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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

FR92000041US2 (353CON)

First Inventor

Marc Lamberton

Title

System and Method for Implementing

Express Mail Label No.

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☐ **Fee Transmittal Form** (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☐ **Applicant claims small entity status.**
See 37 CFR 1.27.
3. ☒ **Specification** [Total Pages 26]
Both the claims and abstract must start on a new page
(For information on the preferred arrangement, see MPEP 608.01(a))
4. ☒ **Drawing(s)** (35 U.S.C. 113) [Total Sheets 4]
5. **Oath or Declaration** [Total Sheets 2]
a. ☐ Newly executed (original or copy)
b. ☒ A copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
name in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☒ **Application Data Sheet.** See 37 CFR 1.76
7. ☐ **CD-ROM or CD-R** in duplicate, large table or
Computer Program (Appendix)
☐ Landscape Table on CD
8. **Nucleotide and/or Amino Acid Sequence Submission**
(if applicable, items a. – c. are required)
a. ☐ Computer Readable Form (CRF)
b. ☐ Specification Sequence Listing on:
i. ☐ CD-ROM or CD-R (2 copies); or
ii. ☐ Paper
c. ☐ Statements verifying identity of above copies

ADDRESS TO:

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450**ACCOMPANYING APPLICATION PARTS**

9. ☐ **Assignment Papers** (cover sheet & document(s))
Name of Assignee _____
10. ☐ **37 CFR 3.73(b) Statement** ☐ **Power of Attorney**
(when there is an assignee)
11. ☐ **English Translation Document** (if applicable)
12. ☒ **Information Disclosure Statement** (PTO/SB/08 or PTO-1449)
☐ Copies of citations attached
13. ☐ **Preliminary Amendment**
14. ☐ **Return Receipt Postcard** (MPEP 503)
(Should be specifically itemized)
15. ☐ **Certified Copy of Priority Document(s)**
(if foreign priority is claimed)
16. ☐ **Nonpublication Request** under 35 U.S.C. 122(b)(2)(B)(i).
Applicant must attach form PTO/SB/35 or equivalent.
17. ☐ Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/901,442

Prior application information:

Examiner Thomas R. PeesoArt Unit: 2132**19. CORRESPONDENCE ADDRESS**☒ The address associated with Customer Number: 46320 OR ☐ Correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Email

Signature

/Scott D. Paul/

Date

2008-04-23

Name

(Print/Type)

Scott D. Paul

Registration No.

(Attorney/Agent)

42,984

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 3.

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DataDome v. Arkose Labs

IPR2025-00694

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.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 46320
	:	
Marc LAMBERTON, et al.	:	Confirmation Number: Not yet assigned
	:	
Application No.: Not yet assigned	:	Group Art Unit: Not yet assigned
	:	
Filed: Herewith	:	Examiner: Not yet assigned
	:	
For: SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITE	:	

PRELIMINARY AMENDMENT

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

Sir:

The following Amendment and Remarks are submitted herewith.

AMENDMENTS TO THE SPECIFICATION

Please insert the following paragraph after the Title of the Invention on page 1 of the specification.

CROSS-REFERENCE TO RELATED APPLICATIONS

This application is a Continuation of U.S. Application No. 09/901,442, filed on July 9, 2001, which is incorporated herein by reference in its entirety.

AMENDMENTS TO THE CLAIMS

1. (Original) A method for preventing robots from browsing a Web site beyond a welcome page [110], said method in said Web site comprising the steps of:
receiving an initial request from an undefined originator and responding to said initial request [300] with a challenge [310] that prompts a response from said undefined originator; and
receiving a response [320] from said undefined originator and checking [330] said response to determine whether said challenge is fulfilled; and
if said challenge is fulfilled:
processing any further requests; and
if said challenge is not fulfilled:
stopping processing of any further requests.

2. (Original) The method according to claim 1 wherein said step of stopping processing of said further requests includes the further step of:
dropping or redirecting a TCP connection [352] established with said undefined originator.

3. (Original) The method according to claim 1 further including the steps of:
logging a source IP address [361] of said undefined originator and starting a timer [362].

Claim 4 (Cancelled)

5. (Original) The method according to claim 2 further including steps upon receiving a new request [410] of:
checking [420] whether a source IP address of said new request matches said logged source IP address; and
if said source IP address matches said logged source IP address:
checking [430] whether said timer has expired and, if said timer is expired, resetting [40] said logged IP address; and
proceeding [450] normally with said new request; and
if said timer is not expired, dropping or redirecting said TCP connection [460];
if said source IP address does not match said logged source IP address, proceeding [450] normally with said new request and executing all the above steps with each newly received request [410].

Claim 6 (Cancelled)

7. (Currently Amended) The method according to claim 1 ~~any one of claims 1-6~~, wherein:
said challenge includes prompting said undefined originator to perform a specific action [130].

8. (Currently Amended) The method according to claim 1, ~~any one of claims 1-6~~ wherein:

said prompting is different at each subsequent access of said web site.

9. (Original) The method according to claim 7 wherein:
said prompting is different at each subsequent access of said web site.

10. (Currently Amended) The method according to claim 1, ~~any one of the previous claims 1-6~~ wherein:
said response includes making a choice among a plurality of prompted response options [120].

Claims 11-13 (Cancelled)

14. (Currently Amended) The method according to claim 1 ~~any one of the previous claims 1-6~~, wherein said response includes an answer to a quiz [510].

Claims 15-21 (Cancelled)

22. (Currently Amended) The method according to claim 1 ~~any one of the previous claims 1-6, 9, 11-13, and 14-21~~, wherein said response is suggested by textual meaning [530].

Claims 23-26 (Cancelled)

27. (Original) A computer process for preventing robots from browsing a web site beyond a welcome page, comprising computer-executable steps of:
receiving an initial request from an undefined originator and responding to said initial request [300] with a challenge [310] that prompts a response from said undefined originator; and
receiving a response [320] from said undefined originator and checking [330] said response to determine whether said challenge is fulfilled; and
if said challenge is fulfilled:
processing any further requests; and
if said challenge is not fulfilled:
stopping processing of any further requests.

28. (Original) A computer process as claimed in claim 27, further including computer-executable steps for:
dropping or redirecting a TICIP connection [352] established with said undefined originator.

29. (Original) A computer process as claimed in claim 27, logging a source IP address [361] of said undefined originator and starting a timer [362].

Claim 30 (Cancelled)

31. (Original) A computer process according to claim 29, further including computer-executable steps for:

checking [420] whether a source IP address of said new request matches said logged source IP address; and
if said source IP address matches said logged source IP address:
checking [430] whether said timer has expired and, if said timer is expired, resetting [40] said logged IP address; and
proceeding [450] normally with said new request; and
if said timer is not expired, dropping or redirecting said TCP connection [460];
if said source IP address does not match said logged source IP address, proceeding [450] normally with said new request and executing all the above steps with each newly received request [410].

