

AMENDMENT TO CLAIMS

1-2. (Cancelled)

3. (Currently Amended) A computer program product embodied on a non-transitory computer readable medium, the computer program product comprising:

code for:

accessing at least one data storage identifying a plurality of mitigation techniques that mitigate effects of attacks that take advantage of vulnerabilities, such that:

each mitigation technique is capable of mitigating an effect of an attack that takes advantage of a corresponding vulnerability, and

each mitigation technique has a mitigation type including at least one of a patch, a policy setting, or a configuration option;

code for:

displaying at least one mitigation technique for mitigating an effect of at least one attack that takes advantage of at least one vulnerability~~in connection with at least one vulnerability to be applied as an attack response~~, and

receiving user input for selecting the at least one mitigation technique to be applied for mitigating the effect of the at least one attack that takes advantage of the at least one vulnerability~~in connection with the at least one vulnerability~~; and

code for:

receiving information in connection with at least one of a plurality of devices, and

identifying an [[particular]] attack in connection with the at least one device that takes advantage of the at least one vulnerability, based on the information;

wherein the computer program product is operable such that, as a result of the user input for selecting the at least one mitigation technique to be applied for mitigating the effect of the at least one attack that takes advantage of the at least one vulnerability~~in connection with the at least one vulnerability~~, the [[particular]] identified attack is prevented from taking advantage of the at least one vulnerability~~; while there is no update at the at least one of the device that removes the at least one vulnerability from the at least one device~~

wherein the computer program product is operable such that one or more of the plurality of mitigation techniques is capable of being identified based on an identification of an operating system.

4. (Currently Amended) The computer program product of Claim 3, wherein the computer program product is operable such that the displayed at least one mitigation technique includes at least two mitigation techniques include a firewall option for preventing at least one attack packet of the [[particular]]attack by terminating or dropping the same, and an intrusion detection or prevention option~~for preventing a connection request~~; the computer program product is further operable such that, in response to user input received prior to the [[particular]]attack, the firewall option is capable of being applied to a plurality of different devices for preventing the at least one attack packet at any of the different devices; and the computer program product is further operable such that, in response to additional user input after the [[particular]]attack in connection with a particular single device of the plurality of different devices, the intrusion detection or prevention option is capable of being applied to the particular single device~~for preventing the connection request at the particular single device.~~

5. (Currently Amended) The computer program product of Claim 3, wherein the computer program product is operable such that the displayed at least one mitigation technique includes at least two mitigation techniques include a firewall option for preventing at least one attack packet of the ~~[[particular]]~~attack by terminating or dropping the same, and an intrusion detection or prevention option ~~for preventing a connection request~~; the computer program product is further operable such that, in response to user input prior to the ~~attack-particular-in-connection~~, the intrusion detection or prevention option is capable of being applied to a plurality of different devices ~~for preventing the connection request~~ at the plurality of different devices; and the computer program product is further operable such that, in response to user input after the ~~[[particular]]~~attack in connection with a particular single device of the plurality of different devices, the firewall option is capable of being applied to the particular single device for preventing the at least one attack packet at the particular single device.

6. (Currently Amended) The computer program product of Claim 3, wherein the computer program product is operable such that the one or more of the plurality of mitigation techniques is capable of being identified based on the identification of the operating system in connection with the accessing for the displaying of the at least one mitigation technique ~~the at least one vulnerability is identified as a function of at least one of an operating system or an application identified in connection with a device~~, so that, in order to avoid false positives, ~~only~~ relevant vulnerabilities prompt mitigation technique user selection among at least two of the mitigation techniques, which involve both firewall and intrusion prevention system actions, for providing diverse mitigation options in connection with the relevant vulnerabilities~~particular~~.

7. (Currently Amended) The computer program product of Claim 3, wherein the computer program product is operable such that the one or more of the plurality of mitigation techniques is capable of being identified based on the identification of the operating system in connection with the accessing for the displaying of the at least one mitigation technique, so that which one or more of the mitigation techniques that are displayed are based on one or more actual vulnerabilities to which the at least one device

is actually vulnerable so that only relevant one or more mitigation techniques are displayed for selection by ~~[[the]]~~a user for ~~real-time~~ attack mitigation.

8. (Cancelled)

9. (Currently Amended) The computer program product of Claim 3, wherein the computer program product is operable such that the user input is capable of being received via at least one user interface for different devices, for allowing different attack mitigation actions including at least one intrusion prevention action and at least one firewall action to be selectively applied to the different devices for different actual vulnerabilities determined to be actually relevant based on the identification of the operating system in connection with the different devices~~a presence of at least one of an operating system or an application.~~

10. (Currently Amended) The computer program product of Claim 3, wherein the computer program product is operable such that the displayed at least one mitigation technique includes at least two mitigation techniques including a first mitigation technique that utilizes a firewall action~~for at least mitigating the particular attack that takes advantage of the at least one vulnerability~~ and a second mitigation technique that utilizes an intrusion prevention action~~for at least mitigating the particular attack that takes advantage of the at least one vulnerability.~~

11. (Cancelled)

12. (Currently Amended) The computer program product of Claim 10, wherein the computer program product is operable such that different user input is capable of being received via at least one console for different devices, for allowing different mitigation techniques including the first mitigation technique and the second mitigation technique to be selectively applied by ~~[[the]]~~a user to the different devices for different actual vulnerabilities, such that the different user input is capable of resulting in: only the first mitigation technique being selectively applied by the user to at least one first device, only

the second mitigation technique being selectively applied by the user to at least one second device, and both the first mitigation technique and the second mitigation technique being selectively applied by the user to at least one third device.

13. (Currently Amended) The computer program product of Claim 10, wherein the computer program product is operable such that the displayed at least one mitigation technique further includes a third mitigation technique that utilizes a policy compliance action ~~for at least mitigating the particular attack that takes advantage of the at least one vulnerability~~, wherein the computer program product is operable such that different user input is capable of being received via at least one console for different devices, for allowing different mitigation techniques including the first mitigation technique, the second mitigation technique, and the third mitigation technique to be selectively applied by ~~[[the]]~~a user to the different devices for different actual vulnerabilities, such that the different user input is capable of resulting in: only the first mitigation technique being selectively applied by the user to at least one first device, only the second mitigation technique being selectively applied by the user to at least one second device, and ~~[[both]]~~ the first mitigation technique~~[[and]]~~, the second mitigation technique, and the third mitigation technique being selectively applied by the user to at least one third device, ~~and the third mitigation technique being selectively applied by the user to the at least one first device, the at least one second device, and the at least one third device.~~

14. (Currently Amended) The computer program product of Claim 10, wherein the computer program product is operable such that the first mitigation technique is automatically applied utilizing a first communication from ~~[[a server]]~~an integrated firewall/intrusion prevention system platform component to firewall-supporting client code, and the second mitigation technique is automatically applied utilizing a second communication from the ~~[[server]]~~integrated firewall/intrusion prevention system platform component to intrusion prevention system-supporting client code, where the firewall-supporting client code and the system-supporting client code are part of the same client agent.

15. (Cancelled)

16. (Previously Presented) The computer program product of Claim 3, wherein the computer program product is operable such that the information is capable of being used to determine a characterization of a payload.

17. (Cancelled)

18. (Cancelled)

19. (Currently Amended) The computer program product of Claim ~~[[18]]~~3, wherein the computer program product is operable such that the identification of the operating system ~~of the at least one device is received as~~ a result of a vulnerability assessment scan capable of a direct query.

20. (Previously Presented) The computer program product of Claim 3, wherein at least one of:

said at least one data storage includes at least one database;

said at least one data storage is accessed by at least one of: receiving at least one update therefrom; pulling at least one update therefrom, communicating therewith, or synchronizing therewith;

said mitigation techniques include remediation techniques;

each mitigation technique has a mitigation type including the patch;

each mitigation technique has a mitigation type including the policy setting;

each mitigation technique has a mitigation type including the configuration option;

each mitigation technique is capable of mitigating the effect of the attack that takes advantage of the corresponding vulnerability, by dropping packets associated with the attack or removing the corresponding vulnerability;

said information is capable of being used to determine an intended destination of a connection request; or

said information includes a vulnerability identifier;
wherein the computer program product is operable for use with at least one NOC server, a data warehouse, and an SDK for allowing access to information associated with at least one vulnerability and at least one remediation technique;
and wherein the computer program product is operable for determining which devices have vulnerabilities by directly querying a firmware or operating system of the devices.

21. (Currently Amended) A computer program product embodied on a non-transitory computer readable medium, the computer program product comprising:

code for:

accessing at least one data structure identifying a plurality of mitigation techniques that mitigate effects of attacks that take advantage of vulnerabilities,
wheresuch that:

each mitigation technique is capable of mitigating an effect of an attack that takes advantage of a corresponding vulnerability, and

each mitigation technique has a mitigation type including at least one of a patch, a policy setting, or a configuration option;

code for:

receiving information in connection with at least one of a plurality of devices[[:]];

and

identifying an attack on the at least one device that takes advantage of at least one of the vulnerabilities, based on the information;

code for:

automatically applying at least two of the plurality of mitigation techniques including at least one first mitigation technique of a first mitigation type and at least one second mitigation technique of a second mitigation type to the at least one device, for mitigating an effect of the attack on the at least one device that takes advantage of the at least one vulnerability~~in response to the attack for mitigating the attack;~~

wherein the computer program product is operable such that the effect of the attack is mitigated by preventing the attack from taking advantage of the at least one vulnerability~~;~~while there is no update at the at least one of the device that removes the at least one vulnerability from the at least one device

wherein the computer program product is operable such that one or more of the plurality of mitigation techniques is identified based on an identification of an operating system.

22. (Currently Amended) ~~An apparatus, computer program product embodied on a non-transitory computer readable medium, the computer program product comprising:~~

at least one data storage identifying a plurality of mitigation techniques that mitigate effects of attacks that take advantage of vulnerabilities associated with an operating system ~~identified in connection with at least one of a plurality of devices,~~
where~~such that:~~

each mitigation technique is capable of mitigating an effect of an attack that takes advantage of a corresponding vulnerability, and

each mitigation technique has a mitigation type including at least one of a patch, a policy setting, or a configuration option; and

a computer program product embodied on a non-transitory computer readable medium, the computer program product including:

code for:

displaying at least two of the mitigation techniques for mitigating an effect of at least one attack that takes advantage of at least one vulnerability~~in connection with at least one vulnerability~~, and

receiving at least one user input in connection with the at least two mitigation techniques;

code for:

automatically applying the at least two mitigation techniques based on the at least one user input, the at least two mitigation techniques including:

at least one first mitigation technique for utilizing a firewall for attack mitigation, and

at least one second mitigation technique for utilizing an intrusion prevention system for attack mitigation; and

code for:

~~receiving~~identifying information in connection with ~~[[the]]~~at least one device, and

identifying an ~~an~~ [[particular]] attack in connection with the at least one device that takes advantage of the at least one vulnerability, based on the information;

wherein the computer program product is operable such that the identified attack is mitigated utilizing the first mitigation technique for utilizing the firewall for attack mitigation and the at least one second mitigation technique for second mitigation technique for utilizing the intrusion prevention system for attack mitigation, ~~regardless of whether there is no update at the at least one of the device that removes the at least one vulnerability from the at least one device.~~

wherein the computer program product is operable such that the at least two mitigation techniques are displayed based on an identification of an operating system.

23. (New) The computer program product of Claim 3, wherein the computer program product is configured such that the displaying of the at least one mitigation technique is supported by a system that includes intrusion prevention functionality for supporting a first mitigation technique and firewall functionality for supporting a second technique mitigation technique, such that the intrusion prevention functionality and the firewall functionality are both supported by a security component of the system that also supports the identification of the attack in connection with the at least one device, the system further capable of receiving actual vulnerability information to conditionally display, as a function of an existence of one or more actual vulnerabilities, one or more of the plurality of mitigation techniques to allow selective utilization of the intrusion prevention functionality and the firewall functionality, so that only relevant mitigation techniques are displayed for selection to reduce false positives in connection with both the intrusion prevention functionality and the firewall functionality.

24. (New) The computer program product of Claim 3, wherein the computer program product is configured such that the displaying of the at least one mitigation technique is caused by a system that utilizes router-based functionality for supporting a first mitigation technique and firewall functionality for supporting a second technique mitigation technique.

25. (New) The computer program product of Claim 24, wherein the computer program product is configured such that the system is capable of receiving actual vulnerability information to conditionally display, as a function of an existence of one or more actual vulnerabilities, one or more of the plurality of mitigation techniques to allow selective utilization of the router-based functionality and the firewall functionality, so that only relevant mitigation techniques are displayed for selection to reduce false positives in connection with both the router-based functionality and the firewall functionality.

26. (New) The computer program product of Claim 21, wherein the computer program product is operable such that the at least one first mitigation technique of the first mitigation type and the at least one second mitigation technique of the second mitigation type utilize different underlying security technology types that are both supported by a same system component that is capable of identifying the attack and preventing the attack from taking advantage of the at least one vulnerability after the at least two mitigation techniques are automatically applied.

