The after final amendment would not overcome all of the rejections in the most recent final Office action. See attached interview summary for further details.
- ☐ 3. The after final amendment was reviewed, and it raises a new issue(s). See attached interview summary for further details.
- ☐ 4. The after final amendment raises new issues, but would overcome all of the rejections in the most recent final Office action. A decision on determining allowability could not be made within the guidelines of the pilot. See attached interview summary for further details, including any newly discovered prior art.
- ☐ 5. Other:

Examiner Note: Please attach an interview summary when necessary as described above.

Doc code: RCEX

PTO/SB/30EFS (07-09)

Doc description: Request for Continued Examination (RCE)

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.

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

Application Number	14/444,995	Filing Date	2014-07-28	Docket Number (if applicable)	0813EBDD-2	Art Unit	3717
First Named Inventor	Aviel David RUBIN			Examiner Name	Damon Pierce		

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, 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 506129

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

☒ Patent Practitioner Signature

☐ Applicant Signature

Doc code: RCEX

Doc description: Request for Continued Examination (RCE)

PTO/SB/30EFS (07-09)

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.

Signature of Registered U.S. Patent Practitioner			
Signature	/James M. Denaro/	Date (YYYY-MM-DD)	2015-03-18
Name	James M. Denaro	Registration Number	54063

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.

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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.
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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.
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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.

Docket No.: 0813EBDD-2
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Aviel David RUBIN

Serial No.: 14/444,995

Filed: July 28, 2014

For: UTILIZATION OF MULTIPLE
DEVICES TO SECURE ONLINE
TRANSACTIONS

Confirmation No.: 4562

Group Art Unit: 3717

Examiner: Damon Pierce

AMENDMENT UNDER 37 CFR 1.114

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

Director:

In response to the Final Office Action in the above-referenced application issued on
January 27, 2015, and the Advisory Action of March 11, 2015:

Amendments to the Claims begin on page 2.

Remarks begin on page 8.

AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A method for transmitting information to multiple electronic devices, the method comprising:

electronically storing a set of information at a server;

identifying a first subset of the information and identifying a second subset of the information, wherein the first and second subsets of information are generated by the same application at the server and are specific to that application;

determining at the server whether both a first device in possession of and being directly operated ~~exclusively~~ by a first user and a second device also in possession of and being directly operated ~~exclusively~~ by the first user are accessible over at least one electronic communications network;

if and only if both the first and second devices are determined to be accessible by the server, then:

transmitting a first subset of the information to the first device from the server;

and

transmitting a second subset of the information to the second device from the server,

wherein the second subset of the information includes information not transmitted to the first device.

2. (Previously Presented) The method of claim 1, further comprising transmitting at least a portion of the first subset of the information to the second device from the server only if both the first and second devices are determined to be accessible by the server.

3. (Previously Presented) The method of claim 1, wherein

the first subset of the information comprises non-sensitive information; and

the second subset of the information comprises sensitive information.

4. (Previously Presented) The method of claim 1, wherein the information received at the second device is more sensitive than the information received at the first device.

5. (Previously Presented) The method of claim 1, further comprising:

determining if connectivity between the server and the second device has been disrupted;

and

providing a notification on the second device that the connectivity has been disrupted.

6. (Previously Presented) The method of claim 5, further comprising determining by an absence of a heartbeat if the connectivity has been disrupted and receiving an election from the user whether or not to switch to using only the first device for subsequent communications.

7. (Cancelled)

8. (Previously Presented) The method of claim 1, further comprising:

detecting whether the second device has received the second subset of the information;

displaying the second subset of the information on the second device; and

generating an indicator on the first device indicating that the second device has received the second subset of the information.

9. (Previously Presented) The method of claim 1, wherein the transmitting a first subset of the information to the first device from the server and transmitting a second subset of the information to the second device from the server are executed over independent electronic communications networks.

