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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/015,052	06/08/2022	8352730	02198-00080	9657
7590 Hecht Partners LLP 125 Park Avenue, 25th Floor New York, NY 10017			EXAMINER TARAE, CATHERINE MICHELLE	
			ART UNIT 3992	PAPER NUMBER
			MAIL DATE 12/17/2024	DELIVERY MODE 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.



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***EX PARTE* REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/015,052 .

PATENT UNDER REEXAMINATION 8352730 .

ART UNIT 3992 .

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

EX PARTE REEXAMINATION INTERVIEW SUMMARY

An interview was held December 10, 2024. The attached agenda was discussed. Overall, the discussion surrounded what the claimed “access message” is and how Ludtke addresses “responsive to authentication... by the agent, receiving an access message from the agent allowing the user access to an application...”

Examiner made the following points during the interview:

1. that Patent Owner’s (“PO”) arguments regarding the ecoupons and Fig. 16 of Ludtke were found persuasive. That is, Fig. 16 does not show the TPCCH authenticating prior to the user accessing the ecoupons;

2. Examiner’s claim interpretation of “access message” utilizes the specification of the ‘730 Patent as a source for the broadest reasonable interpretation. The ‘730 Patent at col. 5, lines 23-26 says, “[a]uthentication module 310 can send a message to application 330, or otherwise allow access to the application, responsive to a successful authentication by trusted key authority 320.” As such, Examiner has interpreted “access message” to be “a message/notification indicating the user is allowed access, or otherwise allowing access.” That is, an access message can be either: 1) “a message/notification indicating the user is allowed access” OR 2) “otherwise allowing access.” PO has not refuted this claim interpretation to date.

3. Based on Examiner’s claim interpretation of “access message,” Ludtke discloses an “access message” and discloses “responsive to authentication... by the agent, receiving an access message from the agent allowing the user access to an application...” in the following examples:

- a) “transaction device information is provided to the TPCH 110 that then indicates to the vendor 125 and the user 120 approval of the transaction to be performed” (6:41-44). The indication to the vendor and the user of approval by the TPCH of the transaction is the access message (i.e., a message/notification indicating the user is allowed access).
- b) “TPCH, at step 1520, confirms the transaction and provides the confirmation to the vendor and the user. At step 1525, the vendor completes the transaction without the knowledge of the user” (27:13-16). The confirmation of the transaction by the TPCH provided to the vendor and the user is the access message (i.e., a message/notification indicating the user is allowed access).
- c) “Secure distribution of physical (or electronic) content to the user is performed once the transaction is authorized.” (29:29-30) The secure distribution of the electronic content to the user after the transaction is authorized is the access message (i.e., otherwise allowing access).

PO owner argued that the above examples of confirmation sent to the vendor and user was a receipt for payment and not an access message. Examiner did not find this argument persuasive. Nonetheless, it was asked during the interview, why can't a receipt for payment be an access message if it meets the claim interpretation supported by the disclosure of the '730 Patent of, “a message/notification indicating the user is allowed access, or otherwise allowing access?”

PO further asked for clarification as to the user being authenticated vs. the device being authenticated. On pp. 8-10 of the office action, the Examiner addresses the device ID authentication. "The user" was meant to refer to the device (of the user) ID as authenticating the device ID is authenticating the identity of the user in Ludtke.

Lastly, Examiner notes the claims are silent as to where the access message is sent. Were the claims to recite the access message being sent to/received by the application, which is supported by the '730 Patent at col. 5, lines 23-26, the claims would be allowable over Ludtke. An Examiner's Amendment could achieve this.

/C. Michelle Tarae/
Reexamination Specialist, Art Unit 3992

/JEFFREY D CARLSON/
Primary Examiner, Art Unit 3992

<i>Ex Parte Reexamination Interview Summary</i>	Control No. 90/015,052	Patent Under Reexamination 8352730	
	Examiner C. Michelle Tarae	Art Unit 3992	AIA (FITF) Status No

All participants (USPTO personnel, patent owner, patent owner's representative):

(1) <u>C. Michelle Tarae</u>	(3) <u>Jeff Carlson (USPTO)</u>
(2) <u>James Zak (PO, Reg. No. 60,190)</u>	(4) <u>Andrew Fischer (USPTO)</u>

Date of Interview: 10 December 2024

Type: a) ☐ Telephonic b) ☒ Video Conference
c) ☐ Personal (copy given to: 1) ☐ patent owner 2) ☐ patent owners representative)

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.
If Yes, brief description: Mr. Zak presented slides that he indicated he would attach to his interview summary.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.
Any other agreement(s) are set forth below under "Description of the general nature of what was agreed to..."

Claim(s) discussed: 1 .

Identification of prior art discussed: Ludtke .

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:
see attached .

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

A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION MUST INCLUDE PATENT OWNER'S STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. (See MPEP § 2281). IF A RESPONSE TO THE LAST OFFICE ACTION HAS ALREADY BEEN FILED, THEN PATENT OWNER IS GIVEN **ONE MONTH** FROM THIS INTERVIEW DATE TO PROVIDE THE MANDATORY STATEMENT OF THE SUBSTANCE OF THE INTERVIEW (37 CFR 1.560(b)). THE REQUIREMENT FOR PATENT OWNERS STATEMENT CAN NOT BE WAIVED. **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

/C. Michelle Tarae/ Reexamination Specialist, Art Unit 399	/JEFFREY D CARLSON/ Primary Examiner, Art Unit 3992	
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cc: Requester (if third party requester)