27. (New) The computer program product of Claim 26, wherein the computer program product is operable such the same system component is further capable of supporting a vulnerability assessment scan for the identification of the operating system.

REMARKS

Under Obviousness Type Double Patenting, the Examiner has indicated that "Claims 3-22 are analogous to claims of U.S. Patent No. 8266699" and "Claims 3-22 are also analogous to claims of U.S. applications: 14/499226, 14/499227 and 14/499239." Such rejections are moot in view of the terminal disclaimer submitted herewith.

Under 35 U.S.C. 112, 2nd paragraph, the Examiner has further indicated that the 'Claims use the phrase "particular" by itself. In the spirit of expediting prosecution, such rejection has been avoided by virtue of the clarifications made to the claims hereinabove.

Under 35 U.S.C. 103(a), the Examiner has further indicated that, with respect to Claim 3, "Brawn: column 3, lines 15-60, column 4, lines 42-55, column 9, line 39-column 10, line 16, column 11, column 13, line20-column 14, line 5. Banzhof1: [0020]-[0026]. Banzhof2: column 13, lines 1-17." and "Brawn teaches limitations 1-3 and 6-7 but not mitigation type. US 20030126472: Banzhof1 teaches: mitigation type including patch, policy setting; limitation 5: selecting and the last limitation. US 7278163: Banzhof2: teaches: limitation 4: displaying." With respect to Claim 21, the Examiner has further indicated that "Brawn: column 3, lines 15-60, column 4, lines 42-55, column 9, line 39-column 10, line 16, column 11, column 13, line20-column 14, line 5. Banzhof1: [0020]-[0026]." With respect to Claim 22, the Examiner has further indicated that "Brawn: column 3, lines 15-60, column 4, lines 42-55, column 9, line 39-column 10, line 16, column 11, column 13, line20-column 14, line 5. Banzhof1: [0020]-[0026]. Banzhof2: column13, lines1-17. Pearson: [0008], [0082]." Still yet, with respect to Claim 17-19, the Examiner has further indicated that "Banzhof3: [0012]-[0013], [0016], [0056]."

Applicant respectfully disagrees with these rejections, particularly in view of the incorporation of at least a portion of the subject matter of Claim 17 into each of the independent claims.

With respect to the Banzhof2 reference (US 7278163), such reference indicates that it has an earliest effective filing date of "**February 22, 2005**." Still yet, with respect to the Banzhof3

reference (US 20060101517), such reference indicates that it has an earliest effective filing date of “**October 28, 2004**.” It should be noted, however, that the instant application claims priority as follows:

“This application is a continuation-in-part (for the purposes of providing a glossary in accordance with the Glossary Pilot Program) of U.S. App. No.: 14/138,014 filed December 21, 2013 which, in turn, is a continuation of U.S. App. No.: 10/882,852 filed July 1, 2004 which, in turn, claims priority to U.S. App. No.: 60/484,085 filed July 1, 2003, which are all incorporated herein by reference in their entirety for all purposes.”

Applicant therefore respectfully disagrees with the propriety of Examiner’s reliance on the Banzhof2 and Banzhof3 references. In view of the foregoing, the above rejections are deemed to have been overcome.

Still yet, with respect to the Examiner’s reliance on the Brawn reference (US 7353539), applicant respectfully disagrees with the propriety of Examiner’s reliance on such reference, as well. As shown by the attached Declaration of John Blignaut Under 37 CFR § 1.131, the claimed invention was conceived and reduced to practice prior to the effective date of the Brawn reference. This fact excludes the Brown reference from the body of prior art under 35 USC § 102(e). In view of such declaration and supporting evidence, the foregoing rejections are deemed to have been overcome.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Still yet, nothing in this reply should be construed as intention to concede any issue with regard to any claim, except as specifically stated in this reply. Finally, it should be noted that no claims are intended to be construed under 35 U.S.C. 112, paragraph 6.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Oliphant

Application No.: 14/499,230

Filed: 09/28/2014

For: COMPUTER PROGRAM PRODUCT
AND APPARATUS FOR MULTI-PATH
REMEDICATION

Confirmation No.: 9215

Examiner: HERZOG, MADHURI R.

Art Unit: 2436

Atty. Docket No.: SP1P0012

Date: 1/x/2015

DECLARATION OF JOHN BLIGNAUT UNDER 37 CFR § 1.131

I, John Blignaut, declare the following:

1. I am John Blignaut, member of SecurityProfiling, LLC ("Assignee"), the assignee of the patent application identified above (the "Application"), and an inventor named on the Application.
2. I have personal knowledge of the facts set forth in this Declaration regarding the conception and reduction to practice of the invention described and claimed in the Application.
3. The invention disclosed and claimed in the Application (the "Claimed Invention") was conceived of and actually reduced to practice before January 16, 2003 (the filing date of U.S. Patent No. 7,353,539 by Brawn et al., the "Reference Date").
4. The Claimed Invention was implemented with a system architecture that is reflected in the SDK White Paper attached as Annex A to this Declaration. The SDK White Paper documents the Software Development Kit (SDK) that was developed to allow application developers to

access the database of vulnerability, device status, and remediation information that was eventually distributed under the trade name "AntiVulnerability Technology." I personally participated in development of that SDK White Paper and commercialization of products embodying the invention. The version of the SDK White Paper attached as Annex A was created on October 15, 2002, as a business record created in the ordinary course of business. The metadata in the electronic document reflects this date.

5. Similarly, a white paper was created for the Anti-Vulnerability Technology product line entitled "'What is Anti-Vulnerability Technology?'" ("AVT Paper"), which is attached as Annex B to this Declaration. Metadata in this electronic document reflects its creation on November 27, 2002. This AVT Paper documented how the overall system operated, including various application of the technology that reflect possession of the invention.

6. A working version of a system implementing the Claimed Invention was implemented before the Reference Date. The documents in Annexes A and B reflect a system that was actually operational as of the dates of those documents, both of which are not antedated by the Reference Date.

7. As evidenced in Annex C, the Claimed Invention was conceived of and actually reduced to practice before Reference Date.

8. I provide these statements under penalty of perjury pursuant to 18 U.S.C. §1001.

/John Blignaut/
John Blignaut

Date 3.7.15

Electronic Acknowledgement Receipt	
EFS ID:	21748008
Application Number:	14499230
International Application Number:	
Confirmation Number:	9215
Title of Invention:	COMPUTER PROGRAM PRODUCT AND APPARATUS FOR MULTI-PATH REMEDIATION
First Named Inventor/Applicant Name:	Brett M. Oliphant
Customer Number:	127962
Filer:	Brian Dean Owens
Filer Authorized By:	
Attorney Docket Number:	SP1P012
Receipt Date:	12-MAR-2015
Filing Date:	28-SEP-2014
Time Stamp:	12:19:29
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment		no			
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	SP1P012_IDS_3-6-15_Signed.pdf	613432 933bf504888be701083d9bca82f594902f ee	no	8
Warnings:					
Information:					

2	Non Patent Literature	14138014_Interview_2-9-15.pdf	93888 bc428815e2c953423a1b0823920371b754b44f	no	3
Warnings:					
Information:					
3	Non Patent Literature	14138014_NOA_2-24-2015.pdf	5820158 e6e920228d162a4f78390d3a8854ff011bba7d099	no	128
Warnings:					
Information:					
4	Non Patent Literature	14499226_preOA_2-20-2015.pdf	2383224 e905ba5ab765a4c76f41698b1462e06434c219	no	61
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5	Non Patent Literature	14499227_preOA_1-27-2015.pdf	314775 8b0c100a604d2ac4821f61988c046e22c5ca06cf	no	8
Warnings:					
Information:					
6	Non Patent Literature	14499230_Interview_020915.pdf	155502 71583bda970d0bba131c5220bc1c0531a57fccc	no	3
Warnings:					
Information:					
7	Non Patent Literature	14499234_02-10-15.pdf	2320160 980578188ba1517de10870c792c9cdd0046a6e	no	60
Warnings:					
Information:					
8	Non Patent Literature	14499235_preOA_1-21-2015.pdf	407662 3af125db7b28c00af1f3d002529ef7d919659b9a	no	7
Warnings:					
Information:					
9	Non Patent Literature	14499237_NOA_01-20-15.pdf	4179770 f484420469021e7799bac0f8dbac09201c65d70	no	99
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10	Non Patent Literature	14499241_preOA_3-4-2015.pdf	507681 f9110d0bf3a3e823901388b717bce02685340a	no	10
Warnings:					
Information:					

11	Non Patent Literature	14499244_preOA_2-23-2015.pdf	184854 b631af3d7c550cc3e3c8fb660753e5026947f3e	no	6
Warnings:					
Information:					
12	Non Patent Literature	14499246_01-28-15.pdf	144447 a7d361c4b520678a4933dc5b97b1679edf9bd06	no	5
Warnings:					
Information:					
13	Non Patent Literature	14499246_Interview_020315.pdf	57773 7ac9c770b483f11c9e1e3fb3379ac88cd7f7dcdff	no	2
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14	Non Patent Literature	14499250_preOA_01-16-15.pdf	3067919 9a82ab9cb2301788c168dccb40980c20b16a5464	no	77
Warnings:					
Information:					
15	Affidavit-Rule 131-pre-AIA (FTI) ONLY	Annex_A_B.pdf	1421739 79f7576cdc1f98bf112004ec17c118c6b75a655	no	52
Warnings:					
The page size in the PDF is too large. The pages should be 8.5 x 11 or A4. If this PDF is submitted, the pages will be resized upon entry into the Image File Wrapper and may affect subsequent processing					
Information:					
16	Affidavit-Rule 131-pre-AIA (FTI) ONLY	Annex_C_3_5_2015.pdf	648468 16032c40c375e2b09cddb9bd34f5ca40bdf61aa3e	no	7
Warnings:					
Information:					
17	Reply under 1.111 to Pre-Interview Communication	SP1P0012_Substitute_Amendment_A_3_5_2015.pdf	528131 46787e80ef29dfa0c1834e643fdaa2cb0f3081bd	no	14
Warnings:					
Information:					
18	Affidavit-Rule 131-pre-AIA (FTI) ONLY	SP1P0012_Affidavit_3_5_2015_signed.pdf	304474 a32b531d9b904acdb6480606705695c73b8f6a53	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			23154057		

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New Applications Under 35 U.S.C. 111

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

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

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

New International Application Filed with the USPTO as a Receiving Office

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

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 14/499,230		Filing Date 09/28/2014		☐ To be Mailed	
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO									
APPLICATION AS FILED – PART I									
(Column 1)		(Column 2)							
FOR		NUMBER FILED		NUMBER EXTRA		RATE (\$)		FEE (\$)	
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))		N/A		N/A		N/A			
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))		N/A		N/A		N/A			
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))		N/A		N/A		N/A			
TOTAL CLAIMS (37 CFR 1.16(j))		minus 20 =		*		X \$ =			
INDEPENDENT CLAIMS (37 CFR 1.16(h))		minus 3 =		*		X \$ =			
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))		If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))									
* If the difference in column 1 is less than zero, enter "0" in column 2.						TOTAL			
APPLICATION AS AMENDED – PART II									
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT	03/12/2015		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))		* 20	Minus	** 20	= 0	X \$40 =		0
	Independent (37 CFR 1.16(h))		* 3	Minus	*** 3	= 0	X \$210 =		0
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
							TOTAL ADD'L FEE		0
(Column 1)		(Column 2)		(Column 3)					
AMENDMENT			CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)		ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))		-	Minus	**	=	X \$ =		
	Independent (37 CFR 1.16(h))		*	Minus	***	=	X \$ =		
	☐ Application Size Fee (37 CFR 1.16(s))								
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))								
							TOTAL ADD'L FEE		
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.									

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

127962 7590
Brian Owens, Esq.
3712 Kimble Dr
Plano, TX 75025

03/19/2015

EXAMINER

HERZOG, MADHURI R

ART UNIT

PAPER NUMBER

2438

DATE MAILED: 03/19/2015

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/499,230	09/28/2014	Brett M. Oliphant	SP1P012	9215

TITLE OF INVENTION: COMPUTER PROGRAM PRODUCT AND APPARATUS FOR MULTI-PATH REMEDIATION

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	06/19/2015

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

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

127962 7590 03/19/2015
Brian Owens, Esq.
3712 Kimble Dr
Plano, TX 75025

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.