10. (Previously Presented) The method of claim 1, further comprising displaying a graphical identifier on the first device and a corresponding graphical indicator on the second device indicating a link between the information displayed on the respective devices.
11. (Previously Presented) The method of claim 10, wherein the information linked at the second device comprises hole cards and the information linked at the first device comprises community cards in a hand in a game of poker.
12. (Previously Presented) The method of claim 1, wherein the information received at the second device is a user's private cards in an online card game.
13. (Previously Presented) The method of claim 1, wherein the a display on the first device is being viewed exclusively by a first user and a display on a second device is also being viewed exclusively by the first user.
14. (Previously Presented) The method of claim 1, wherein, neither the first subset of information nor the second subset comprise a two factor authentication code.
15. (Previously Presented) The method of claim 1, wherein the server is a proxy server configured to relay communications from an application server to the first and second devices wherein the proxy server emulates a client to the application server.
16. (Previously Presented) The method of claim 1, further comprising configuring the server for managing an online game, and wherein the server is configured to communicate with a plurality of devices including a first electronic device and a second electronic device, wherein the first electronic device is primarily used to play the game, and wherein in the game server communicates sensitive information to the second electronic device so that sensitive information can be presented to a user.

17. (Previously Presented) The method of claim 16, wherein the online game is poker and wherein the information that is communicated to the second device includes hole cards.
18. (Cancelled)
19. (Previously Presented) The method of claim 17, wherein the first device provides a visual mark on each of multiple tables that is displayed that matches a visual mark on the hole cards that are displayed on the second device to keep the hole cards and the tables synchronized.
20. (Previously Presented) The method of claim 17, wherein the game server provides information to identify the table to which table the hole cards belong.
21. (Previously Presented) The method of claim 17, wherein the first device communicates to the game server which table has focus, and wherein the game server then communicates to the second device an instruction to display the hole cards that correspond to an active table that has the focus in the first device.
22. (Previously Presented) The method of claim 17, wherein a user is playing more than one poker table, and wherein the first device communicates to the second device information indicating which hole cards to view on the second device corresponding to an active table having focus on the first device.
23. (Previously Presented) The method of claim 1, wherein the set of information at a server represents financial record information and the first subset of the information comprises account identifying information and the second subset of the information comprises account balance information.
24. (Previously Presented) The method of claim 1, further comprising electronically storing at the server a parameter indicating whether subsets of the information are to be divided between two or more devices.

25. (Withdrawn) A method for transmitting information to multiple electronic devices, the method comprising:

electronically storing a set of information at a server;

configuring an online application to execute as at least two application-specific components;

requiring one application-specific component to execute on a first electronic device and the other application-specific component to execute on a second electronic device;

wherein the application-specific components do not perform user authentication, and wherein the application-specific components do not perform transaction confirmation; and

the first application-specific component being configured for processing an application-specific query from the server on the first device;

the second application-specific component being configured for processing a response to the application-specific query at the second device,

wherein the response is transmitted to the server from the second device.

26. (Withdrawn) The method of claim 25, further comprising terminating a session if no response is received in response to a second query.

27. (Withdrawn) The method of claim 25, further comprising terminating a session if an incorrect response is received in response to a second query.

28. (Withdrawn) The method of claim 26, further comprising periodically detecting whether both the first device and the second device are accessible over at least one electronic communications network.

29. (Withdrawn) The method of claim 28, further comprising terminating a session if both the first device and the second device are not accessible over the at least one electronic communications network.

30. (Currently Amended) A system for transmitting information to multiple electronic devices, the system comprising:

an electronic data store configured for electronically storing a set of information at a server, wherein the first and second subsets of information are generated by the same application at the server and are specific to that application;

a processor device programmed for:

identifying a first subset of the information and identifying a second subset of the information;

determining at the server whether both a first device in possession of and being directly operated ~~exclusively~~ by a first user and a second device also in possession of and being directly operated ~~exclusively~~ by the first user are accessible over at least one electronic communications network;

if and only if both the first and second devices are determined to be accessible by the server, then:

transmitting a first subset of the information to the first device from the server; and

transmitting a second subset of the information to the second device from the server,

wherein the second subset of the information includes information not transmitted to the first device.

31. (Previously Presented) The method of claim 8, wherein if the first device has not received the indication that the second device has received the second subset of the information, then a user's turn in an online game is delayed.

32. (Previously Presented) The method of claim 1, wherein the first and second subsets of information are application-specific, and wherein the first and second subsets of information derive from functions within a specific application.

REMARKS

By this amendment, claims 1 and 30 have been amended. This amendment is submitted concurrently with a Request for Continued Examination and entry of these amendments is requested. No new matter has been added.

Rejections Under 35 U.S.C. §112

Independent claims 1 and 30 were rejected under 35 U.S.C. §112(a) as failing to comply with the written description requirement. The Office Action states that claims 1 and 30 recite the limitation of the device being operated “exclusively” by a first user and alleges that the original specification does not provide support for this limitation.