Claim 32 (Cancelled)

33. (Currently Amended) A computer process according to claim 28 ~~any one of claims 28-32~~, further including computer-executable steps for:
prompting said undefined originator to perform a specific action.

34. (Currently Amended) A computer process according to claim 28 ~~any one of claims 28-32~~, further including computer-executable steps for:
changing said prompting at each access of said website.

35. (Original) A computer process according to claim 33, further including computer-executable steps for:
checking [420] whether a source IP address of said new request matches said logged source IP address; and
if said source IP address matches said logged source IP address:
checking [430] whether said timer has expired and, if said timer is expired, resetting [40] said logged IP address; and
proceeding [450] normally with said new request; and
if said timer is not expired, dropping or redirecting said TCP connection [460];
if said source IP address does not match said logged source IP address, proceeding [450] normally with said new request and executing all the above steps with each newly received request [410].

36. (Currently Amended) A computer process according to claim 28 ~~any one of claims 28-32~~, further including computer-executable steps for:
prompting said undefined originator to make a response chosen from among a plurality of prompted response options.

Claims 37-39 (Cancelled)

40. (Currently Amended) A computer process according to claim 28 ~~any one of claims 28-32~~, further including computer-executable steps for:
prompting said undefined originator to make a response that is an answer to a quiz.

Claims 41-47 (Cancelled)

48. (Currently Amended) A computer process according to claim 28 ~~any one of claims 28-32~~, further including computer-executable steps for:

prompting said undefined originator to make a response based upon the knowledge content of said prompt.

Claims 49-55 (Cancelled)

REMARKS

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicants hereby respectfully request reconsideration and prompt allowance of the pending claims.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: May 1, 2008

Respectfully submitted,

/Scott D. Paul/

Scott D. Paul

Registration No. 42,984

Steven M. Greenberg

Registration No. 44,725

Phone: (561) 922-3845

CUSTOMER NUMBER 46320

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	FR920000041US2 (353CON)
		Application Number	
Title of Invention	SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITE		
The application data sheet is part of the provisional or nonprovisional application for which it is being submitted. The following form contains the bibliographic data arranged in a format specified by the United States Patent and Trademark Office as outlined in 37 CFR 1.76. This document may be completed electronically and submitted to the Office in electronic format using the Electronic Filing System (EFS) or the document may be printed and included in a paper filed application.			

Secrecy Order 37 CFR 5.2

☐ Portions or all of the application associated with this Application Data Sheet may fall under a Secrecy Order pursuant to 37 CFR 5.2 (Paper filers only. Applications that fall under Secrecy Order may not be filed electronically.)

Applicant Information:

Applicant 1					Remove
Applicant Authority		☒ Inventor		☐ Legal Representative under 35 U.S.C. 117	☐ Party of Interest under 35 U.S.C. 118
Prefix	Given Name	Middle Name	Family Name		Suffix
	Marc		Lamberton		
Residence Information (Select One) ☐ US Residency ☒ Non US Residency ☐ Active US Military Service					
City	Antibes	Country Of Residenceⁱ	FR		
Citizenship under 37 CFR 1.41(b)ⁱ		FR			
Mailing Address of Applicant:					
Address 1		981 Route de t Jean			
Address 2					
City	Antibes	State/Province			
Postal Code	06600	Countryⁱ	FR		
Applicant 2					Remove
Applicant Authority		☒ Inventor		☐ Legal Representative under 35 U.S.C. 117	☐ Party of Interest under 35 U.S.C. 118
Prefix	Given Name	Middle Name	Family Name		Suffix
	Eric		Levy-Abegnoli		
Residence Information (Select One) ☐ US Residency ☒ Non US Residency ☐ Active US Military Service					
City	Nice	Country Of Residenceⁱ	FR		
Citizenship under 37 CFR 1.41(b)ⁱ		FR			
Mailing Address of Applicant:					
Address 1		67 Ancien Chemin de la Lanterne			
Address 2					
City	Nice	State/Province			
Postal Code	06200	Countryⁱ	FR		
Applicant 3					Remove
Applicant Authority		☒ Inventor		☐ Legal Representative under 35 U.S.C. 117	☐ Party of Interest under 35 U.S.C. 118
Prefix	Given Name	Middle Name	Family Name		Suffix
	Pascal		Thubert		
Residence Information (Select One) ☐ US Residency ☒ Non US Residency ☐ Active US Military Service					
City	Vence	Country Of Residenceⁱ	FR		

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DataDome v. Arkose Labs

IPR2025-00694

Application Data Sheet 37 CFR 1.76		Attorney Docket Number		FR920000041US2 (353CON)	
		Application Number			
Title of Invention		SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITE			
Citizenship under 37 CFR 1.41(b) i		FR			
Mailing Address of Applicant:					
Address 1		Les Jardins d'Elise			
Address 2		60 Avenue des Poilus			
City	Vence		State/Province		
Postal Code	06140		Country ⁱ	FR	
All Inventors Must Be Listed - Additional Inventor Information blocks may be generated within this form by selecting the Add button.					Add

Correspondence Information:

Enter either Customer Number or complete the Correspondence Information section below. For further information see 37 CFR 1.33(a).			
☐ An Address is being provided for the correspondence Information of this application.			
Customer Number	46320		
Email Address	sgreenberg@crgplaw.com	Add Email	Remove Email

Application Information:

Title of the Invention	SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITE		
Attorney Docket Number	FR920000041US2 (353CON)	Small Entity Status Claimed ☐	
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	4	Suggested Figure for Publication (if any)	

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)
☐ Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Representative Information:

Representative information should be provided for all practitioners having a power of attorney in the application. Providing this information in the Application Data Sheet does not constitute a power of attorney in the application (see 37 CFR 1.32). Enter either Customer Number or complete the Representative Name section below. If both sections are completed the Customer Number will be used for the Representative Information during processing.			
Please Select One:	☒ Customer Number	☐ US Patent Practitioner	☐ DataDome v. Arkose Labs

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	FR920000041US2 (353CON)
		Application Number	
Title of Invention	SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITE		
Customer Number	46320		

Domestic Benefit/National Stage Information:

This section allows for the applicant to either claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c) or indicate National Stage entry from a PCT application. Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.			
Prior Application Status		Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	Continuation of	09901442	2001-07-09
Additional Domestic Benefit/National Stage Data may be generated within this form by selecting the Add button.			Add

Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).			
			Remove
Application Number	Country ⁱ	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			☒ Yes ☐ No
Additional Foreign Priority Data may be generated within this form by selecting the Add button.			Add

Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.			
Assignee 1			Remove
If the Assignee is an Organization check here. ☒			
Organization Name	International Business Machines Corporation		
Mailing Address Information:			
Address 1	New Orchard Road		
Address 2			
City	Armonk	State/Province	NY
Country ⁱ	US	Postal Code	10504
Phone Number		Fax Number	
Email Address			
Additional Assignee Data may be generated within this form by selecting the Add button.			Add

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.	DataDome Ex. 1002, p. 12 DataDome v. Arkose Labs IPR2025-00694
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Application Data Sheet 37 CFR 1.76		Attorney Docket Number		FR920000041US2 (353CON)	
		Application Number			
Title of Invention		SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITE			
Signature		/Scott D. Paul/		Date (YYYY-MM-DD)	
				2008-05-01	
First Name	Scott	Last Name	Paul	Registration Number	42984

This collection of information is required by 37 CFR 1.76. 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 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet 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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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.
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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.