Certificate of Mailing or Transmission

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.
14/499,230	09/28/2014	Brett M. Oliphant	SP1P012	9215

TITLE OF INVENTION: COMPUTER PROGRAM PRODUCT AND APPARATUS FOR MULTI-PATH REMEDIATION

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	06/19/2015

EXAMINER	ART UNIT	CLASS-SUBCLASS
HERZOG, MADHURI R	2438	726-025000

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.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

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

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

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.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

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. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/499,230	09/28/2014	Brett M. Oliphant	SP1P012	9215
127962 7590 03/19/2015 Brian Owens, Esq. 3712 Kimble Dr Plano, TX 75025			EXAMINER HERZOG, MADHURI R	
			ART UNIT	PAPER NUMBER
			2438	
DATE MAILED: 03/19/2015				

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. 14/499,230 Examiner MADHURI HERZOG	Applicant(s) OLIPHANT ET AL. <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">Art Unit 2438</td> <td style="width: 50%; border: none;">AIA (First Inventor to File) Status No</td> </tr> </table>	Art Unit 2438	AIA (First Inventor to File) Status No
Art Unit 2438	AIA (First Inventor to File) Status No			

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

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 03/12/2015.
☐ 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 3-7, 9, 10, 12-14, 16 and 19-27. 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) 2. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>See Continuation Sheet</u> 3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 4. ☒ Interview Summary (PTO-413), Paper No./Mail Date <u>03/05/2015</u> .	5. ☐ Examiner's Amendment/Comment 6. ☒ Examiner's Statement of Reasons for Allowance 7. ☐ Other _____.
--	--

/MADHURI HERZOG/
Primary Examiner, Art Unit 2438

Continuation of Attachment(s) 2. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 01/15/2015 and 03/12/2015.

DETAILED ACTION

1. The present application is being examined under the pre-AIA first to invent provisions.
2. The text of those sections of Title 35 U.S. Code not included in this section can be found in the prior office action.
3. The prior office actions are incorporated herein by reference. In particular, the observations with respect to claim language, and response to previously presented arguments.
4. Claims 3-7, 9, 10, 12-14, 19, 21 and 22 have been amended and claims 23-27 have been newly added.
5. Claims 3-7, 9, 10, 12-14, 16 and 19-27, now renumbered as claims 1-20, have been examined and are pending.

Terminal Disclaimer

6. The terminal disclaimer filed on 01/30/2015 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 8266699 and any patents granted on Application No. 14/499239, 14/499227 and 14/499226 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Information Disclosure Statement

7. The information disclosure statements (IDSs) submitted on 01/15/2015 and 03/12/2015 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

Response to Amendment

8. The declaration filed on 03/12/2015 under 37 CFR 1.131(a) is sufficient to overcome the US 7353539 to Brawn et al and US 20030126472 to Carl Banzhof references.

Allowable Subject Matter

9. Claims 3-7, 9, 10, 12-14, 16 and 19-27 are allowed over prior art of record.

Response to Arguments

10. Applicant's arguments, see pages 13 and 14 of the Remarks, filed on 03/12/2015, have been fully considered and are persuasive.

Examiner's Statement of Reasons for Allowance

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

Independent claims 3, 21 and 22 are allowed for reasons argued by the applicant in pages 13-14 of the Remarks. Claims 4-7, 9, 10, 12-14, 16 and 19-21 and 23-27

depend on one of the above mentioned independent claims and are therefore allowed by virtue of their dependencies.

Prior art of record Brawn teaches: a management system stores various remediation techniques corresponding to various vulnerabilities. The management system transmits an interrogation program to the client that attempts to exploit a known vulnerability present in the software of the client, determines whether the vulnerability is exploited and transmits a remediation program if the vulnerability is exploited. Prior art Banzhof1 teaches: Constructing remediation signatures such as patches or fixes to remediate a vulnerability. IT or security personnel select which remediation signatures to deploy to client computers. Prior art of record Banzhof2 teaches displaying vulnerabilities to an administrator.

However, Brawn, Banzhof1 and Banzhof2 fail to teach "wherein the computer program product is operable such that one or more of the plurality of mitigation techniques is capable of being identified based on an identification of an operating system", i.e., the prior arts fail to teach identifying a remediation technique based on the operating system.

None of the prior art of record, either taken by itself or in any combination, would have anticipated or made obvious the invention of the present application at or before the time it was filed.

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

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

ITS4 : A Static Vulnerability Scanner for C and C++ Code by Viega et al: We describe ITS4, a tool for statically scanning security-critical C source code for vulnerabilities. Compared to other approaches, our scanning technique stakes out a new middle ground between accuracy and efficiency. This method is efficient enough to offer real-time feedback to developers during coding while producing few false negatives.

An automated approach for identifying potential vulnerabilities in software by Ghosh et al: The paper presents results from analyzing the vulnerability of security-critical software applications to malicious threats and anomalous events using an automated fault injection analysis approach. The work is based on the well understood premise that a large proportion of security violations result from errors in software source code and configuration. The methodology employs software fault injection to force anomalous program states during the execution of software and observes their corresponding effects on system security. If insecure behaviour is detected, the perturbed location that resulted in the violation is isolated for further analysis and possibly retrofitting with fault tolerant mechanisms.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MADHURI HERZOG whose telephone number is (571)270-3359. The examiner can normally be reached on M-F from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani can be reached on 571-272-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MADHURI HERZOG/
Primary Examiner, Art Unit 2438

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	14/499,230	OLIPHANT ET AL.	
	Examiner	Art Unit	
	MADHURI HERZOG	2438	

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

(1) MADHURI HERZOG. (3) ____.

(2) Brian Owens. (4) ____.

Date of Interview: 05 March 2015.

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: 4-6.

Identification of prior art discussed: ____.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

The examiner informed the attorney that independent claims were allowable and that 112 issues for claims 4-6 regarding the word "particular" need to be addressed. The examiner also informed the attorney that the mapping the attorney provided the examiner to show the correlation between the claim limitations and the documentation provided under the 131 affidavit needs to be filed as an official reply. The attorney agreed with both the suggestions .

Applicant recordation instructions: It is not necessary for applicant to provide a separate record of the substance of 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

/MADHURI HERZOG/ Primary Examiner, Art Unit 2438	
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Notice of References Cited	Application/Control No. 14/499,230	Applicant(s)/Patent Under Reexamination OLIPHANT ET AL.	
	Examiner MADHURI HERZOG	Art Unit 2438	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Viega, John, et al. "ITS4: A static vulnerability scanner for C and C++ code." Computer Security Applications, 2000. ACSAC'00. 16th Annual Conference. IEEE, 2000.
	V	Ghosh, Anup K., Tom O'Connor, and Gary McGraw. "An automated approach for identifying potential vulnerabilities in software." Security and Privacy, 1998. Proceedings. 1998 IEEE Symposium on. IEEE, 1998.
	W	
	X	

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

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S28	16	(identify\$4 or identification or recogni\$5 or determin\$5 or discover\$4 or choos\$4 or select\$4) with (mitigat\$4 or remediati\$4) near5 (signature or technique or method or type or category or class or group or kind or fingerprint ot variety or classification) with (specific\$4 or particular\$4 or distinct\$4 or differ\$4 or explicit\$4 or individual\$4 or unique\$4) with (operating system or os)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2015/03/05 11:07
S29	65	(identify\$4 or identification or recogni\$5 or determin\$5 or discover\$4 or choos\$4 or select\$4) with (mitigat\$4 or remediati\$4) near5 (signature or technique or method or type or category or class or group or kind or fingerprint ot variety or classification) with (operating system or os)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2015/03/05 11:08
S30	14	726/1,11-14,22-25.ccls. and S29	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2015/03/05 11:23
S31	1	"709"/\$.ccls. and S29	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2015/03/05 11:24
S32	42	(database or data\$2warehouse or dataware or storage or memory) with (mitigat\$4 or remediati\$4) near5 (signature or technique or method or type or category or class or group or kind or fingerprint or variety or classification) with (vulnerabilit\$4) and (identify\$4 or identification or recogni\$5 or determin\$5 or discover\$4 or detect\$4 or find\$4) with (attack\$4 or intrusion or virus or worm or malware or trojan or adware or sypware or rootkit or bootkit) and (apply\$4 or application or administer\$4 or implement\$4 or deploy\$4 or install\$5 or distribut\$4) with (mitigat\$4 or remediati\$4)	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2015/03/05 11:34
S33	7	S32 and S29	US-PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2015/03/05 11:35
S34	32	726/1,11-14,22-25.ccls. and S32	US-PGPUB; USPAT;	ADJ	ON	2015/03/05 11:39

file:///C:/Users/mherzog/Documents/e-Red%20Folder/14499230/EASTSearchHistory.14499230_AccessibleVersion.htm[3/17/2015 11:47:36 AM]

EAST Search History

			USOCR; EPO; JPO; DERWENT			
S35	30	(H04L29/06\$ or H04L63/14\$ or H04L02\$).cpc. and S32	US- PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2015/03/05 11:52
S36	34	(G06F21/5\$).cpc. and S32	US- PGPUB; USPAT; USOCR; EPO; JPO; DERWENT	ADJ	ON	2015/03/05 11:54

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Sheet 1 of 3

Form PTO-1449 (Modified)		U.S. Department of Commerce Patent and Trademark Office		Attorney Docket No. SP1P0012		Application No. 14/499,230	
Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))				Applicant Brett M. Oliphant			
				Filing Date 09/28/2014		Group Art Unit 2436	
U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate

Foreign Patent Documents or Published Foreign Patent Applications								
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation Yes No	

Other Documents (include Author, Title, Date, and Place of Publication)		
Examiner Initial	Desig. ID	Document
	1	U.S. Prov. Pat. App. No. 60/484,085 filed 07/01/2003
	2	U.S. Pat. App. No. 10/882,588 filed 07/01/2004
	3	Office Action Summary in US Pat. App. No. 10/882,588 dated 05/29/2009
	4	Office Action Summary in US Pat. App. No. 10/882,588 dated 10/12/2010
	5	Office Action Summary in US Pat. App. No. 10/882,588 dated 06/12/2012
	6	Office Action Summary in US Pat. App. No. 10/882,588 dated 01/08/2010
	7	Office Action Summary in US Pat. App. No. 10/882,588 dated 04/15/2011
	8	Office Action Summary in US Pat. App. No. 10/882,588 dated 06/24/2010
	9	Office Action Summary in US Pat. App. No. 10/882,588 dated 09/26/2007
	10	Office Action Summary in US Pat. App. No. 10/882,588 dated 10/20/2011
	11	U.S. Pat. App. No. 10/882,788 filed 07/01/2004
	12	Office Action Summary in US Pat. App. No. 10/882,788 dated 12/22/2008
	13	Office Action Summary in US Pat. App. No. 10/882,788 dated 07/10/2008
	14	Office Action Summary in US Pat. App. No. 10/882,788 dated 10/04/2007
	15	U.S. Pat. App. No. 10/882,852 filed 07/01/2004
	16	Office Action Summary in US Pat. App. No. 10/882,852 dated 5/15/2013
	17	Office Action Summary in US Pat. App. No. 10/882,852 dated 6/01/2010

Examiner Signature <i>/Madhuri Herzog/</i>	Date Considered 03/17/2015
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

Form (PTO-1449)

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Receipt date: 01/15/2015

14499230 - GAU: 2438

Sheet 2 of 3

Form PTO-1449 (Modified)		U.S. Department of Commerce Patent and Trademark Office		Attorney Docket No. SP1P0012	Application No. 14/499,230
Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))				Applicant Brett M. Oliphant	
				Filing Date 09/28/2014	Group Art Unit 2436
Other Documents (include Author, Title, Date, and Place of Publication)					
Examiner Initial	Desig. ID	Document			
	18	Office Action Summary in US Pat. App. No. 10/882,852 dated 8/14/2008			
	19	Office Action Summary in US Pat. App. No. 10/882,852 dated 6/24/2009			
	20	Office Action Summary in US Pat. App. No. 10/882,852 dated 11/01/2007			
	21	U.S. Pat. App. No. 10/882,853 filed 07/01/2004			
	22	Office Action Summary in US Pat. App. No. 10/882,853 dated 3/18/2009			
	23	Office Action Summary in US Pat. App. No. 10/882,853 dated 4/30/2008			
	24	Office Action Summary in US Pat. App. No. 10/882,853 dated 10/17/2008			
	25	Office Action Summary in US Pat. App. No. 10/882,853 dated 10/31/2007			
	26	U.S. Pat. App. No. 10/883,376 filed 07/01/2004			
	27	Office Action Summary in US Pat. App. No. 10/883,376 dated 9/11/2008			
	28	Office Action Summary in US Pat. App. No. 10/883,376 dated 5/06/2008			
	29	U.S. Pat. App. No. 10/884,329 filed 07/01/2004			
	30	Office Action Summary in US Pat. App. No. 10/884,329 dated 11/29/2007			
	31	U.S. Pat. App. No. 14/138,014 filed 12/31/2013			
	32	Office Action Summary in US Pat. App. No. 14/138,014 dated 8/28/2014			
	33	U.S. Pat. App. No. 14/499,226 filed 9/28/2014			
	34	U.S. Pat. App. No. 14/499,227 filed 9/28/2014			
	35	Office Action Summary in US Pat. App. No. 14/499,227 dated 12/15/2014			
	36	U.S. Pat. App. No. 14/499,230 filed 9/28/2014			
	37	U.S. Pat. App. No. 14/499,234 filed 9/28/2014			
	38	U.S. Pat. App. No. 14/499,235 filed 9/28/2014			
	39	Office Action Summary in US Pat. App. No. 14/499,235 dated 12/15/2014			
	40	U.S. Pat. App. No. 14/499,236 filed 9/28/2014			
	41	Office Action Summary in US Pat. App. No. 14/499,236 dated 12/30/2014			
	42	U.S. Pat. App. No. 14/499,237 filed 9/28/2014			
	43	U.S. Pat. App. No. 14/499,239 filed 9/29/2014			
	44	U.S. Pat. App. No. 14/499,241 filed 9/29/2014			
Examiner Signature		/Madhuri Herzog/		Date Considered	03/17/2015
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					

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14499230 - GAU: 2438

Sheet 3 of 3

Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney Docket No. SP1P0012	Application No. 14/499,230
Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))		Applicant Brett M. Oliphant	
		Filing Date 09/28/2014	Group Art Unit 2436
Other Documents (include Author, Title, Date, and Place of Publication)			
Examiner Initial	Desig. ID	Document	
	45	Office Action Summary in US Pat. App. No. 14/499,241 dated 12/15/2014	
	46	U.S. Pat. App. No. 14/499,244 filed 9/29/2014	
	47	U.S. Pat. App. No. 14/499,246 filed 9/29/2014	
	48	U.S. Pat. App. No. 14/499,250 filed 9/29/2014	

Examiner Signature /Madhuri Herzog/	Date Considered 03/17/2015
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14499230 - GALL: 2438

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14499230
	Filing Date		2014-09-28
	First Named Inventor	Brett M. Oliphant	
	Art Unit	2438	
	Examiner Name	Herzog, Madhuri R	
	Attorney Docket Number	SP1P012	

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Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	6957348		2005-12-18	Flowers et al.	
	2	6766458		2004-07-20	Harris, et al.	
	3	6907531		2005-06-14	Dodd et al.	
	4	7178166		2007-02-13	Taylor, et al.	
	5	7185232		2007-02-27	Leavy et al.	
	6	7234163		2007-06-19	Rayes et al.	
	7	7257630		2007-08-14	Cole et al.	
	8	7331061		2008-12-02	Ramsey et al.	