Applicant respectfully submits that there is no requirement for *in haec verba* support in a patent specification and the newly added claim limitations are supported in the specification through express, implicit, or inherent disclosure. (See MPEP 2163 (I)(B).) Applicant respectfully submits that the “exclusive” operation of the devices is supported implicitly and inherently in the original disclosure. Nonetheless, in the interest of efficient prosecution, Applicant has amended claims 1 and 30 to remove the recitation of “exclusively” and recite that the devices are “in possession of and being directly operated” by the user. Support for this feature is found at least in paragraph [16] of the specification (“Fig. 9 illustrates an example of the communication among the central banking server, the user’s first device and the user’s second device”), paragraph [34] (“For example, if the second device is not reachable from the game server, the user can be forced to sit out until such time as the user’s two devices are reachable”), paragraph [77] (“The application is split such that most of the interaction between the user and the healthcare records system is via the user’s first device. Additionally, the user also utilizes a second device, and the healthcare information server communicates over an independent channel with the user’s second device”), and paragraph [78] (“The only way to compromise the user’s healthcare information would be to compromise both the user’s first device and the user’s second device.”) (emphasis added)

The original specification supports the claim feature of being “directly operated” by the description in paragraph [18] that “The present invention describes a system where the user has persistent use of a first device and a second device throughout the use of an online application to prevent a compromise of the transaction if malware infects either device.” (emphasis added) Furthermore, the specification in paragraph [19] describes that the two devices can be of a type that can be directly operated without intermediation by a network or other third-party components: “The present invention includes an architecture whereby a user’s interaction with an application includes a first device, which can be a computer, a tablet, a smartphone or other electronic device and second device, such as a computer, tablet, smartphone or another type of electronic device. Any combination of electronic devices can be used.” Support for this feature can be found elsewhere throughout the application, explicitly, implicitly, and inherently. In light of the amendments to claims 1 and 30 and the support in the specification, withdrawal of these rejections is respectfully requested.

Claims 1 and 30 were also rejected as being indefinite based on the recitation of “if both the first and second device are determined to be accessible by the server”. In the interview on February 18, 2015, it was agreed that amendment to recite “if and only if both the first and second devices are determined to be accessible by the server” would overcome the rejection. Such amendment has been made to claims 1 and 30 and withdrawal of these rejections is respectfully requested.

Rejections Under 35 U.S.C. §102

In the outstanding Office Action, claims 1 and 30 were rejected as anticipated by Massing. As discussed in the interview, Massing fails to disclose several features of both claims 1 and 30.

Representative independent claim 1 recites “determining at the server whether both a first device in possession of and being directly operated by a first user and a second device also in possession of and being directly operated by the first user are accessible over at least one electronic communications network”. Massing fails to disclose or suggest this claim feature. In

the outstanding Office Action at p. 5, it was alleged that this feature is taught in Massing by “Fig. 11, and ¶[81-86 and 88-91] in this case, a server is capable of communicating with the wagering game machine and the gaming eyewear”. While Massing does disclose various components, including a server, game machine, and eyewear in communication with each other, there is no suggestion of making the claimed determination. The cited portions of Massing disclose nothing more than a generic arrangement of components configured as a network and do not disclose or suggest the claimed determination of accessibility.

Claim 1 further recites “if and only if both the first and second devices are determined to be accessible by the server” then transmitting certain information. Massing also fails to disclose or suggest this claim feature. Nonetheless, the Office Action relied on the same portion of Massing cited above to allege that this feature is also taught in Massing. Because Massing does not teach or suggest making the claimed determination, it also does not teach transmitting certain information based on that determination.

These two claim limitations, taken together, require determining accessibility over a network and, based on that determination, transmitting information. Massing fails to teach this functionality.

In addition to the distinctions over the references described above, claim 1 also recites that the first and second devices are “in possession of and being directly operated” by the user. Neither Massing, nor Rebacz, the primary reference cited in the First Office Action, disclose or suggest this feature. In Rebacz, one of the devices, illustrated with reference numeral (20) is described only as a common “display” or “output” viewed by multiple users simultaneously (“output devices 20 comprising a television, monitor, view screen, speakers, or the like”, Rebacz at paragraph [0019]). Thus, the second device in Rebacz is not “in possession of and being directly operated” by the user. Similarly, in Massing, even if the “gaming eyewear” illustrated in Fig. 11 is in possession of and being operated by the user, there is no suggestion that the “wagering game server” or “wagering game machine” are both “in possession of and being directly operated” by the user.