Electronic Patent Application Fee Transmittal

Application Number:

Filing Date:

Title of Invention:

SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF
WEB SITE

First Named Inventor/Applicant Name:

Marc Lamberton

Filer:

Scott David Paul/Peggy Shock

Attorney Docket Number:

FR920000041US2 (353CON)

Filed as Large Entity

Utility Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Utility application filing	1011	1	310	310
Utility Search Fee	1111	1	510	510
Utility Examination Fee	1311	1	210	210

Pages:

Claims:

Miscellaneous-Filing:

Petition:

Patent-Appeals-and-Interference:

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Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				1030

Electronic Acknowledgement Receipt

EFS ID:	3205136
Application Number:	12113607
International Application Number:	
Confirmation Number:	1363
Title of Invention:	SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITE
First Named Inventor/Applicant Name:	Marc Lamberton
Customer Number:	46320
Filer:	Scott David Paul/Peggy Shock
Filer Authorized By:	Scott David Paul
Attorney Docket Number:	FR920000041US2 (353CON)
Receipt Date:	01-MAY-2008
Filing Date:	
Time Stamp:	16:21:24
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 1030
RAM confirmation Number	1490
Deposit Account	090461
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Document Description		Start	End
Specification		1	10
Claims		11	25
Abstract		26	26

Warnings:

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2	Drawings-only black and white line drawings	7161-353CON_drawings.pdf	217413	no	4
			68ed4f32b547adc3012dbe7370cc2159925cbbd2		

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			b27b51e3c5a95a276d1f73ce72f1c23518a470b1		

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4	Information Disclosure Statement (IDS) Filed	7161-353CON_IDS1.pdf	200685	no	4
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			9661561bf0f2b32a4078a3ed52e6ef57aba5a9b3		

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7	Transmittal of New Application	7161-353CON_Transmittal.pdf	324442 b3d2e73a713edf64b93666e9318397007a423053	no	2
Warnings:					
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8	Preliminary Amendment	7161-353CON_preliminary_amendment.pdf	30349 091d47a638b1cdce735b842a5552c98818713a6e	no	7
Warnings:					
Information:					
9	Application Data Sheet	7161-353CON_ADS_sb0014_fill.pdf	836543 e875a8266d18d1883d845124f61a03d86b22dd1c	no	5
Warnings:					
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10	Fee Worksheet (PTO-06)	fee-info.pdf	8404 74fcd5d656473305620270bbb6d86ebe5d4c0375	no	2
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Mailed July 9, 2001

**SYSTEM AND METHOD FOR IMPLEMENTING
A ROBOT PROOF WEB SITE**

Field of the Invention

The present invention relates to the Internet and more particularly applies to those of the World Wide Web (WWW) sites that, while welcoming human beings, want to exclude robots from visiting and gathering information from them.

Background of the Invention

WWW robots, also called Web Wanderers, Web Crawlers or Web Spiders, and often just referred to as bots (bot is short for robot), are programs devised to automatically traverse the hypertext structure of the Web. Such bots, having retrieved a document, can also recursively retrieve all the linked pages referenced in the document. This is especially the case of numerous search engines and their robots which roam the World Wide Web finding and indexing content to add to their databases. Although most robots provide a valuable service, concern has developed amongst Web site administrators about exactly how much

of their precious server time and bandwidth is being used to service requests from these engines.

While the majority of robots are well designed, are professionally operated and cause no problems, there are occasions where robots visiting Web servers are not welcome because of the way robots behave. Some may swamp servers with rapid-fire requests, or retrieve the same files repeatedly. If done intentionally this is a form of Denial of Service (DoS) attack, although this is more often just the result of a poor or defective robot design. In other situations robots traverse parts of WWW servers that are not suitable for being searched e.g., contain duplicated or temporary information, include large documents or e.g., CGI scripts (CGI is a standard for running external programs from a World-Wide Web HTTP server). In this latter case and in similar situations, when accessed and executed, scripts tend to consume significant server resources in generating dynamic pages and thus, slow down the system.

In recognition of these problems many Web robots offer facilities for Web site administrators and content providers to limit what the robot is allowed to do. Two mechanisms are provided. One is referred to as the 'Robots Exclusion Protocol', even though it is not really an enforced protocol, but was a working draft document discussed as an Internet-Draft by the Internet Engineering Task Force (IETF) in 1996 under the title 'A Method for Web Robots Control'. According to this document, a Web site administrator can indicate which parts of the site should not be visited by a robot. This is accomplished by providing a specially formatted file, in <http://.../robots.txt>. The second

mechanism assumes that a Web author can indicate whether a page may or may not be indexed, or analyzed for links, through the use of a special Hyper Text Markup Language (HTML) META tag i.e., a 'Robots META tag'. However, both of these mechanisms rely on cooperation from the robots, and are not even guaranteed to work for every robot. Moreover, as already suggested here above relative to DoS attacks, some of these robots may not be so friendly. They could be run e.g., with the malicious intent of attacking a Web site (then, they just ignore the robots.txt file and the robots meta tags) so the site becomes overloaded and starts refusing to serve legitimate users i.e., the human beings trying to make normal use of the site.

Also, although the information made available on a site may not be confidential, an administrator may want to prevent the unlimited dissemination of it that would otherwise result from the indexing and referencing activities of all sorts of robots. The standard way of achieving this is to protect a Web site through some form of authentication, of which the more common method is to manage a list of registered users having a password so as they have to sign on upon accessing the site. The obvious drawback of this is that administrators must manage and update a closed list of users. This requires a registration step for a first consultation of a site and also assumes that users will remember their passwords in subsequent consultations. This may not be at all what the administrator wanted to achieve, and may even be counterproductive, since it will certainly discourage some individuals who are willing to browse a site to go further if they are requested to register.