Receipt date: 03/12/2015 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14499230	14499230 - GAU: 2438
	Filing Date		2014-09-28	
	First Named Inventor	Brett M. Oliphant		
	Art Unit	2438		
	Examiner Name	Herzog, Madhuri R		
	Attorney Docket Number	SP1P012		

	9	7367054		2008-04-29	Soppera, Andrea	
	10	7496960		2009-02-24	Chen et al.	
	11	8250654		2012-21-08	Kennedy et al.	
	12	8266320		2012-09-11	Bell et al.	
	13	5999179		1999-12-07	Kekic, et al.	

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	1	20020138416		2002-09-26	Lovejoy et al.	
	2	20020171546		2002-11-21	Evans et al.	
	3	20030177389		2003-09-18	Albert et al.	
	4	20030233438		2003-12-18	Hutchinson et al.	

Receipt date: 03/12/2015 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14499230	14499230 - GAU: 2438
	Filing Date		2014-09-28	
	First Named Inventor	Brett M. Oliphant		
	Art Unit	2438		
	Examiner Name	Herzog, Madhuri R		
	Attorney Docket Number	SP1P012		

	5	20040148520		2004-07-29	Talpade et al.	
	6	20050193430		2005-09-01	Cohen et al.	
	7	20050216957		2005-09-29	Benzhof et al.	
	8	20060041936		2006-02-23	Anderson et al.	
	9	20080047016		2008-02-21	Spoonamore, Stephen	
	10	20080127349		2008-05-29	Ormazabal et al.	
	11	20080222724		2008-09-11	Ormazabal et al.	
	12	20090077666		2009-03-19	Chen et al.	
	13	20100218256		2010-08-26	Thomas et al.	
	14	20100241478		2010-09-23	Sahinoglu; Mehmet	
	15	20110138036		2001-06-09	Tyree, David S.	

Receipt date: 03/12/2015 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14499230	14499230 - GAU: 2438
	Filing Date		2014-09-28	
	First Named Inventor	Brett M. Oliphant		
	Art Unit	2438		
	Examiner Name	Herzog, Madhuri R		
	Attorney Docket Number	SP1P012		

	16	20120110671		2012-05-03	Beresnevichiene et al.	
	17	20120173931		2012-07-05	Kube et al.	
	18	20120210434		2012-08-16	Curtis et al.	
	19	20130055394		2013-02-28	Beresnevichiene et al.	
	20	20140215605		2014-07-31	Decime et al.	
	21	20140331326		2014-05-06	Thakur; Satyendra	

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Receipt date: 03/12/2015 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14499230	14499230 - GAU: 2438
	Filing Date		2014-09-28	
	First Named Inventor	Brett M. Oliphant		
	Art Unit	2438		
	Examiner Name	Herzog, Madhuri R		
	Attorney Docket Number	SP1P012		

1	Office Action Summary in U.S. Pat. App. No. 14/138,014 dated 2/24/2015	☐
2	Office Action Summary in U.S. Pat. App. No. 14/499,226 dated 2/20/2015	☐
3	Office Action Summary in U.S. Pat. App. No. 14/499,227 dated 01/27/2015	☐
4	Office Action Summary in U.S. Pat. App. No. 14/499,230 dated 01/08/2015	☐
5	Office Action Summary in U.S. Pat. App. No. 14/499,234 dated 02/10/2015	☐
6	Office Action Summary in U.S. Pat. App. No. 14/499,235 dated 01/21/2015	☐
7	Office Action Summary in U.S. Pat. App. No. 14/499,237 dated 01/20/2015	☐
8	Office Action Summary in U.S. Pat. App. No. 14/499,241 dated 3/4/2015	☐
9	Office Action Summary in U.S. Pat. App. No. 14/499,244 dated 2/23/2015	☐
10	Office Action Summary in U.S. Pat. App. No. 14/499,246 dated 01/28/2015	☐
11	Office Action Summary in U.S. Pat. App. No. 14/499,250 dated 01/16/2015	☐

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14499230	14499230 - GAU: 2438
	Filing Date		2014-09-28	
	First Named Inventor	Brett M. Oliphant		
	Art Unit	2438		
	Examiner Name	Herzog, Madhuri R		
	Attorney Docket Number	SP1P012		

12	Interview Summary in U.S. Pat. App. No. 14/138,014 dated 2/9/2015	☐
13	Interview Summary in U.S. Pat. App. No. 14/138,230 dated 2/9/2015	☐
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14499230 14499230 - GAU: 2438
	Filing Date		2014-09-28
	First Named Inventor	Brett M. Oliphant	
	Art Unit	2438	
	Examiner Name	Herzog, Madhuri R	
	Attorney Docket Number	SP1P012	

CERTIFICATION STATEMENT

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

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

OR

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

☐ See attached certification statement.

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

☒ A certification statement is not submitted herewith.

SIGNATURE

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

Signature	/Brian Owens/	Date (YYYY-MM-DD)	2015-03-12
Name/Print	Brian Owens	Registration Number	55,517

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

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /M.H./

Issue Classification 	Application/Control No. 14499230	Applicant(s)/Patent Under Reexamination OLIPHANT ET AL.	
	Examiner MADHURI HERZOG	Art Unit 2438	

CPC					
Symbol				Type	Version
H04L	63	1441		F	2013-01-01
G06F	21	577		I	2013-01-01
H04L	63	1433		I	2013-01-01
G06F	21	55		I	2013-01-01
H04L	63	14		I	2013-01-01
G06F	21	554		I	2013-01-01
H04L	63	1408		I	2013-01-01
H04L	63	02		A	2013-01-01
G06F	21	50		I	2013-01-01
H04L	63	0263		A	2013-01-01
H04L	63	1416		I	2013-01-01
H04L	63	20		I	2013-01-01

CPC Combination Sets					
Symbol		Type	Set	Ranking	Version

NONE		Total Claims Allowed:	
		20	
(Assistant Examiner)	(Date)		
/MADHURI HERZOG/ Primary Examiner.Art Unit 2438	03/17/2015	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

U.S. Patent and Trademark Office

Part of Paper No. 20150317

Issue Classification 	Application/Control No. 14499230	Applicant(s)/Patent Under Reexamination OLIPHANT ET AL.
	Examiner MADHURI HERZOG	Art Unit 2438

US ORIGINAL CLASSIFICATION						INTERNATIONAL CLASSIFICATION													
CLASS			SUBCLASS			CLAIMED					NON-CLAIMED								
726			25			G	0	6	F	21 / 57 (2013.01.01)									
CROSS REFERENCE(S)																			
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)																		
726	1	11	13	22	23														
709	224	225																	
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NONE		Total Claims Allowed:	
		20	
(Assistant Examiner)	(Date)		
/MADHURI HERZOG/ Primary Examiner.Art Unit 2438	03/17/2015	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

Issue Classification 	Application/Control No. 14499230	Applicant(s)/Patent Under Reexamination OLIPHANT ET AL.
	Examiner MADHURI HERZOG	Art Unit 2438

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☒ T.D. ☐ R.1.47															
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
	1		17												
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NONE		Total Claims Allowed:	
		20	
(Assistant Examiner)	(Date)		
/MADHURI HERZOG/ Primary Examiner.Art Unit 2438	03/17/2015	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	1

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CONFIRMATION NO. 9215

SERIAL NUMBER 14/499,230	FILING or 371(c) DATE 09/28/2014 RULE	CLASS 726	GROUP ART UNIT 2438	ATTORNEY DOCKET NO. SP1P012	
APPLICANTS SecurityProfiling, LLC, Garland, TX, Assignee (with 37 CFR 1.172 Interest); INVENTORS Brett M. Oliphant, Plano, TX; John P. Blignaut, West Lafayette, IN; ** CONTINUING DATA ***** This application is a CIP of 14/138,014 12/21/2013 which is a CON of 10/882,852 07/01/2004 ABN which claims benefit of 60/484,085 07/01/2003 ** FOREIGN APPLICATIONS ***** ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** ** SMALL ENTITY ** 10/01/2014					
Foreign Priority claimed ☐ Yes ☒ No 35 USC 119(a-d) conditions met ☐ Yes ☒ No Verified and /MADHURI R HERZOG/ Acknowledged Examiner's Signature		☐ Met after Allowance STATE OR COUNTRY TX	SHEETS DRAWINGS 12	TOTAL CLAIMS 2	INDEPENDENT CLAIMS 1
ADDRESS Brian Owens, Esq. 3712 Kimble Dr Plano, TX 75025 UNITED STATES					
TITLE COMPUTER PROGRAM PRODUCT AND APPARATUS FOR MULTI-PATH REMEDIATION					
FILING FEE RECEIVED 730	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:		☐ All Fees ☐ 1.16 Fees (Filing) ☐ 1.17 Fees (Processing Ext. of time) ☐ 1.18 Fees (Issue) ☐ Other _____ ☐ Credit		

Search Notes 	Application/Control No. 14499230	Applicant(s)/Patent Under Reexamination OLIPHANT ET AL.
	Examiner MADHURI HERZOG	Art Unit 2438

CPC- SEARCHED		
Symbol	Date	Examiner
G06F 21/5all	3/17/2015	M.H
H04L 29/06all, 63/02all, 63/14all	3/17/2015	M.H

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner
726	1, 11-14, 22-25	3/17/2015	M.H
709	all	3/17/2015	M.H

SEARCH NOTES		
Search Notes	Date	Examiner
Inventor search, Assignee search	3/17/2015	M.H
East search	3/17/2015	M.H
Google Scholar search	3/17/2015	M.H
search terms: database, dataware, storage, memory, mitigation, remediation, signature, technique, method, type, class, category, fingerprint, classification, vulnerability, identify, recognize, determine, detect, discover, find, attack, intrusion, virus, worm, malware, spyware, trojan, rootkit, apply, administer, implement, deploy, install, distribute, choose, select, operating system, OS	3/17/2015	M.H

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

	/MADHURI HERZOG/ Primary Examiner.Art Unit 2438
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INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
726	1, 11-14, 22-25 with search terms: database, dataware, storage, memory, mitigation, remediation, signature, technique, method, type, class, category, fingerprint, classification, vulnerability, identify, recognize, determine, detect, discover, find, attack, intrusion, virus, worm, malware, spyware, trojan, rootkit, apply, administer, implement, deploy, install, distribute, choose, select, operating system, OS	3/17/2015	M.H
709	all with the above search terms	3/17/2015	M.H
G06F	21/5all with the above search terms	3/17/2015	M.H
H04L	29/06all, 63/02all, 63/14all with the above search terms	3/17/2015	M.H

	/MADHURI HERZOG/ Primary Examiner.Art Unit 2438
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<i>Index of Claims</i> 	Application/Control No. 14499230	Applicant(s)/Patent Under Reexamination OLIPHANT ET AL.
	Examiner MADHURI HERZOG	Art Unit 2438

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
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☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☒ T.D. ☐ R.1.47									
CLAIM		DATE							
Final	Original	03/17/2015							
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14499230
	Filing Date		2014-09-28
	First Named Inventor	Brett M. Oliphant	
	Art Unit	2438	
	Examiner Name	Herzog, Madhuri R	
	Attorney Docket Number	SP1P012	

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	2	6766458		2004-07-20	Harris, et al.	
	3	6907531		2005-06-14	Dodd et al.	
	4	7178166		2007-02-13	Taylor, et al.	
	5	7185232		2007-02-27	Leavy et al.	
	6	7234163		2007-06-19	Rayes et al.	
	7	7257630		2007-08-14	Cole et al.	
	8	7331061		2008-12-02	Ramsey et al.	