Also as discussed in the interview, Massing also does not disclose the claim feature of “wherein the second subset of the information includes information not transmitted to the first device”. While Massing discloses transmitting various different types of information to a single device (such as the eyewear), Massing fails to disclose that the device in question (the eyewear) receives information that is not transmitted to any other device in the system.

Independent Claims 1 and 30 have been further amended to clarify that “the first and second subsets of information are generated by the same application at the server and are specific to that application.” Support for this amendment can be found at paragraph [18], [25], [58], [63], [71], [72] and elsewhere in the application.

In light of these amendments and distinctions over the prior art, withdrawal of these rejections is respectfully requested.

Rejections Under 35 U.S.C. §103

In the outstanding Office Action, various of the claims were rejected as obvious over Massing in light of secondary references. For at least the reasons discussed above, Massing does not teach at least the several features of independent claims 1 and 30 discussed above. As such, the rejections under 35 U.S.C. §103 should be withdrawn for at least the reasons presented above.

CONCLUSION

In view of the above, early action allowing the pending claims is solicited. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 506129 referencing docket no. 0813EBDD-2.

Respectfully submitted,

Dated: March 18, 2015

By: /James M. Denaro/

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17012 7590 05/06/2015
CipherLaw
PO Box 34783
Bethesda, MD 20827

EXAMINER

PIERCE, DAMON JOSEPH

ART UNIT

PAPER NUMBER

3717

DATE MAILED: 05/06/2015

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/444,995	07/28/2014	Aviel David Rubin	0813EBDD-2	4562

TITLE OF INVENTION: UTILIZATION OF MULTIPLE DEVICES TO SECURE ONLINE TRANSACTIONS

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	08/06/2015

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 DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). 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. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop 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

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Note: A certificate of mailing 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 or transmission.

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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 Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/444,995	07/28/2014	Aviel David Rubin	0813EBDD-2	4562

TITLE OF INVENTION: UTILIZATION OF MULTIPLE DEVICES TO SECURE ONLINE TRANSACTIONS

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	08/06/2015

EXAMINER	ART UNIT	CLASS-SUBCLASS
PIERCE, DAMON JOSEPH	3717	463-013000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ 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; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) The names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (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. 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. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

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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 submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
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4b. Payment of Fee(s): (**Please first reapply any previously paid issue fee shown above**)

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

5. **Change in Entity Status** (from status indicated above)

- ☐ Applicant certifying micro entity status. See 37 CFR 1.29
- ☐ Applicant asserting small entity status. See 37 CFR 1.27
- ☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

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NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/444,995	07/28/2014	Aviel David Rubin	0813EBDD-2	4562
17012	7590	05/06/2015	EXAMINER	
CipherLaw PO Box 34783 Bethesda, MD 20827			PIERCE, DAMON JOSEPH	
			ART UNIT	PAPER NUMBER
			3717	

DATE MAILED: 05/06/2015

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. 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, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 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.

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.

Notice of Allowability	Application No. 14/444,995	Applicant(s) RUBIN, AVIEL DAVID	
	Examiner DAMON PIERCE	Art Unit 3717	AIA (First Inventor to File) Status Yes

-- 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 documents filed on 03/18/2015 and interview on 04/30/2015.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

3. ☒ The allowed claim(s) is/are 1-6, 8-17, 19-24, and 30-32. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:
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: _____.

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.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ 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)	5. ☒ Examiner's Amendment/Comment
2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____	6. ☒ Examiner's Statement of Reasons for Allowance
3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material	7. ☐ Other _____
4. ☒ Interview Summary (PTO-413), Paper No./Mail Date <u>04/30/2015</u> .	

/Damon Pierce/ Primray Examiner, Art Unit 3717	
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EXAMINER'S AMENDMENT

1. 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 James Denaro on 04/30/2015.

The application has been amended as follows:

Replace independent claims 1 and 30 with the following:

“ 1. A method for transmitting information to multiple electronic devices, the method comprising:

electronically storing a set of information at a server;

identifying a first subset of the information and identifying a second subset of the information, wherein the first and second subsets of information are generated by the same application at the server and are specific to that application;

determining at the server whether both a first device in possession of and being directly operated by a first user and a second device also in possession of and being directly operated by the first user are accessible over at least one electronic communications network based on the first user being logged into the application at both the first and second devices;

if and only if both the first and second devices are determined to be accessible by the server, then:

transmitting a first subset of the information to the first device from the server; and

transmitting a second subset of the information to the second device from the server,
wherein the second subset of the information includes information not transmitted to the
first device.