Object of the Invention

Thus, it is a broad object of the invention to prevent Web site contents from being investigated by robots.

It is a further object of the invention to encourage human beings, attempting to access a robot protected Web site, to proceed further by not imposing a registration at first access and a log on procedure at each subsequent access.

It is still another object of the invention to avoid reliance on a robot's cooperation for barring the robot's access to contents of Web sites.

Further objects, features and advantages of the present invention will become apparent to the ones skilled in the art upon examination of the following description in reference to the accompanying drawings. It is intended that any additional advantages be incorporated herein.

Summary of the Invention

A method and a system for preventing robots from browsing a Web site beyond a welcome page are described. On receiving an initial request from an undefined originator, the Web site responds to the request with a welcome page including a challenge. Then, on receiving a further request from the undefined originator, the Web site can check whether the challenge is fulfilled or not. If fulfilled, the undefined originator is assumed to be a human being and the site keeps

processing the further request and all subsequent ones, if any. However, if the challenge is not fulfilled, the undefined originator is assumed to be a robot, in which case all requests from that originator are not further processed.

The invention prevents Web site contents from being investigated by robots without requiring end users to register or the site administrator to have to manage an access list of authorized users.

Brief Description of the Drawings

Figure 1 is an exemplary welcome page per the invention.

Figure 2 shows the corresponding HTML code.

Figure 3 shows the steps of the method of the invention.

Figure 4 shows the further steps of the method when access to a Web site per the invention is denied, while a timer is on, for requests carrying a logged IP address.

Figure 5 are other exemplary welcome pages with challenges.

Detailed Description of the Preferred Embodiment

Figure 1 illustrates the method according to the invention to prohibit robots from accessing a Web site beyond its welcome page. An exemplary welcome page as seen by an individual accessing a Web site e.g., at following URL [100] (Uniform Resource Locator) 'http://www.anysite.com/welcome.html' is shown. Accessing a Web site can be done with any available Web browser e.g., Netscape browser [110] from Netscape Communications Corporation, 501 E. Middlefield Road, Mountain View, CA 94043, USA can be used. Then, according to a first method to prohibit robot's access, the welcome page implements a dummy challenge that can be simply answered by a human being, but which a robot should certainly fail.

Among various possibilities, Figure 1 illustrates a typical challenge according to the invention. The welcome page thus shows an image [120] including, in this particular example, a few geometric forms that can be unambiguously referred to by a single word or expression in a language that the individual accessing the Web is assumed to be capable of reading. Then, associated with the image which, as depicted here, includes a square, a circle, a cross and a triangle, the reader is prompted [130] to click e.g., on the cross [121]. A human being, desiring to go on and visit the site, will do it naturally while a robot will do nothing, or will do it wrongly simply because it just does not

understand the graphic symbols or which of them may be a cross. Hence, this invention easily allows discrimination of a human being from a robot on the basis of their respective levels of abstract reasoning, which is naturally high, or very high, for a human being while a robot is totally lacking this capacity. This allows achievement of the objectives of the invention to prevent robots from browsing the site beyond the welcome page, while neither imposing to the people accessing it the burden of having to register and to log on, nor requiring the administrators of the site to manage a list of legitimate users.

To make the site even more resistant to browsing by a "smart" robot that could be tailored to adapt to a given challenge or set of predictable such challenges, prompting can be made random so that every time someone accesses the site, the challenge is different. For example, the cross can be moved to a different position on the image map so that the coordinates returned, when clicking on it, are different. Or, the prompting request can change in requesting e.g., to click on triangle instead.

Figure 2 shows the source HTML (Hyper Text Markup Language) code [140] for this example which uses a server side map i.e., ismap [142], included in an anchor tag created with the <a...> .. construct form [149] of the HTML language. Thus, when the user clicks on the cross [121], the browser sends a request back to the server URL (/cgi-bin/challenge.exe) [141] including the X and Y coordinates of the user's click contained in an ismap

[142] so that the server can check whether the click coordinates indeed match the cross position. The anchor tag also carries an identification field i.e., id=XD34F739 [143] which is useful to correlate the answer, including the click coordinates, with the current challenge when this latter changes from one user to another as explained above.

Figure 3 depicts the steps of the method according to the invention when an originator of an initial request to access a Web site is responded to with a challenge. Upon receiving this initial request, the [300] Web site server responds with the challenge [310]. This is done through the establishment of a TCP connection with the originator (the reliable transport protocol of the Internet TCP/IP suite of protocols used by the Web). The response is in the form of a Web page including a challenge e.g., of the kind discussed in Figure 1. Then, having gotten the server's response, the originator proceeds with a new transaction containing his click response directed towards the Web site [320]. On receiving the new transaction, the Web site server checks whether the challenge is fulfilled or not [330]. If the response matches the challenge prompt [340], then the site server assumes that the originator is a human being and permits further access. However, if the Web server finds that challenge is not properly answered, it must assume that the originator is a robot [350]. As a consequence, it stops processing all current and further requests, if any [351], which includes dropping the TCP connection or redirecting it to another site [352]. Also, the IP source address [361] may be remembered and a timer started [362] so that access to the site may be temporarily barred, from

that IP source address, as explained in Figure 4.

Figure 4 shows the case where the IP address of an assumed robot originator is remembered. Then, the server may be implemented to temporarily drop or redirect immediately all requests issued with this particular source IP address, because all subsequent access requests thereafter are assumed to come from a robot (although this might not always be true since a robot may be behind a proxy or firewall performing a network address translation of all the IP source addresses it has to forward). Because the IP source address of the request was logged and a timer started as explained in Figure 3, each time a new request is received [410] the server first checks for whether the same logged source IP address is found [420]. If not the same address, access may proceed normally [450]. If the address is the same, however, a timer is checked [430]. If the timer interval has elapsed, the logged IP address is reset [440] and new request is normally handled [450], i.e. a new challenge is issued. However, if timer has not elapsed, the TCP connection is dropped or redirected [460] before the server resumes handling of newly received requests [410].

Figure 5 illustrates other exemplary challenge examples that are easily answered by human beings.

Figure 5-a takes the form of a quiz [510] which could be made as simple as shown [500] or as sophisticated as necessary to defeat elaborated or "smart" robots or, alternatively, to adapt to a particular end-user population sharing a common type of skill.

Figure 5-b is another alternative that combines images [520]

and text [530] in an even more abstract way where the answer is suggested by the text, so it is even better adapted to discriminate a human being from a robot. However, it is worth mentioning here that such a challenge is culture-dependent and could serve as well to discriminate human beings on the basis of their social or ethnic origins.