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	Examiner Name	Herzog, Madhuri R	
	Attorney Docket Number	SP1P012	

	9	7367054		2008-04-29	Soppera, Andrea	
	10	7496960		2009-02-24	Chen et al.	
	11	8250654		2012-21-08	Kennedy et al.	
	12	8266320		2012-09-11	Bell et al.	
	13	5999179		1999-12-07	Kekic, et al.	

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	1	20020138416		2002-09-26	Lovejoy et al.	
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	4	20030233438		2003-12-18	Hutchinson et al.	

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	Art Unit	2438
	Examiner Name	Herzog, Madhuri R
	Attorney Docket Number	SP1P012

	5	20040148520		2004-07-29	Talpade et al.	
	6	20050193430		2005-09-01	Cohen et al.	
	7	20050216957		2005-09-29	Benzhof et al.	
	8	20060041936		2006-02-23	Anderson et al.	
	9	20080047016		2008-02-21	Spoonamore, Stephen	
	10	20080127349		2008-05-29	Ormazabal et al.	
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	13	20100218256		2010-08-26	Thomas et al.	
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	15	20110138036		2001-06-09	Tyree, David S.	

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	Art Unit	2438	
	Examiner Name	Herzog, Madhuri R	
	Attorney Docket Number	SP1P012	

	16	20120110671		2012-05-03	Beresnevichiene et al.	
	17	20120173931		2012-07-05	Kube et al.	
	18	20120210434		2012-08-16	Curtis et al.	
	19	20130055394		2013-02-28	Beresnevichiene et al.	
	20	20140215605		2014-07-31	Decime et al.	
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	Examiner Name	Herzog, Madhuri R
	Attorney Docket Number	SP1P012

1	Office Action Summary in U.S. Pat. App. No. 14/138,014 dated 2/24/2015	☐
2	Office Action Summary in U.S. Pat. App. No. 14/499,226 dated 2/20/2015	☐
3	Office Action Summary in U.S. Pat. App. No. 14/499,227 dated 01/27/2015	☐
4	Office Action Summary in U.S. Pat. App. No. 14/499,230 dated 01/08/2015	☐
5	Office Action Summary in U.S. Pat. App. No. 14/499,234 dated 02/10/2015	☐
6	Office Action Summary in U.S. Pat. App. No. 14/499,235 dated 01/21/2015	☐
7	Office Action Summary in U.S. Pat. App. No. 14/499,237 dated 01/20/2015	☐
8	Office Action Summary in U.S. Pat. App. No. 14/499,241 dated 3/4/2015	☐
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10	Office Action Summary in U.S. Pat. App. No. 14/499,246 dated 01/28/2015	☐
11	Office Action Summary in U.S. Pat. App. No. 14/499,250 dated 01/16/2015	☐

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14499230
	Filing Date		2014-09-28
	First Named Inventor	Brett M. Oliphant	
	Art Unit	2438	
	Examiner Name	Herzog, Madhuri R	
	Attorney Docket Number	SP1P012	

	12	Interview Summary in U.S. Pat. App. No. 14/138,014 dated 2/9/2015	☐
	13	Interview Summary in U.S. Pat. App. No. 14/138,230 dated 2/9/2015	☐
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(Not for submission under 37 CFR 1.99)

Application Number	14499230
Filing Date	2014-09-28
First Named Inventor	Brett M. Oliphant
Art Unit	2438
Examiner Name	Herzog, Madhuri R
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Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

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- ☐ See attached certification statement.
- ☒ The fee set forth in 37 CFR 1.17 (p) has been submitted herewith.
- ☒ A certification statement is not submitted herewith.

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

Signature	/Brian Owens/	Date (YYYY-MM-DD)	2015-03-12
Name/Print	Brian Owens	Registration Number	55,517

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EFS ID:	21891428
Application Number:	14499230
International Application Number:	
Confirmation Number:	9215
Title of Invention:	COMPUTER PROGRAM PRODUCT AND APPARATUS FOR MULTI-PATH REMEDIATION
First Named Inventor/Applicant Name:	Brett M. Oliphant
Customer Number:	127962
Filer:	Brian Dean Owens
Filer Authorized By:	
Attorney Docket Number:	SP1P012
Receipt Date:	26-MAR-2015
Filing Date:	28-SEP-2014
Time Stamp:	17:07:27
Application Type:	Utility under 35 USC 111(a)

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1	Information Disclosure Statement (IDS) Form (SB08)	SP1P012_IDS_3-6-15_Signed.pdf	613432 933bf504888be701083d9bca82f594902f e8c	no	8
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Receipt date: 03/26/2015

14499230 - GALL: 2438

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	Art Unit	2438	
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	6	7234163		2007-06-19	Rayes et al.	
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Receipt date: 03/26/2015 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14499230	14499230 - GAU: 2438
	Filing Date		2014-09-28	
	First Named Inventor	Brett M. Oliphant		
	Art Unit	2438		
	Examiner Name	Herzog, Madhuri R		
	Attorney Docket Number	SP1P012		

	9	7367054		2008-04-29	Soppera, Andrea	
	10	7496960		2009-02-24	Chen et al.	
	11	8250654		2012-21-08	Kennedy et al.	
	12	8266320		2012-09-11	Bell et al.	
	13	5999179		1999-12-07	Kekic, et al.	

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Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	20020138416		2002-09-26	Lovejoy et al.	
	2	20020171546		2002-11-21	Evans et al.	
	3	20030177389		2003-09-18	Albert et al.	
	4	20030233438		2003-12-18	Hutchinson et al.	

Receipt date: 03/26/2015 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14499230	14499230 - GAU: 2438
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	First Named Inventor	Brett M. Oliphant		
	Art Unit	2438		
	Examiner Name	Herzog, Madhuri R		
	Attorney Docket Number	SP1P012		

5	20040148520		2004-07-29	Talpade et al.	
6	20050193430		2005-09-01	Cohen et al.	
7	20050216957		2005-09-29	Benzhof et al.	
8	20060041936		2006-02-23	Anderson et al.	
9	20080047016		2008-02-21	Spoonamore, Stephen	
10	20080127349		2008-05-29	Ormazabal et al.	
11	20080222724		2008-09-11	Ormazabal et al.	
12	20090077666		2009-03-19	Chen et al.	
13	20100218256		2010-08-26	Thomas et al.	
14	20100241478		2010-09-23	Sahinoglu; Mehmet	
15	20110138036		2001-06-09	Tyree, David S.	

Receipt date: 03/26/2015 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14499230	14499230 - GAU: 2438
	Filing Date		2014-09-28	
	First Named Inventor	Brett M. Oliphant		
	Art Unit	2438		
	Examiner Name	Herzog, Madhuri R		
	Attorney Docket Number	SP1P012		

	16	20120110671		2012-05-03	Beresnevichiene et al.	
	17	20120173931		2012-07-05	Kube et al.	
	18	20120210434		2012-08-16	Curtis et al.	
	19	20130055394		2013-02-28	Beresnevichiene et al.	
	20	20140215605		2014-07-31	Decime et al.	
	21	20140331326		2014-05-06	Thakur; Satyendra	

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

Receipt date: 03/26/2015 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14499230	14499230 - GAU: 2438
	Filing Date		2014-09-28	
	First Named Inventor	Brett M. Oliphant		
	Art Unit	2438		
	Examiner Name	Herzog, Madhuri R		
	Attorney Docket Number	SP1P012		

1	Office Action Summary in U.S. Pat. App. No. 14/138,014 dated 2/24/2015	☐
2	Office Action Summary in U.S. Pat. App. No. 14/499,226 dated 2/20/2015	☐
3	Office Action Summary in U.S. Pat. App. No. 14/499,227 dated 01/27/2015	☐
4	Office Action Summary in U.S. Pat. App. No. 14/499,230 dated 01/08/2015	☐
5	Office Action Summary in U.S. Pat. App. No. 14/499,234 dated 02/10/2015	☐
6	Office Action Summary in U.S. Pat. App. No. 14/499,235 dated 01/21/2015	☐
7	Office Action Summary in U.S. Pat. App. No. 14/499,237 dated 01/20/2015	☐
8	Office Action Summary in U.S. Pat. App. No. 14/499,241 dated 3/4/2015	☐
9	Office Action Summary in U.S. Pat. App. No. 14/499,244 dated 2/23/2015	☐
10	Office Action Summary in U.S. Pat. App. No. 14/499,246 dated 01/28/2015	☐
11	Office Action Summary in U.S. Pat. App. No. 14/499,250 dated 01/16/2015	☐

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14499230	14499230 - GAU: 2438
	Filing Date		2014-09-28	
	First Named Inventor	Brett M. Oliphant		
	Art Unit	2438		
	Examiner Name	Herzog, Madhuri R		
	Attorney Docket Number	SP1P012		

12	Interview Summary in U.S. Pat. App. No. 14/138,014 dated 2/9/2015	☐
13	Interview Summary in U.S. Pat. App. No. 14/138,230 dated 2/9/2015	☐
14	Interview Summary in U.S. Pat. App. No. 14/138,246 dated 2/3/2015	☐
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EXAMINER SIGNATURE		
Examiner Signature	/Madhuri Herzog/	Date Considered 04/21/2015
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		
¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.		

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14499230 14499230 - GAU: 2438
	Filing Date		2014-09-28
	First Named Inventor	Brett M. Oliphant	
	Art Unit	2438	
	Examiner Name	Herzog, Madhuri R	
	Attorney Docket Number	SP1P012	

CERTIFICATION STATEMENT

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

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

OR

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

☐ See attached certification statement.

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

☒ A certification statement is not submitted herewith.

SIGNATURE

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

Signature	/Brian Owens/	Date (YYYY-MM-DD)	2015-03-12
Name/Print	Brian Owens	Registration Number	55,517

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

Privacy Act Statement

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

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

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

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /M.H./



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
14/499,230	09/28/2014	Brett M. Oliphant	SP1P012	9215				
127962 7590 Brian Owens, Esq. 3712 Kimble Dr Plano, TX 75025	04/23/2015		<table border="1"><tr><td>EXAMINER</td></tr><tr><td>HERZOG, MADHURI R</td></tr></table>		EXAMINER	HERZOG, MADHURI R		
EXAMINER								
HERZOG, MADHURI R								
			<table border="1"><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2438</td><td></td></tr></table>	ART UNIT	PAPER NUMBER	2438		
ART UNIT	PAPER NUMBER							
2438								
			<table border="1"><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>04/23/2015</td><td>PAPER</td></tr></table>	MAIL DATE	DELIVERY MODE	04/23/2015	PAPER	
MAIL DATE	DELIVERY MODE							
04/23/2015	PAPER							

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.

Corrected Notice of Allowability	Application No. 14/499,230	Applicant(s) OLIPHANT ET AL.	
	Examiner MADHURI HERZOG	Art Unit 2438	AIA (First Inventor to File) Status No

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

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 03/26/2015.
☐ 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 3-7, 9, 10, 12-14, 16 and 19-27. 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) 2. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____ 3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 4. ☐ Interview Summary (PTO-413), Paper No./Mail Date ____ .	5. ☐ Examiner's Amendment/Comment 6. ☐ Examiner's Statement of Reasons for Allowance 7. ☐ Other _____.
---	---

/MADHURI HERZOG/ Primary Examiner, Art Unit 2438	
---	--

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

127962 7590 03/19/2015
Brian Owens, Esq.
3712 Kimble Dr
Plano, TX 75025

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.

Certificate of Mailing or Transmission

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.
14/499,230	09/28/2014	Brett M. Oliphant	SP1P012	9215

TITLE OF INVENTION: COMPUTER PROGRAM PRODUCT AND APPARATUS FOR MULTI-PATH REMEDIATION

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	06/19/2015

EXAMINER	ART UNIT	CLASS-SUBCLASS
HERZOG, MADHURI R	2438	726-025000

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,
(2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Brian Owens, Esq.
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.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

SecurityProfiling, LLC

Garland, TX

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)
☐ Advance Order - # of Copies _____

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.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

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 /Brian Owens/

Date June 19, 2015

Typed or printed name Brian Owens, Esq.