30. A system for transmitting information to multiple electronic devices, the system
comprising:

an electronic data store configured for electronically storing a set of information at a
server, wherein the first and second subsets of information are generated by the same application
at the server and are specific to that application;

a processor device programmed for:

identifying a first subset of the information and identifying a second subset of the
information;

determining at the server whether both a first device in possession of and being directly
operated by a first user and a second device also in possession of and being directly operated by
the first user are accessible over at least one electronic communications network based on the
first user being logged into the application at both the first and second devices;

if and only if both the first and second devices are determined to be accessible by the
server, then:

transmitting a first subset of the information to the first device from the server; and

transmitting a second subset of the information to the second device from the server,

wherein the second subset of the information includes information not transmitted to the
first device.”

Election/Restrictions

2. This application is in condition for allowance except for the presence of claims 25-29 directed to an invention non-elected without traverse. Accordingly, claims 25-29 has been cancelled.

Allowable Subject Matter

3. The following is an examiner's statement of reasons for allowance:

Regarding independent claims 1 and 30, the prior art lacks disclosing, teaching, or fairly suggesting in combination with other claim limitations:

determining at the server whether both a first device in possession of and being directly operated by a first user and a second device also in possession of and being directly operated by the first user are accessible over at least one electronic communications network based on the first user being logged into the application at both the first and second devices.

The prior art of record, in particular, Massing et al (US Pub. 20140121015) discloses distribution of a poker game where a player uses both a game device and eyewear, however, the play of poker game does not require the player to log into the poker application on both the game device and the eyewear.

The instant invention distinguishes over Ward et al (US Pub. 20140141864), because the player is required to log only in the mobile device app, whereas, the instant invention requires the determining at the server of possession of both devices based on logged into the application at both devices.

The instant invention is deemed to be an unobvious improvement over the cited prior art. The improvement comprises determining at the server whether both a first device in possession of and being directly operated by a first user and a second device also in possession of and being directly operated by the first user are accessible over at least one electronic communications network based on the first user being logged into the application at both the first and second devices. The advantage of using this system is to further protect server transmitted information by making the server aware of the two devices being used by a player.

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

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAMON PIERCE whose telephone number is (571)270-1997. The examiner can normally be reached on 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kang Hu can be reached on 571-270-1344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3717

5. 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.

/Damon Pierce/
Primary Examiner, Art Unit 3717

PTO/SB/45 (12-20)

Approved for use through 09/30/2021. OMB 0651-0016

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 displays a valid OMB control number.

MAINTENANCE FEE TRANSMITTAL FORM*(Do not submit this form electronically via EFS-Web)*

Address to:
Mail Stop Maintenance Fee
Director of the United States
Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Maintenance Fee, Director of the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450."

on _____

Signature _____

Typed or printed name _____

- OR -

Fax to: 571-273-6500

Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

1. ☐ A check for the amount of \$ _____ for the full payment of the maintenance fee(s) and any necessary surcharge is enclosed.
2. ☒ Payment by credit card. Form PTO-2038 is enclosed.
3. ☐ The Director is hereby authorized to charge \$ _____ to cover the payment of the fee(s) indicated below to
 Deposit Account No. _____.
4. ☒ The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to
 Deposit Account No. 506129.

Item	Patent Number*	U.S. Application Number* (e.g., 08/555,555)	Maintenance Fee Amount (37 CFR 1.20(e)-(g))	Surcharge Amount (37 CFR 1.20(h))	Payment Year (select one below) Column 5		
					3.5 yrs	7.5 yrs	11.5 yrs
1	9,064,376	14/444,995	1000.00		X		
2							
3							
4							
5							
Subtotals: Columns 3 & 4			1000.00		_____ additional sheets attached for listing additional patents.		
Total Payment			1000.00				

* Information required by 37 CFR 1.366(c) (columns 1 & 2). Information requested under 37 CFR 1.366(d) (columns 3, 4, & 5).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on Form PTO-2038.

Respectfully submitted,**

Customer's Signature /James M. Denaro/Customer's Name James M. DenaroRegistration Number, if applicable: 54063Telephone: 202-596-7303

Fax: _____

Note: All correspondence will be forwarded to the "Fee Address" or to the "Correspondence Address" if no "Fee Address" has been provided. See 37 CFR 1.363.