Claims:

What is claimed is:

1. A method for preventing robots from browsing a Web site beyond a welcome page [110], said method in said Web site comprising the steps of:

receiving an initial request from an undefined originator and responding to said initial request [300] with a challenge [310] that prompts a response from said undefined originator; and receiving a response [320] from said undefined originator and checking [330] said response to determine whether said challenge is fulfilled; and

if said challenge is fulfilled:

processing any further requests; and

if said challenge is not fulfilled:

stopping processing of any further requests.

2. The method according to Claim 1 wherein said step of stopping processing of said further requests includes the further step of:

dropping or redirecting a TCP connection [352] established with said undefined originator.

3. The method according to Claim 1 further including the steps of:

logging a source IP address [361] of said undefined originator and

starting a timer [362].

4. The method according to Claim 2 further including the steps of:

logging a source IP address [361] of said undefined originator and

starting a timer [362].

5. The method according to Claim 2 further including steps upon receiving a new request [410] of:

checking [420] whether a source IP address of said new request matches said logged source IP address; and

if said source IP address matches said logged source IP address:

checking [430] whether said timer has expired and,

if said timer is expired,

resetting [40] said logged IP address; and

proceeding [450] normally with said new request; and

if said timer is not expired,

dropping or redirecting said TCP connection [460];

if said source IP address does not match said logged source IP address,

proceeding [450] normally with said new request and executing all the above steps with each newly received request [410].

6. The method according to Claim 4 further including steps upon receiving a new request [410] of:

checking [420] whether a source IP address of said new request matches said logged source IP address; and

if said source IP address matches said logged source IP address:

checking [430] whether said timer has expired and,

if said timer is expired,

resetting [40] said logged IP address; and

proceeding [450] normally with said new request; and

if said timer is not expired,

dropping or redirecting said TCP connection [460];

if said source IP address does not match said logged source IP address,

proceeding [450] normally with said new request and executing all the above steps with each newly received request [410].

7. The method according to any one of Claims 1-6, wherein:

said challenge includes prompting said undefined originator to perform a specific action [130].

8. The method according to any one of Claims 1-6 wherein:

said prompting is different at each subsequent access of said web site.

9. The method according to Claim 7 wherein:

said prompting is different at each subsequent access of said web site.

10. The method according to any one of the previous Claims

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1-6 wherein:

said response includes making a choice among a plurality of prompted response options [120].

11. The method according to Claim 7 wherein:

said response includes making a choice among a plurality of prompted response options [120].

12. The method according to Claim 8 wherein:

said response includes making a choice among a plurality of prompted response options [120].

13. The method according to Claim 9 wherein:

said response includes making a choice among a plurality of prompted response options [120].

14. The method according to any one of the previous Claims 1-6, wherein said response includes an answer to a quiz [510].

15. The method according to Claim 7, wherein said response includes an answer to a quiz [510].

16. The method according to Claim 8, wherein said response includes an answer to a quiz [510].

17. The method according to Claim 9, wherein said response includes an answer to a quiz [510].

18. The method according to Claim 10, wherein said response includes an answer to a quiz [510].

19. The method according to Claim 11, wherein said response includes an answer to a quiz [510].

20. The method according to Claim 12, wherein said response includes an answer to a quiz [510].

21. The method according to Claim 13, wherein said response includes an answer to a quiz [510].

22. The method according to any one of the previous Claims 1-6, 9, 11-13, and 14-21, wherein said response is suggested by textual meaning [530].

23. The method according to Claim 7, wherein said response is suggested by textual meaning [530].

24. The method according to Claim 8, wherein said response is suggested by textual meaning [530].

25. The method according to Claim 10, wherein said response is suggested by textual meaning [530].

26. The method according to Claim 14, wherein said

response is suggested by textual meaning [530].

27. A computer process for preventing robots from browsing a web site beyond a welcome page, comprising computer-executable steps of:

receiving an initial request from an undefined originator and responding to said initial request [300] with a challenge [310] that prompts a response from said undefined originator; and receiving a response [320] from said undefined originator and checking [330] said response to determine whether said challenge is fulfilled; and

if said challenge is fulfilled:

processing any further requests; and

if said challenge is not fulfilled:

stopping processing of any further requests.

28. A computer process as claimed in Claim 27, further including computer-executable steps for:

dropping or redirecting a TCP connection [352] established with said undefined originator.

29. A computer process as claimed in Claim 27,

logging a source IP address [361] of said undefined originator and

starting a timer [362].

30. A computer process as claimed in Claim 28,

logging a source IP address [361] of said undefined originator and

starting a timer [362].

31. A computer process according to Claim 29, further including computer-executable steps for:

checking [420] whether a source IP address of said new request matches said logged source IP address; and

if said source IP address matches said logged source IP address:

checking [430] whether said timer has expired and,

if said timer is expired,

resetting [40] said logged IP address; and

proceeding [450] normally with said new request; and

if said timer is not expired,

dropping or redirecting said TCP connection [460];

if said source IP address does not match said logged source IP address,

proceeding [450] normally with said new request and executing all the above steps with each newly received request [410].

32. A computer process according to Claim 31, further including computer-executable steps for:

checking [420] whether a source IP address of said new request matches said logged source IP address; and

if said source IP address matches said logged source IP address:

checking [430] whether said timer has expired and,

if said timer is expired,

resetting [40] said logged IP address; and

proceeding [450] normally with said new request; and

if said timer is not expired,

dropping or redirecting said TCP connection [460];

if said source IP address does not match said logged source

IP address,

proceeding [450] normally with said new request and executing all the above steps with each newly received request [410].

33. A computer process according to any one of claims 28-32, further including computer-executable steps for:

prompting said undefined originator to perform a specific action.

34. A computer process according to any one of Claims 28-32, further including computer-executable steps for:

changing said prompting at each access of said website.

35. A compute rprocess according to Claim 33, further including computer-executable steps for:

checking [420] whether a source IP address of said new request matches said logged source IP address; and

if said source IP address matches said logged source IP address:

checking [430] whether said timer has expired and,

if said timer is expired,

resetting [40] said logged IP address; and

proceeding [450] normally with said new request; and

if said timer is not expired,

dropping or redirecting said TCP connection [460];

if said source IP address does not match said logged source IP address,

proceeding [450] normally with said new request and executing all the above steps with each newly received request [410].

36. A computer process according to any one of Claims 28-32, further including computer-executable steps for:

prompting said undefined originator to make a response chosen from among a plurality of prompted response options.

37. A computer process according to Claim 33, further including computer-executable steps for:

prompting said undefined originator to make a response chosen from among a plurality of prompted response options.

38. A computer process according to Claim 34, further including computer-executable steps for:

prompting said undefined originator to make a response chosen from among a plurality of prompted response options.