Registration No. 55,517

Page 2 of 3

Electronic Patent Application Fee Transmittal				
Application Number:		14499230		
Filing Date:		28-Sep-2014		
Title of Invention:		COMPUTER PROGRAM PRODUCT AND APPARATUS FOR MULTI-PATH REMEDIATION		
First Named Inventor/Applicant Name:		Brett M. Oliphant		
Filer:		Brian Dean Owens		
Attorney Docket Number:		SP1P012		
Filed as Small Entity				
Filing Fees for Utility under 35 USC 111(a)				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl Issue Fee	2501	1	480	480

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Submission- Information Disclosure Stmt	2806	1	90	90
Total in USD (\$)				570

Electronic Acknowledgement Receipt	
EFS ID:	22691457
Application Number:	14499230
International Application Number:	
Confirmation Number:	9215
Title of Invention:	COMPUTER PROGRAM PRODUCT AND APPARATUS FOR MULTI-PATH REMEDIATION
First Named Inventor/Applicant Name:	Brett M. Oliphant
Customer Number:	127962
Filer:	Brian Dean Owens
Filer Authorized By:	
Attorney Docket Number:	SP1P012
Receipt Date:	19-JUN-2015
Filing Date:	28-SEP-2014
Time Stamp:	21:51:58
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	\$ 570
RAM confirmation Number	6079
Deposit Account	
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:	

File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Form (SB08)	SP1P012_IDS_6-19-15.pdf	612170 9f9aca03a2e632c043412cd8f820264d1190a de308	no	4
Warnings:					
Information:					
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3	Non Patent Literature	14499236_NOA_05-06-2015. pdf	1266530 29847046ef64547b98b98907eb17bd6593 b3c5a4	no	117
Warnings:					
Information:					
4	Non Patent Literature	14499246_Misc_4-28-15.pdf	151020 3db1dd4d2279233fd1a6c075a682640466e 16b4e	no	6
Warnings:					
Information:					
5	Non Patent Literature	14499246_NOA_03-30-2015. pdf	1318942 0218674829d931e66a227860b96047475 ca578	no	120
Warnings:					
Information:					
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Warnings:					
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7	Non Patent Literature	SP1P021_OA_5-13-15.pdf	252094 f8fec63fe7241afba3fb1730b7fb1b584f ab5	no	7

Warnings:					
Information:					
8	Applicant summary of interview with examiner	SP1P0012-14499230-Email-Communications.pdf	564458 7ecba444b8c1645c70772fc117d258a477b30fa	no	11
Warnings:					
Information:					
9	Miscellaneous Incoming Letter	SP1P012_Comments_after_NO A_6-19-2015.pdf	113818 ac7c7b1b982a2dd8a2fc3169ea3711023414b6b9	no	5
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Information:					
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Information:					
11	Fee Worksheet (SB06)	fee-info.pdf	32160 fca0084015e531aa5e139fa20adb8a5566820b1	no	2
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14499230
	Filing Date		2014-09-28
	First Named Inventor	Brett M. Oliphant	
	Art Unit	2438	
	Examiner Name	Herzog, Madhuri R	
	Attorney Docket Number	SP1P012	

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	Examiner Name	Herzog, Madhuri R	
	Attorney Docket Number	SP1P012	

1	Office Action Summary in U.S. Pat. App. No. 14/499,226 dated 5/19/2015	☐
2	Office Action Summary in US Pat. App. No. 14/499,236 dated 05/06/2015	☐
3	Office Action Summary in U.S. Pat. App. No. 14/499,239 dated 6/18/2015	☐
4	Office Action Summary in U.S. Pat. App. No. 14/499,246 dated 03/30/2015	☐
5	Office Action Summary in U.S. Pat. App. No. 14/499,246 dated 04/28/2015	☐
6	Office Action Summary in U.S. Pat. App. No. 14/499,250 dated 05/13/2015	☐

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

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

Application Number	14499230
Filing Date	2014-09-28
First Named Inventor	Brett M. Oliphant
Art Unit	2438
Examiner Name	Herzog, Madhuri R
Attorney Docket Number	SP1P012

CERTIFICATION STATEMENT

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

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

OR

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

☐ See attached certification statement.

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

☒ A certification statement is not submitted herewith.

SIGNATURE

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

Signature	/Brian Owens/	Date (YYYY-MM-DD)	2015-06-19
Name/Print	Brian Owens, Esq.	Registration Number	55,517

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

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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.
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Oliphant

Application No.: 14/499,230

Filed: 09/28/2014

For: COMPUTER PROGRAM PRODUCT
AND APPARATUS FOR MULTI-PATH
REMEDICATION

Confirmation No.: 9215

Examiner: HERZOG, MADHURI R.

Art Unit: 2436

Atty. Docket No.: SP1P0012

Date: 5/29/2015

Examiner Interview Summary

Date of interviews: Jan. 30, 2015 – Mar. 26, 2015

Type of interview: Electronic Mail/Telephonic

Name of participant(s): Examiner Madhuri Herzog
Applicant's Representative - Brian Owens (Reg. No. 55,517)

Exhibit shown? Yes (see attached)

Claims discussed: Claims 3-27

Prior art discussed: None

Substance of interview: Over the course of the Telephonic and Electronic Mail Interviews, Applicant's Representative and the Examiner discussed proposed amendments to the claims.

Agreement reached? Yes



Requested chart for 14/499,230

Brian Owens <patentfacilitator@gmail.com>

Brian Owens <patentfacilitator@gmail.com>
To: madhuri.herzog@uspto.gov

Fri, Feb 27, 2015 at 11:15 AM

Examiner Herzog,

Included is the chart that you requested during our phone call yesterday. I would also note that Annex A and B (beginning on p.38 of the pdf) are available through Pair and have been previously uploaded. Please see the following document:

02-03-2015 REF.OTHER Other Reference-Patent/App/Search documents PROSECUTION 52

Please let me know if you have any questions. Thanks so much.

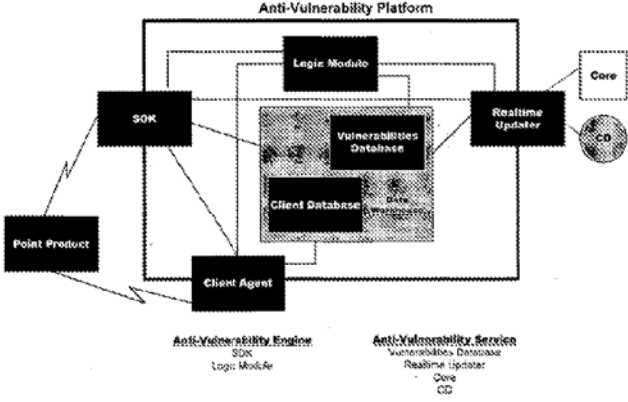
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Brian Owens

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 **Chart for SP012.docx**
1458K

See below, per your request. Please let me know if I can be of any additional assistance whatsoever.

ation No.: 14/499,230	Excerpts from Annex A/B
3. A computer program product embodied on a non-transitory computer readable medium, the computer program product comprising: code for: accessing at least one data storage identifying a plurality of mitigation techniques that mitigate effects of attacks that take advantage of vulnerabilities, such that: each mitigation technique is capable of mitigating an effect of an attack that takes advantage of a corresponding vulnerability, and	See excerpt(s) below and/or other related disclosures in Annex A/B: Figure 2—SDX and Platform Component Diagram  See page 8 of Annex B. Data Warehouse This component has four primary functions: 1. For vulnerability remediation functionalities, periodically polls the clients for configuration data. 2. Maintains the vulnerability database. 3. Maintains the update database. 4. Periodically polls the NOC server, and receives updates. See page 23 of Annex A.

Client Agent Polling

The client agents are periodically polled for client configuration data. Each client responds with their respective OS, applications, firmware and updates installed, which will be cross-referenced by the logic engine.

Vulnerability Database

The data warehouse fully maintains a full vulnerability database. The database is a self-configuring, self-populating, maintenance-free database, and does not require administrator inputs or interaction. The database periodically synchronizes itself with the NOC servers' database.

The database was designed to accommodate and organize all vulnerabilities across the network with a proprietary schema. The schema was also designed to be accessible to unique queries to cross-reference its data. The logic engine determines which fields are to be queried, and returns the processed data results.

Update Database

The on-site server component fully maintains an update database. The database is a self-configuring, self-populating, maintenance-free database, and does not require administrator inputs or interaction. The database periodically synchronizes itself with the NOC servers' database, as noted below.

NOC Server Polling

The NOC servers are polled periodically, and operate on a "pull" traffic network. The only information leaving the customer's site is an encrypted key, used for authentication by the NOC servers. Once authenticated, the servers are synchronized with the latest vulnerabilities and updates. These files are sent in an AES-encrypted format.

Server Component	Space required:	The server component requires 40 GB of space.
	Security:	Updates pulled from NOC Servers are in an AES-encrypted format.
	Polling interval:	The on-site server polls the clients at any interval selected by the administrator.

Network Operations Center (NOC) Servers

The vulnerabilities and updates and their respective guidelines are archived in the Anti-Vulnerability™ NOC servers' database and periodically distributed to the customer's site.

See page 24 of Annex A.

What is the SDK and Anti-Vulnerability™ Platform?

The SDK was designed to be a simple integration pathway to the back-end Anti-Vulnerability™ platform — consisting of a logic engine and vulnerability data warehouse. It will enable any network security product such as an IDS, scanner, or firewall to intelligently reference and share the same vulnerability data set, and provide complete vulnerability remediation functionalities. Thereby, improving system accuracy and efficiencies, minimizing false positives and false negatives, and providing policy compliance and enforcement capabilities.

Integrates point products and provides system intelligence. The same vulnerability data warehouse information is shared with the products so that more intelligent actions may then be taken to mitigate complex threats.

See page 2 of Annex A.

4. Proactively remediates the vulnerability. Once a vulnerability is identified, a remediation function is provided that may remotely and automatically deploy the appropriate update to each machine or device, install it, and document it with change tracking and audit trail reports.

See page 3 of Annex A.

The SDK was designed to be a simple integration pathway to the back-end Anti-Vulnerability™ platform — consisting of a logic engine and vulnerability data warehouse. It will enable any network security product such as an IDS, scanner, or firewall to intelligently reference and share the same vulnerability data set, and provide complete vulnerability remediation functionalities. Thereby, improving system accuracy and efficiencies, minimizing false positives and false negatives, and providing policy compliance and enforcement capabilities.

	See page 5 of Annex A. Shared vulnerability data sets and added vulnerability remediation functionalities may reduce the number of network security components needed to adequately attain defense strategy requirements. See page 9 of Annex B.
each mitigation technique has a mitigation type including at least one of a patch, a policy setting, or a configuration option;	Patch Deployment -- Remotely remediates network vulnerabilities and provides policy compliance and enforcement capabilities. See <i>SecurityProfiling's SysUpdate™</i> white paper and trial download online. And, for the consumer market, it will additionally support non-security related updates such as application version, performance, and bug-fix upgrades. See page 3 of Annex A. Identifies Applications Installed The client agent accurately identifies and inventories the operating system, applications, and updates installed on each machine. Periodically, the system polls each client agent and the configuration data is transferred back to the data warehouse. The logic engine determines and deploys the appropriate updates to each machine. (More detail of this process is provided in the Logic Engine sub-section, on the next page.) See page 22 of Annex A. It also determines which updates are needed and compatible with each machine's configuration. The logic engine cross-references and matches each client's configuration with the information for each update, and determines which updates are appropriate. It then takes these results and filters them through the group policy to determine which updates should actually be installed on the client. Lastly the logic engine once more references the group policy to determine what action (if any) is take, and then performs this action at the appropriate time. See page 23 of Annex A. Proactively remediates the vulnerability. Once a vulnerability is identified, a remediation function is provided that may remotely and automatically deploy the appropriate update to each machine or device, install it, and document it with change tracking and audit trail reports. See page 10 of Annex A.
code for: displaying at least one mitigation technique in connection with at least one vulnerability to be applied as an attack response, and receiving user input for selecting the at least one mitigation technique in connection with the at least one vulnerability; and	The technology is sophisticated, yet all of the details of managing the communications are implemented in the library, requiring the developer to only learn a few simple function calls as detailed in section five, and the SDK User's Guide. A product architect simply chooses the functionality desired, inserts the provided functionality SDK code into the product code. The SDK code will then query -- via the logic engine -- the Anti-Vulnerability™ data warehouse, and in turn will return an answer to the point product. The architect can then show the results in any format desired in the product's interface. Full vulnerability remediation and policy compliance and enforcement functionalities may be integrated as well. See page 5 of Annex A. The SDK adds functionality to products transparently -- retaining pre-existing architecture and end user interfaces The SDK integrates functionalities that return answers to the functional queries from the logic engine and data warehouse. The responses then may be incorporated into existing product user interfaces at the discretion of the architect. See page 11 of Annex A.

B. Change Management

Existing change management (CM) applications control the documentation and logging of change throughout the enterprise. These applications ensure that an organization maintains consistent records of what happened and when. Currently administrators must independently recognize that a security patch/update must be deployed to a computer or group of computers. The user enters the request in the system, through the pipe-lined process of change management the request would be approved, the patch/update would be manually installed by a user, then documented in the change management software that the process has been completed. While CM software assists in documentation, very little if any assistance is provided in identifying the patches/updates needed, nor verifying correct function after the update/patch is installed.

Benefits:

With the SDK and platform, change management integration will greatly streamline this process further reducing total cost of ownership, ease of use, and a higher standard of documentation. The products will then automatically create a change request in the system, specifying what update/patch is applicable to what system or groups of systems by vulnerability. After approval of the request, they will automatically deploy and install the update/patch. Finally, they will also verify correct operation after installation and automatically provide all necessary documentation and logging required.