Payment of small entity fee is appropriate if small entity status still exists, see 37 CFR 1.27(g). To establish small entity status or to notify of a loss of entitlement to small entity status, a written assertion is required. See 37 CFR 1.27 and 1.33(b). Payment of micro entity fee is appropriate if patent owner certifies micro entity status. Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously. To notify of a loss of entitlement to micro entity status, a written assertion is required. See 37 CFR 1.29 and 1.33(b).

** WHERE MAINTENANCE FEE PAYMENTS ARE TO BE MADE BY AUTHORIZATION TO CHARGE A DEPOSIT ACCOUNT, BOTH THE NAME AND SIGNATURE OF AN AUTHORIZED USER ARE REQUIRED.

This collection of information is required by 37 CFR 1.366. 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, 1.14 and 41.6. This collection is estimated to take 5 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: Mail Stop Maintenance Fee, Director of the United States Patent and Trademark Office, 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.

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.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))	Docket Number (Optional) <div style="font-size: 1.5em; font-weight: bold;">0813EBDD-2</div>
Page 1 of 4	

Mail to: **Mail Stop Petition**
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact the Office of Petitions at (571) 272-3282.

Patent No. 9,064,376 Application Number 14/444,995
 Issue Date 06-23-2015 Filing Date 07-28-2014

CAUTION: Maintenance fee payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable.

The above-identified patent

☐ is a reissue of original Patent No. _____ original issue date _____
 original application number _____
 original filing date _____.

☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____
 filed on _____.

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Maintenance fee; and
- (3) Statement that the delay in payment of the maintenance fee was unintentional.

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (* along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or being transmitted to the U.S. Patent and Trademark Office by EFS-Web, or by facsimile to (571) 273-8300, on the date shown below.

July 22, 2021

Date

/James M. Denaro/

Signature

James M. Denaro

Typed or Printed Name of Person Signing Certificate

[page 1 of 3]

This collection of information is required by 37 CFR 1.378(b). 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, 1.14 and 41.6. 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: Mail Stop Petition, 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.

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))

Page 2 of 4

1. SMALL ENTITY

☒ Patentee asserts, or has previously asserted, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

3. MICRO ENTITY

☐ Patentee certifies, or has previously certified, micro entity status. See 37 CFR 1.29
Form PTO/SB/15A or B or equivalent must either be enclosed or have been submitted previously.

4. LOSS OF ENTITLEMENT TO MICRO ENTITY STATUS

☐ Patentee is no longer entitled to micro entity status. See 37 CFR 1.29(i).

5. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

Undiscounted			Small Entity			Micro Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)	Amount	Fee	(Code)
☐ \$ _____	3½ yr fee	(1551)	☒ \$ 1000.00	3½ yr fee	(2551)	☐ \$ _____	3½ yr fee	(3551)
☐ \$ _____	7½ yr fee	(1552)	☐ \$ _____	7½ yr fee	(2552)	☐ \$ _____	7½ yr fee	(3552)
☐ \$ _____	11½ yr fee	(1553)	☐ \$ _____	11½ yr fee	(2553)	☐ \$ _____	11½ yr fee	(3553)

MAINTENANCE FEE BEING SUBMITTED \$ 1000.00

6. PETITION FEE

The petition fee required by 37 CFR 1.17(m) of:

\$ _____ Undiscounted (Fee Code 1558); or

\$ 1050.00 Small Entity (Fee Code 2558); or

\$ _____ Micro Entity (Fee Code 3558)

must be paid as a condition of accepting an unintentionally delayed payment of a maintenance fee.

PETITION FEE BEING SUBMITTED \$ 1050.00

7. MANNER OF PAYMENT

☐ Enclosed is a check for the sum of \$ _____

☐ Please charge Deposit Account No. _____ the sum of \$ _____

☐ Payment by credit card. Form PTO-2038 is attached.

☒ Payment made via EFS-Web.

8. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Director is hereby authorized to charge any maintenance fee or petition deficiency to Deposit Account No. 506129

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.

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT
OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Page 3 of 4

9. OVERPAYMENT

As to any overpayment made, please

☒ Credit to Deposit Account No. 506129

OR

☐ Send refund check

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, petitioner/applicant 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.

10. STATEMENT

The delay in payment of the maintenance fee for this patent was unintentional.