39. A computer process according to Claim 35, further including computer-executable steps for:

prompting said undefined originator to make a response chosen from among a plurality of prompted response options.

40. A computer process according to any one of Claims 28-32, further including computer-executable steps for:

prompting said undefined originator to make a response that is an answer to a quiz.

41. A computer process according to Claim 33, further including computer-executable steps for:

prompting said undefined originator to make a response that is an answer to a quiz.

42. A computer process according to Claim 34, further including computer-executable steps for:

prompting said undefined originator to make a response that is an answer to a quiz.

43. A computer process according to Claim 35, further including computer-executable steps for:

prompting said undefined originator to make a response that is an answer to a quiz.

44. A computer process according to Claim 36, further including computer-executable steps for:

prompting said undefined originator to make a response that is an answer to a quiz.

45. A computer process according to Claim 37, further including computer-executable steps for:

prompting said undefined originator to make a response that is an answer to a quiz.

46. A computer process according to Claim 38, further including computer-executable steps for:

prompting said undefined originator to make a response that is an answer to a quiz.

47. A computer process according to Claim 39, further including computer-executable steps for:

prompting said undefined originator to make a response that is an answer to a quiz.

48. A computer process according to any one of Claims 28-32, further including computer-executable steps for:

prompting said undefined originator to make a response based upon the knowledge content of said prompt.

49. A computer process according to Claim 33, further including computer-executable steps for:

prompting said undefined originator to make a response based upon the knowledge content of said prompt.

50. A computer process according to Claim 34, further including computer-executable steps for:

prompting said undefined originator to make a response based upon the knowledge content of said prompt.

51. A computer process according to Claim 35, further including computer executable steps for:

prompting said undefined originator to make a response based upon the knowledge content of said prompt.

52. A computer process according to Claim 36, further including computer executable steps for:

prompting said undefined originator to make a response based upon the knowledge content of said prompt.

53. A computer process according to Claim 37, further including computer executable steps for:

prompting said undefined originator to make a response based upon the knowledge content of said prompt.

54. A computer process according to Claim 38, further including computer executable steps for:

prompting said undefined originator to make a response based upon the knowledge content of said prompt.

55. A computer process according to Claim 39, further including computer executable steps for:

prompting said undefined originator to make a response based upon the knowledge content of said prompt.

SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITE

Abstract

The invention prevents robots from browsing a Web site beyond a welcome page. When an initial request from an undefined originator is received, the Web site responds to it with a welcome page including a challenge. Then, on receiving a further request from the undefined originator, the Web site can check whether the challenge is fulfilled or not. If fulfilled, the undefined originator is assumed to be a human being and authorized to go on. If the challenge is not fulfilled, the undefined originator is assumed to be a robot, in which case site access is further denied.

The invention prevents Web site contents from being investigated by robots while not requiring users to have to log on.