See page 20-21 of Annex A.

GetClientPendingUpdates

Parameters: CLIENT structure to get information from.

Returns: Array of HOTFIX structures corresponding to the pending hot fixes for the client

Description: This function returns a list of hot fixes that the client needs (according to group policy) as of the last polling.

See page 28 of Annex A

C. Update Management Functions

- **GetHotFixInfo**

Parameters: HOTFIX structure to get information from

Returns: HOTFIX_INFO structure describing the update

Description: This function retrieves detailed information about a particular update.

- **InstallHotFixForClient**

Parameters: HOTFIX structure to install, CLIENT structure to install the update on.

Returns: Success or failure.

Description: This function installs an update on a particular client if applicable.

- **InstallHotFixForGroup**

Parameters: HOTFIX structure to install, GROUP structure to deploy the update to.

Returns: Success or failure

Description: This function installs an update on all clients in a group that need it.

- **InstallAllPendingClient**

Parameters: CLIENT structure to install updates on

Returns: Success or failure

Description: This function installs all pending updates on a client.

- **InstallAllPendingGroup**
Parameters: GROUP to deploy update to.
Returns: Success or failure
Description: This function installs all pending updates on all clients in a group.
- **RejectHotFixForClient**
Parameters: HOTFIX structure to reject, CLIENT structure to reject update on.
Returns: Success or failure
Description: This function rejects an update for a particular client.
- **RejectHotFixForGroup**
Parameters: HOTFIX structure to reject, GROUP structure to reject update for.
Returns: Success or failure
Description: This function rejects an update on all clients in a particular group.
- **RequestHotFixForClient**
Parameters: HOTFIX structure to request, CLIENT structure to request the update on.
Returns: Success or failure.
Description: This function cancels a previous update rejection for a particular client.
- **RequestHotFixForGroup**
Parameters: HOTFIX structure to request, GROUP structure to request the update for.
Returns: Success or failure
Description: This function cancels a previous update rejection for all clients in a particular group.

See page 29-30 of Annex A

- Manage more machines and devices on the network through one portal
Vulnerability remediation and policy compliance and enforcement may be integrated with existing security network security components, and their respective interfaces.
- Minimize end user education/ absorption costs
Anti-Vulnerability™ applications are transparently integrated, retaining pre-existing architecture, processes, and interfaces. Therefore, the end user experience remains the same, or improved with simplified or automated processes.
- User experience remains the same -- additional time or costs to understand and execute new technologies are minimized
Anti-Vulnerability™ applications may be integrated transparently and seamlessly, and the pre-existing operational processes and user interfaces are virtually unchanged.

See page 10 of Annex B.

2. IDS

IDS products attempt to identify malicious code by signatures at both the network and host client level. While they may be able to identify its CVE ID or other vulnerability identifier, and target, they generally do not have the intelligence to determine if the any of the machines on the network are susceptible to that attack, or with finer granularity, if any machine has a specific vulnerability to that specific attack.

For example, if the attack is a Window based attack targeting a Windows machine, is the targeted machine actually running Windows, and if so, is the machine vulnerable to the attack? IDS systems do not have the intelligence to answer these questions. Lastly, if the targeted machine is vulnerable - it remains unremediated -- the IDS system does not have the capability to remediate it.

Benefits:

With the SDK, a product architect can integrate functionalities listed in the previous section to enable the IDS to access the Anti-Vulnerability™ logic engine and platform. It will then have the intelligence to determine if any machine on the network is susceptible to the attack, remediate the vulnerability, mitigate the attack, and verify policy compliance.

See page 18 of Annex A.

	4. Firewall "Smart" firewalls are based in part on signatures and other similar functionalities as the IDS products described above. Benefits: With the SDK and platform, the firewall can determine whether an attack is valid or a false positive, thereby preventing the security system from denying valid traffic to the organization -- self-inflicted DOS attacks. See page 19 of Annex A.
code for:	Benefits: Blended attacks are more effectively mitigated and the overwhelming management and maintenance burden on administrators to purchase, operate, and maintain multiple point products is reduced, while increasing productivity, reducing costs, and more effectively and efficiently meeting policy compliance and enforcement requirements. See page 10 of Annex A. 2. IDS IDS products attempt to identify malicious code by signatures at both the network and host client level. While they may be able to identify its CVE ID or other vulnerability identifier, and target, they generally do not have the intelligence to determine if the any of the machines on the network are susceptible to that attack, or with finer granularity, if any machine has a specific vulnerability to that specific attack. For example, if the attack is a Windows based attack targeting a Windows machine, is the targeted machine actually running Windows, and if so, is the machine vulnerable to the attack? IDS systems do not have the intelligence to answer these questions. Lastly, if the targeted machine is vulnerable - it remains unremediated -- the IDS system does not have the capability to remediate it. Benefits: With the SDK, a product architect can integrate functionalities listed in the previous section to enable the IDS to access the Anti-Vulnerability™ logic engine and platform. It will then have the intelligence to determine if any machine on the network is susceptible to the attack, remediate the vulnerability, mitigate the attack, and verify policy compliance. See page 18 of Annex A. 4. Firewall "Smart" firewalls are based in part on signatures and other similar functionalities as the IDS products described above. Benefits: With the SDK and platform, the firewall can determine whether an attack is valid or a false positive, thereby preventing the security system from denying valid traffic to the organization -- self-inflicted DOS attacks. See page 19 of Annex A.
receiving information in connection with at least one of a plurality of devices, and identifying an attack in connection with the at least one device that takes advantage of the at least one vulnerability, based on the information;	
wherein the computer program product is operable such that, as a result of the user input for selecting the at least one mitigation technique in connection with the at least one vulnerability, the attack is prevented from taking advantage of the at least one vulnerability;	
wherein the computer program product is operable such that one or more of the plurality of mitigation techniques is identified based on an identification of an operating system.	The platform will also remotely and proactively remediate vulnerabilities by first determining which updates are needed and compatible with each machine or device, taking into account the OS, applications, or firmware installed. Then, the updates may be deployed, installed, and validated. Thereby, policy compliance is effectively and efficiently enforced, and documented. See page 8 of Annex A. Identifies Applications Installed The client agent accurately identifies and inventories the operating system, applications, and updates installed on each machine. Periodically, the system polls each client agent and the configuration data is transferred back to the data warehouse. The logic engine determines and deploys the appropriate updates to each machine. (More detail of this process is provided in the Logic Engine sub-section, on the next page.) See page 22 of Annex A. Client Agent Polling The client agents are periodically polled for client configuration data. Each client responds with their respective OS, applications, firmware and updates installed, which will be cross-referenced by the logic engine. See page 24 of Annex A.
	It should be strongly noted that above exemplary non-exhaustive

5/28/2015

Gmail - Requested chart for 14/499,230

	excerpts are set forth for illustrative purposes only and should not be construed as limiting in any manner whatsoever to the claims.
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Herzog, Madhuri <Madhuri.Herzog@uspto.gov>
To: Brian Owens <patentfacilitator@gmail.com>

Thu, Mar 5, 2015 at 7:55 AM

Hello Mr. Owens,

Thank You for sending the chart. Can you file this as part of the official reply? That way it will listed with the other evidence.

Regards,

Madhuri.

Madhuri Herzog

Primary Patent Examiner

Art Unit: 2438

USPTO

Ph: 571-270-3359

Fax: 571-270-4359

From: Brian Owens [mailto:patentfacilitator@gmail.com]
Sent: Friday, February 27, 2015 12:16 PM
To: Herzog, Madhuri
Subject: Requested chart for 14/499,230

Examiner Herzog,

Included is the chart that you requested during our phone call yesterday. I would also note that Annex A and B (beginning on p.38 of the pdf) are available through Pair and have been previously uploaded. Please see the following document:

02-03-2015 REF.OTHER Other Reference-Patent/App/Search documents PROSECUTION 52

<https://mail.google.com/mail/u/0/?ui=2&ik=91c78c7336&view=pt&q=herzog&qs=true&search=query&th=14bcc09972a54af5&dsqt=1&siml=14bcc09972a54af5&...> 9/4

5/28/2015

Gmail - Requested chart for 14/499,230

Please let me know if you have any questions. Thanks so much.

—

Brian Owens

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Brett M. Oliphant

Application No.: 14/499,230

Filed: 09-28-2014

For: COMPUTER PROGRAM PRODUCT AND
APPARATUS FOR MULTI-PATH
REMEDICATION

Customer No.: 127962

Confirmation No.: 9215

Examiner: HERZOG, MADHURI R

Art Unit: 2438

Atty. Docket No.: SP1P012

Date: 6/19/2015

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

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

Examiner:

In response to the Notice of Allowance dated 3/19/2015 and with the payment of the issue fee,
please enter the following.

REMARKS

The Examiner stated in the Examiner's Statement of Reasons for Allowance that "...Brawn, Banzhof1 and Banzhof2 fail to teach 'wherein the computer program product is operable such that one or more of the plurality of mitigation techniques is capable of being identified based on an identification of an operating system.'"

In response, applicant respectfully points out that features of at least some of the independent claims (e.g. 3, 21, and/or 22) are not necessarily the same as those the Examiner has highlighted above. For example, Claim 21 is directed to a technique "wherein the computer program product is operable such that one or more of the plurality of mitigation techniques is identified based on an identification of an operating system," in the context claimed. Further, for example, Claim 22 is directed to a technique "wherein the computer program product is operable such that the at least two mitigation techniques are displayed based on an identification of an operating system," in the context claimed.

As additional, non-exhaustive examples, Claims 3, 21, and 22 recite the following, respectively:

3. A computer program product embodied on a non-transitory computer readable medium, the computer program product comprising:

code for:

accessing at least one data storage identifying a plurality of mitigation techniques that mitigate effects of attacks that take advantage of vulnerabilities, such that:

each mitigation technique is capable of mitigating an effect of an attack that takes advantage of a corresponding vulnerability, and

each mitigation technique has a mitigation type including at least one of a patch, a policy setting, or a configuration option;

code for:

displaying at least one mitigation technique for mitigating an effect of at least one attack that takes advantage of at least one vulnerability, and

receiving user input for selecting the at least one mitigation technique to be applied for mitigating the effect of the at least one attack that takes advantage of the at least one vulnerability; and

code for:

receiving information in connection with at least one of a plurality of devices, and identifying an attack in connection with the at least one device that takes advantage of the at least one vulnerability, based on the information;

wherein the computer program product is operable such that, as a result of the user input for selecting the at least one mitigation technique to be applied for mitigating the effect of the at least one attack that takes advantage of the at least one vulnerability, the identified attack is prevented from taking advantage of the at least one vulnerability;

wherein the computer program product is operable such that one or more of the plurality of mitigation techniques is capable of being identified based on an identification of an operating system.

21. A computer program product embodied on a non-transitory computer readable medium, the computer program product comprising:

code for:

accessing at least one data structure identifying a plurality of mitigation techniques that mitigate effects of attacks that take advantage of vulnerabilities, where:

each mitigation technique is capable of mitigating an effect of an attack that takes advantage of a corresponding vulnerability, and

each mitigation technique has a mitigation type including at least one of a patch, a policy setting, or a configuration option;

code for:

receiving information in connection with at least one of a plurality of devices; and

identifying an attack on the at least one device that takes advantage of at least one of the vulnerabilities, based on the information;

code for:

automatically applying at least two of the plurality of mitigation techniques including at least one first mitigation technique of a first mitigation type and at least one second mitigation technique of a second mitigation type to the at least one device, for mitigating an effect of the attack on the at least one device that takes advantage of the at least one vulnerability;

wherein the computer program product is operable such that the effect of the attack is mitigated by preventing the attack from taking advantage of the at least one vulnerability;

wherein the computer program product is operable such that one or more of the plurality of mitigation techniques is identified based on an identification of an operating system.

22. An apparatus, comprising:

at least one data storage identifying a plurality of mitigation techniques that mitigate effects of attacks that take advantage of vulnerabilities associated with an operating system, where:

each mitigation technique is capable of mitigating an effect of an attack that takes advantage of a corresponding vulnerability, and

each mitigation technique has a mitigation type including at least one of a patch, a policy setting, or a configuration option; and

a computer program product embodied on a non-transitory computer readable medium, the computer program product including:

code for:

displaying at least two of the mitigation techniques for mitigating an effect of at least one attack that takes advantage of at least one vulnerability, and

receiving at least one user input in connection with the at least two mitigation techniques;

code for:

automatically applying the at least two mitigation techniques based on the at least one user input, the at least two mitigation techniques including:

at least one first mitigation technique for utilizing a firewall for attack mitigation, and

at least one second mitigation technique for utilizing an intrusion prevention system for attack mitigation; and

code for:

identifying information in connection with at least one device, and

identifying an attack in connection with the at least one device that takes advantage of the at least one vulnerability, based on the information;

wherein the computer program product is operable such that the identified attack is mitigated utilizing the first mitigation technique for utilizing the firewall for attack mitigation and the at least one second mitigation technique for second mitigation technique for utilizing the intrusion prevention system for attack mitigation;

wherein the computer program product is operable such that the at least two mitigation techniques are displayed based on an identification of an operating system.