Petitioner is reminded that a delay resulting from a deliberately chosen course of action or a change in circumstance is not an unintentional delay.

Petitioner is further reminded that a person seeking reinstatement of an expired patent should not make a statement that the delay in payment of the maintenance fee was unintentional unless the entire delay was unintentional, including the period from discovery that the maintenance fee was not timely paid until payment of the maintenance fee. For example, a statement that the delay in payment of the maintenance fee was unintentional would not be proper when the patentee becomes aware of an unintentional failure to timely pay the maintenance fee and then intentionally delays filing a petition for reinstatement of the patent under 37 CFR 1.378. See MPEP 2590.

NOTE: Where the petition under 37 CFR 1.378 is filed more than two years after the date the patent expired for nonpayment of the maintenance fee, the United States Patent and Trademark Office requires an additional explanation of the circumstances surrounding the delay that establishes the entire delay was unintentional. This requirement is in addition to the requirement to provide a statement that the entire delay was unintentional. See *Clarification of the Practice for Requiring Additional Information in Petitions Filed in Patent Applications and Patents Based on Unintentional Delay*, 85 FR 12222 (March 2, 2020). See MPEP 711.03(c)(II)(C)-(F) for additional guidance on the information required to establish that the entire delay was unintentional.

☒ Because this petition under 37 CFR 1.378 is being filed more than two years after the date the patent expired for nonpayment of the maintenance fee, additional explanation of the circumstances surrounding the delay that establishes the entire delay was unintentional is enclosed herewith.

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.

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT
OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**

Page 4 of 4

11. PETITIONER REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT BE REINSTATED.

July 22, 2021

Date

/James M. Denaro/

Signature(s) of Petitioner

54063

Registration Number, if applicable

James M. Denaro

Typed or Printed Name

202-596-7303

Telephone Number

PO Box 34783

Address

Bethesda, MD 20827

Address

37 CFR 1.378(c) states: "Any petition under this section must be signed in compliance with § 1.33(b)."

12. ENCLOSURES

- ☒ Maintenance Fee Payment
☒ Petition fee under 37 CFR 1.17(m) (fee for filing the maintenance fee petition)
☒ Additional sheet(s) containing statement establishing unintentional delay
☐ Other: _____

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.

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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.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/444,995	07/28/2014	Aviel David Rubin	0813EBDD-2	4562
17012	7590	09/17/2021	EXAMINER	
CipherLaw			PIERCE, DAMON JOSEPH	
PO Box 34783			ART UNIT	
Bethesda, MD 20827			PAPER NUMBER	
			3717	
			NOTIFICATION DATE	DELIVERY MODE
			09/17/2021	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):

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In re Patent No.:9,064,376 :
Issue Date: June 23, 2015 :
Application No.:14/444,995 : ON PETITION
Filed: July 28, 2014 :
Attorney Docket No. 0813EBDD-2 :

This is a decision on the petition under 37 CFR 1.378(b), filed on July 22, 2021, to reinstate the above-cited patent.¹

The petition is **GRANTED**.

The above-identified patent issued on June 23, 2015. Therefore, the grace period in 35 U.S.C. § 41(b) for paying the 3.5-year maintenance fee expired at midnight on June 23, 2019.

The subject petition under 37 CFR 1.378(b) was filed on July 22, 2021, and is accompanied by a statement which provides additional information showing the entire period of delay was unintentional².

The 3.5-year maintenance fee of \$1,000.00 is accepted along with the petition fee of \$1,050.00. The above-identified patent is reinstated, accordingly.

Questions regarding the maintenance fee due dates and payments must be directed to the Maintenance Fee Office at (571) 272-6500. Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

/KENYA A THORNTON MCLAUGHLIN/
Attorney Advisor, OPET

¹ 37 CFR 1.378(b) provides:

(b) Any petition to accept an unintentionally delayed payment of a maintenance fee must include:

(1) The required maintenance fee set forth in § 1.378(c) through (g);

(2) The petition fee as set forth in § 1.17(m); and

(3) A statement that the delay in payment of the maintenance fee was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

² It is noted that 37 CFR § 1.378(b) requires a statement that the entire delay between the date the 3.5-year maintenance fee was due and the date a grantable petition was filed was unintentional. Since the statement appearing in the petition and accompanying statement varies from the required language, the statement is being construed as the statement required by 37 CFR § 1.378(b). If this is not a correct reading of the statement appearing in the petition, petitioner must promptly notify the Office.