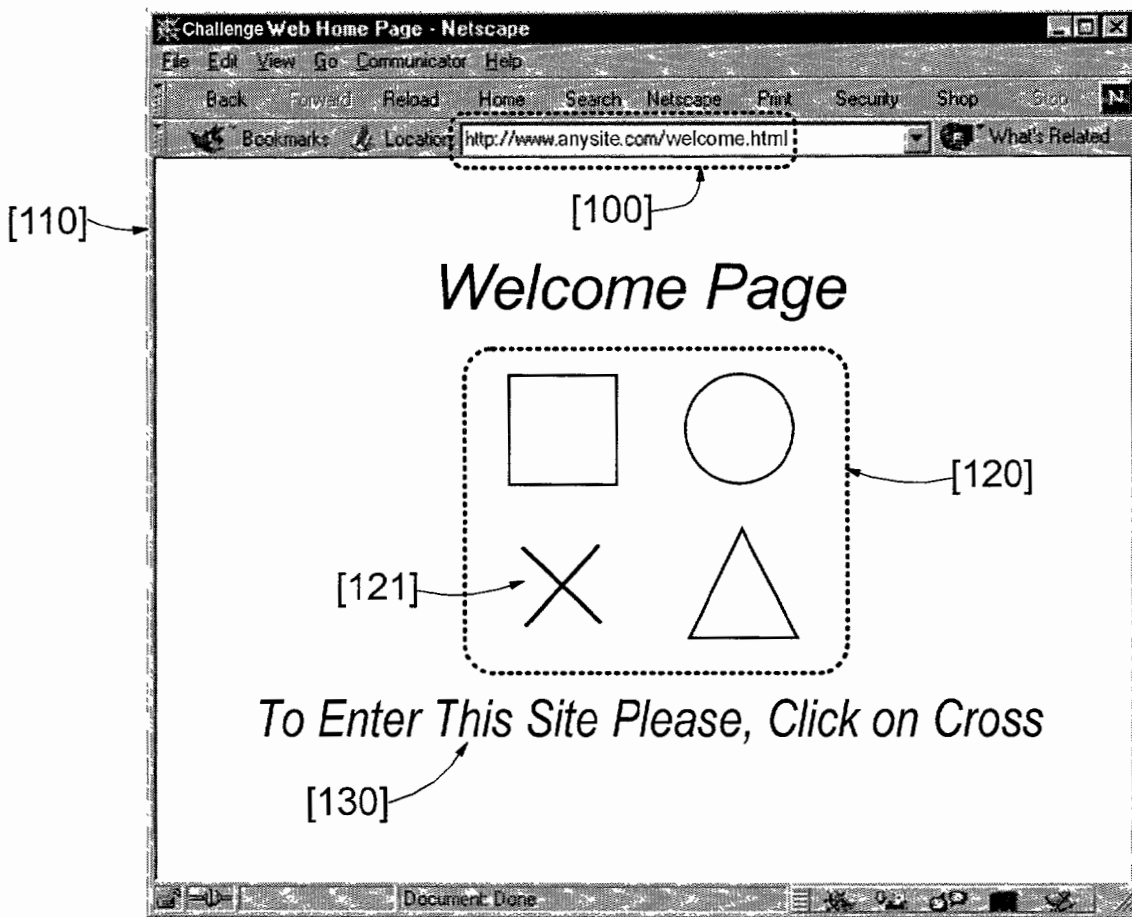


Figure 1

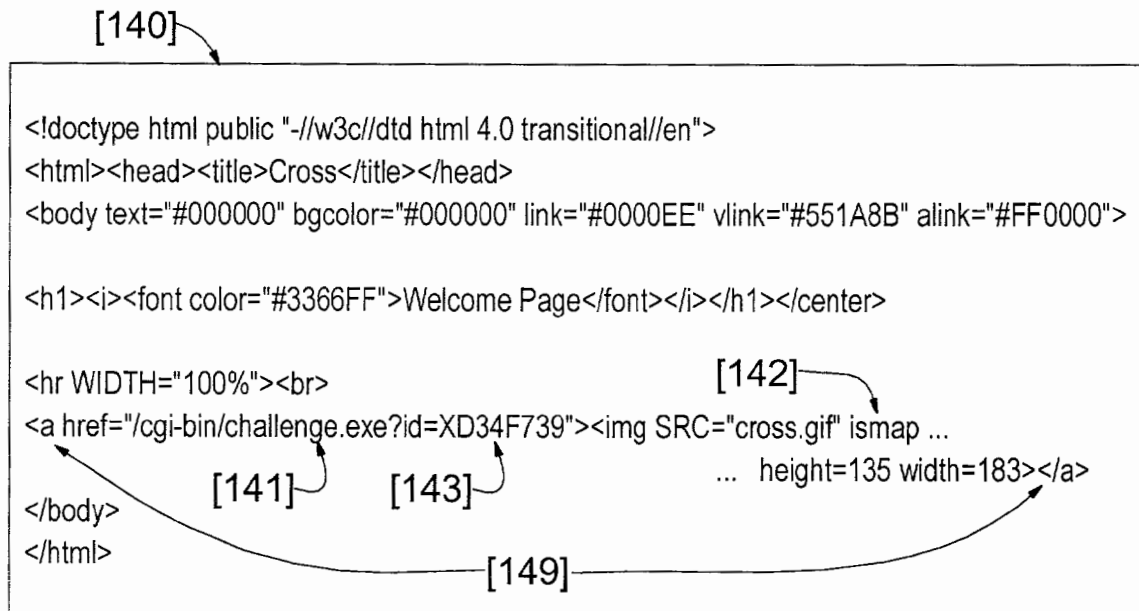


Figure 2

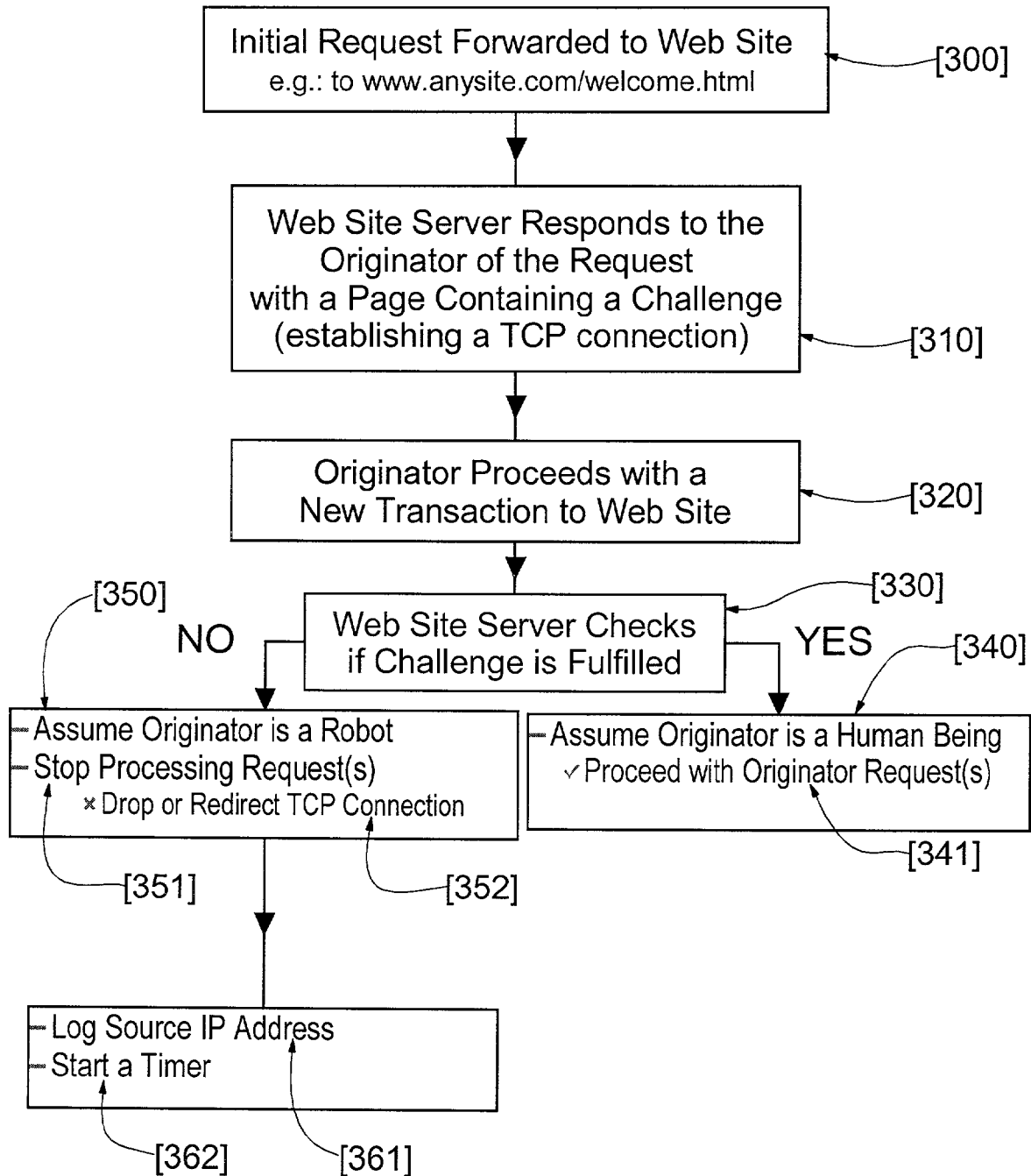


Figure 3

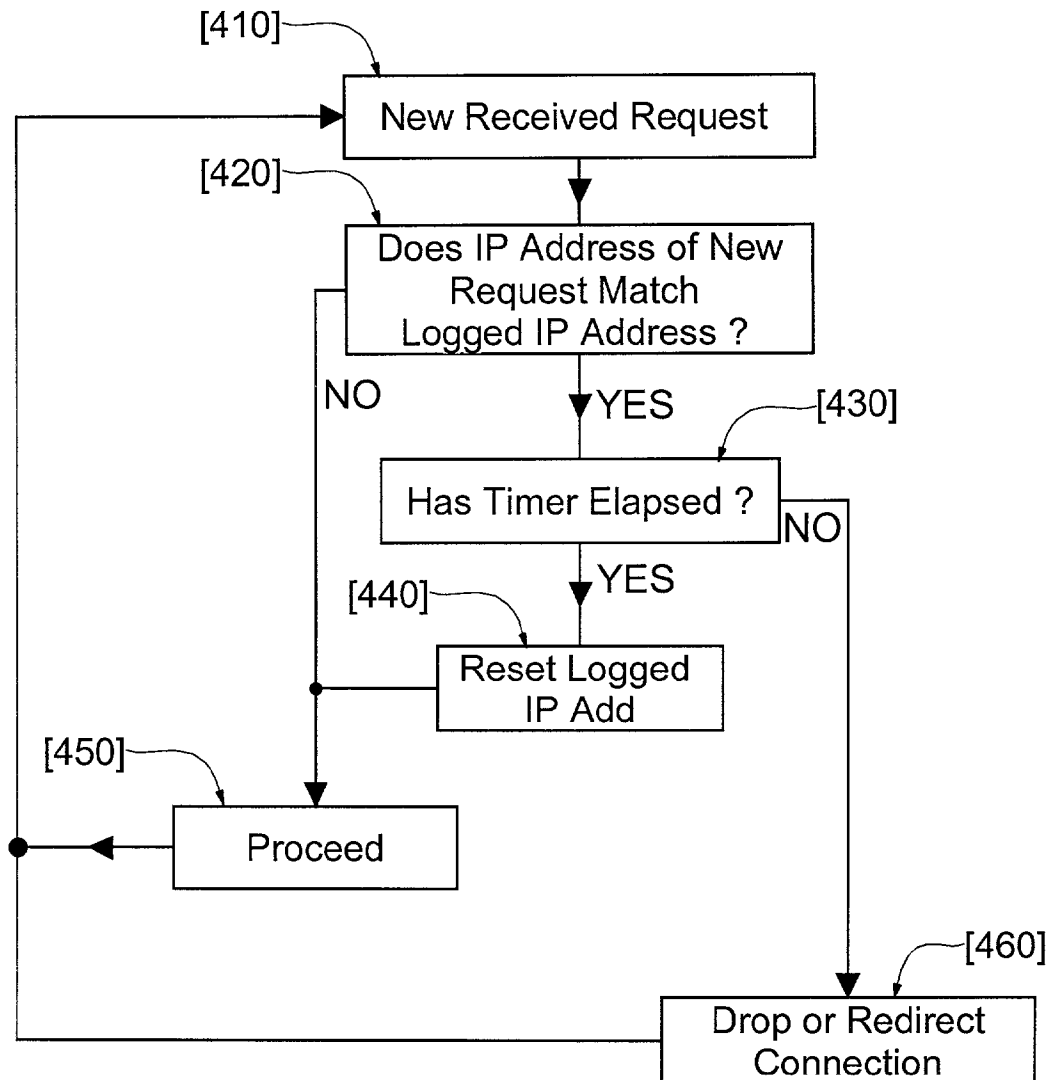
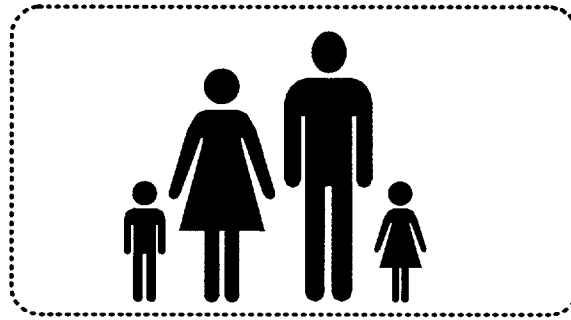


Figure 4

Welcome Page



[500]

To Go Further Please, Tell us Who is the Tallest ?

[510]

Figure 5-a

Welcome Page



[520]

To Enter this Site a Key is not Necessary, Money will not Let you IN, Waiting will not Help, All you Really Need is Luck !

[530]

Figure 5-b

**DECLARATION AND POWER OF ATTORNEY
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

System and Method for Implementing a Robot Proof Web Site

the specification of which is identified by the attorney (IBM) Docket Number appearing above.

I hereby state that I have reviewed and understand the contents of the above- identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

<u>Number</u>	<u>Country</u>	<u>Day/Month/Year</u>	<u>Priority Claimed</u>
00480085.0 2201	Europe	12/Sept./2000	Yes

I hereby claim the benefit (a) under Title 35, United States Code, §119(e) of any U.S. application listed below and identified as a provisional application or (b) under Title 35, United States Code, §120 of any U.S. application listed below and not identified as a provisional application, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior U.S. application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information material to the patentability of this application as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application

Prior U.S. Applications

<u>Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

IBM Docket No. FR920000041US1

As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Bruce A. Clay, Reg. No. 32,121; Gregory M. Doudnikoff, Reg. No. 32,847; Edward H. Duffield, Reg. No. 25,970; Jerry W. Herndon, Reg. No. 27,901; Gerald R. Woods, Reg. No. 24,144; Jeanine S. Ray-Yarletts, Reg. No. 39,808; Joseph C. Redmond, Jr., Reg. No. 18,753; John E. Hoel, Reg. No. 26,279; Christopher A. Hughes, Reg. No. 26,914; and Edward A. Pennington, Reg. No. 32,588;