Clearly, at least some of the independent claims are not necessarily limited to the features that the Examiner has noted in the Examiner's Statement of Reasons for Allowance, as noted above (by way of example only). Instead, each of the claims should only be limited by the language existing therein.

Applicant does not believe that any fees are due.

Respectfully submitted,

/Brian Owens/

Brian Owens
Reg. No. 55,517



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.				
14/499,230	09/28/2014	Brett M. Oliphant	SP1P012	9215				
127962 7590 Brian Owens, Esq. 3712 Kimble Dr Plano, TX 75025	07/01/2015		<table border="1"><tr><td>EXAMINER</td></tr><tr><td>HERZOG, MADHURI R</td></tr></table>		EXAMINER	HERZOG, MADHURI R		
EXAMINER								
HERZOG, MADHURI R								
			<table border="1"><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2438</td><td></td></tr></table>	ART UNIT	PAPER NUMBER	2438		
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			<table border="1"><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>07/01/2015</td><td>PAPER</td></tr></table>	MAIL DATE	DELIVERY MODE	07/01/2015	PAPER	
MAIL DATE	DELIVERY MODE							
07/01/2015	PAPER							

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.

Corrected Notice of Allowability	Application No. 14/499,230	Applicant(s) OLIPHANT ET AL.	
	Examiner MADHURI HERZOG	Art Unit 2438	AIA (First Inventor to File) Status No

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

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 06/19/2015.
☐ 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 3-7, 9, 10, 12-14, 16 and 19-27. 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) 2. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>06/19/2015</u> 3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 4. ☐ Interview Summary (PTO-413), Paper No./Mail Date ____ .	5. ☐ Examiner's Amendment/Comment 6. ☐ Examiner's Statement of Reasons for Allowance 7. ☐ Other ____ .
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/MADHURI HERZOG/ Primary Examiner, Art Unit 2438	
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Receipt date: 06/19/2015

14499230 - GALL: 2438

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

Approved for use through 07/31/2012. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14499230
	Filing Date		2014-09-28
	First Named Inventor	Brett M. Oliphant	
	Art Unit	2438	
	Examiner Name	Herzog, Madhuri R	
	Attorney Docket Number	SP1P012	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14499230	14499230 - GAU: 2438
	Filing Date		2014-09-28	
	First Named Inventor	Brett M. Oliphant		
	Art Unit	2438		
	Examiner Name	Herzog, Madhuri R		
	Attorney Docket Number	SP1P012		

1	Office Action Summary in U.S. Pat. App. No. 14/499,226 dated 5/19/2015	☐
2	Office Action Summary in US Pat. App. No. 14/499,236 dated 05/06/2015	☐
3	Office Action Summary in U.S. Pat. App. No. 14/499,239 dated 6/18/2015	☐
4	Office Action Summary in U.S. Pat. App. No. 14/499,246 dated 03/30/2015	☐
5	Office Action Summary in U.S. Pat. App. No. 14/499,246 dated 04/28/2015	☐
6	Office Action Summary in U.S. Pat. App. No. 14/499,250 dated 05/13/2015	☐

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EXAMINER SIGNATURE

Examiner Signature	/Madhuri Herzog/ (06/29/2015)	Date Considered	06/29/2015
--------------------	-------------------------------	-----------------	------------

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

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

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14499230 14499230 - GAU: 2438
	Filing Date		2014-09-28
	First Named Inventor	Brett M. Oliphant	
	Art Unit	2438	
	Examiner Name	Herzog, Madhuri R	
	Attorney Docket Number	SP1P012	

CERTIFICATION STATEMENT

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

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

OR

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

☐ See attached certification statement.

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

☒ A certification statement is not submitted herewith.

SIGNATURE

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

Signature	/Brian Owens/	Date (YYYY-MM-DD)	2015-06-19
Name/Print	Brian Owens, Esq.	Registration Number	55,517

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

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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.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /M.H./

Receipt date: 03/12/2015 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14499230	14499230 - GAU: 2438
	Filing Date		2014-09-28	
	First Named Inventor	Brett M. Oliphant		
	Art Unit	2438		
	Examiner Name	Herzog, Madhuri R		
	Attorney Docket Number	SP1P012		

	16	20120110671		2012-05-03	Beresnevichiene et al.	
	17	20120173931		2012-07-05	Kube et al.	
	18	20120210434		2012-08-16	Curtis et al.	
	19	20130055394		2013-02-28	Beresnevichiene et al.	
	20	20140215605		2014-07-31	Decime et al.	Change(s) applied to document,
	21	20140331326		~~2014-05-06~~ 11/2014	Thakur, Satyendra	/C.C./ 4/16/2015

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Receipt date: 03/12/2015 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14499230	14499230 - GAU: 2438
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	First Named Inventor	Brett M. Oliphant		
	Art Unit	2438		
	Examiner Name	Herzog, Madhuri R		
	Attorney Docket Number	SP1P012		

	5	20040148520		2004-07-29	Talpade et al.	
	6	20050193430		2005-09-01	Cohen et al.	
	7	20050216957		2005-09-29	Benzhof et al.	
	8	20060041936		2006-02-23	Anderson et al.	
	9	20080047016		2008-02-21	Spoonamore, Stephen	
	10	20080127349		2008-05-29	Ormazabal et al.	
	11	20080222724		2008-09-11	Ormazabal et al.	
	12	20090077666		2009-03-19	Chen et al.	
	13	20100218256		2010-08-26	Thomas et al.	
	14	20100241478		2010-09-23	Sahinoglu; Mehmet	Change(s) applied to document,
	15	20110138036		~~6/2011~~ ~~2001-06-09~~	Tyree, David S.	/C.C./ 4/16/2015

Receipt date: 03/12/2015 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		14499230	14499230 - GAU: 2438
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	First Named Inventor	Brett M. Oliphant		
	Art Unit	2438		
	Examiner Name	Herzog, Madhuri R		
	Attorney Docket Number	SP1P012		

Change(s) applied

to document, /C.C./9 4/16/2015	7367054		2008-04-29	Soppera, Andrea	
10	7496960		2009-02-24	Chen et al.	
11	8250654		2012-21-08	Kennedy et al.	
12	8266320		2012-09-11	Bell et al.	
13	5999179		1999-12-07	Kekic, et al.	

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	1	20020138416		2002-09-26	Lovejoy et al.	
	2	20020171546		2002-11-21	Evans et al.	
	3	20030177389		2003-09-18	Albert et al.	
	4	20030233438		2003-12-18	Hutchinson et al.	

Receipt date: 03/12/2015

14499230 - GALL: 2438

Doc code: IDS

Doc description: Information Disclosure Statement (IDS) Filed

Approved for use through 07/31/2012. OMB 0651-0031
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	Art Unit	2438	
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	Attorney Docket Number	SP1P012	

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Change(s) applied to document, /C.C./ 4/16/2015	1	6957348		~~2005-12-18~~ ¹⁰	Flowers et al.	
	2	6766458		2004-07-20	Harris, et al.	
	3	6907531		2005-06-14	Dodd et al.	
	4	7178166		2007-02-13	Taylor, et al.	
	5	7185232		2007-02-27	Leavy et al.	
	6	7234163		2007-06-19	Rayes et al.	
	7	7257630		2007-08-14	Cole et al.	
	8	7331061		~~2008-12-02~~	Ramsey et al.	



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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
14/499,230	08/04/2015	9100431	SP1P012	9215
127962	7590	07/15/2015		
Brian Owens, Esq. 3712 Kimble Dr Plano, TX 75025				

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

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

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 Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Brett M. Oliphant, Plano, TX;
SecurityProfiling, LLC, Garland, TX;
John P. Blignaut, West Lafayette, IN;

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IR103 (Rev. 10/09)

AO 120 (Rev. 08/10)

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☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.);

DOCKET NO.	DATE FILED 7/14/2016	U.S. DISTRICT COURT for the Eastern District of Texas
PLAINTIFF SECURITYPROFILING, LLC		DEFENDANT INTEL CORPORATION and MCAFEE, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,266,699	9/11/2012	SECURITYPROFILING, LLC
2 8,984,644	3/17/2015	SECURITYPROFILING, LLC
3 9,100,431	8/4/2015	SECURITYPROFILING, LLC
4 9,117,069	8/25/2015	SECURITYPROFILING, LLC
5 9,118,708	8/25/2015	SECURITYPROFILING, LLC

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK	(BY) DEPUTY CLERK	DATE
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

AO 120 (Rev. 08/10)

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court _____ for the Eastern District of Texas _____ on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.);

DOCKET NO.	DATE FILED 7/14/2016	U.S. DISTRICT COURT for the Eastern District of Texas
PLAINTIFF SECURITYPROFILING, LLC		DEFENDANT INTEL CORPORATION and MCAFEE, INC.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 9,225,686	12/29/2015	SECURITYPROFILING, LLC
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In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY ☐ Amendment ☐ Answer ☐ Cross Bill ☐ Other Pleading	
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court _____ for the Eastern District of Texas (Tyler Division) on the following

☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 6:16-cv-01165	DATE FILED 9/14/2016	U.S. DISTRICT COURT for the Eastern District of Texas (Tyler Division)
PLAINTIFF SECURITYPROFILING, LLC		DEFENDANT TREND MICRO AMERICA, INC. AND TREND MICRO INCORPORATED
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8,266,699	9/11/2012	SECURITYPROFILING, LLC
2 8,984,644	3/17/2015	SECURITYPROFILING, LLC
3 9,100,431	8/4/2015	SECURITYPROFILING, LLC
4 9,117,069	8/25/2015	SECURITYPROFILING, LLC
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continued on Page 2

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ForcePoint LLC
EX-1009
Page869

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Brett M. Oliphant

Patent No. 9,100,431

Confirmation No: 9215

Application No.: 14/499,230

Group No.: 2438

Filed: 09-28-2014

Examiner: HERZOG, MADHURI R

For: COMPUTER PROGRAM PRODUCT AND APPARATUS FOR MULTI-PATH REMEDIATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTIFICATION OF LOSS OF STATUS AS SMALL ENTITY

(37 C.F.R. § 1.27(g)(2))

1. Applicant asserted small entity status in this application on September 28, 2014 by:
payment of the basic filing fee as a small entity (37 C.F.R. § 1.27(c)(3))
2. Applicant hereby notifies the Office, in accordance with the requirements of 37 C.F.R. § 1.27(g)(2), that it no longer has status as a small entity.

Patrick E. Caldwell, Esq.

Date: 2/01/2019

/Patrick E. Caldwell/

Signature

The Caldwell Firm, LLC
PO Box 59655
Dallas, Texas 75229-0655

Acting in a representative capacity under 37 CFR
1.34

Registration No: 44,580

Tel. No.: (972) 243-4523
Reg. No.: 44,580
pcaldwell@thecaldwellfirm.com

Electronic Acknowledgement Receipt	
EFS ID:	35041484
Application Number:	14499230
International Application Number:	
Confirmation Number:	9215
Title of Invention:	COMPUTER PROGRAM PRODUCT AND APPARATUS FOR MULTI-PATH REMEDIATION
First Named Inventor/Applicant Name:	Brett M. Oliphant
Customer Number:	127962
Filer:	Patrick Edgar Caldwell
Filer Authorized By:	
Attorney Docket Number:	SP1P012
Receipt Date:	01-FEB-2019
Filing Date:	28-SEP-2014
Time Stamp:	22:54:24
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment		no			
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Notification of loss of entitlement to small entity status	SP1P012_LossOfSmallEntityStatus_vF_01-Feb-2019.pdf	20883 bca35b8e5aeca7d06f71ff3d71fa0568e5a94d7	no	1
Warnings:					

Information:	
Total Files Size (in bytes):	20883
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.	



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1430
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE	REQUEST ID
14/499,230	09/28/2014	SecurityProfiling, LLC	SP1P012	80766

Acknowledgement of Loss of Entitlement to Entity Status Discount

The entity status change request below filed through Private PAIR on 02/04/2019 has been accepted.

CERTIFICATIONS:

Change of Entity Status:

☒ Applicant changing to regular undiscounted fee status.

NOTE: Checking this box will be taken to be notification of loss of entitlement to small or micro entity status, as applicable.

This portion must be completed by the signatory or signatories making the entity status change in accordance with 37 CFR 1.4(d)(4).

Signature:	/Patrick Caldwell/
Name:	Patrick Caldwell
Registration Number:	44580

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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☐ Trademarks or ☒ Patents. (☐ the patent action involves 35 U.S.C. § 292.)

DOCKET NO. 3:17-cv-01484-D	DATE FILED 6/6/2017	U.S. DISTRICT COURT Northern District of Texas
PLAINTIFF SecurityProfiling, LLC		DEFENDANT Trend Micro America, Inc. et al
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 8266 699		(See Attached)
2 8984 644		
3 9100 431		
4 9117 069		
5 9118 708		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

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PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1 9225 686			
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Karen Mitchell	(BY) DEPUTY CLERK s/ N. Taylor	DATE 6/6/2017
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