AND also,

Send all correspondence to: Edward H. Duffield, IBM Corporation T81/503; PO Box 12195; Research Triangle Park, NC 27709.

First Inventor: Marc Lamberton

Signature: Marc Lamberton 11 May 2001
Date

Residence: 981 Route de t Jean, 06600 Antibes - France

Citizenship: French

Post Office Address: same as residence

Second Inventor: Eric Levy-Abegnoli

Signature: Eric Levy-Abegnoli 8 June 2001
Date

Residence: 67 Ancien Chemin de la Lanterne, 06200 Nice - France

Citizenship: French

Post Office Address: same as residence

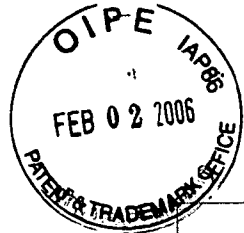
Third Inventor: Pascal Thubert

Signature: Pascal Thubert 11 May 2001
Date

Residence: Les Jardins d'Elise, 60 Avenue des Poilus, 06140 Vence - France

Citizenship: French

Post Office Address: same as residence



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\$2132
(TFW)

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

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Catherine M. Robbins

NAME OF PERSON MAILING PAPER AND FEE

Catherine M. Robbins

SIGNATURE OF PERSON MAILING PAPER AND FEE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:	Date: January 31, 2006
Marc Lamberton	:	IBM Corporation
S.N. 09/901,442	:	Dept. T81/Bldg. 503
Filed: July 9, 2001	:	P.O. Box 12195
Title: System and Method for	:	Research Triangle Park, NC 27709
Implementing a Robot Proof Web Site	:	Art Unit: 2132

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

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

Sir:

Applicants submit herewith patents, publications or other information of which there may be a duty to disclose in accordance with 37 CF 1.56 which they have just been made aware of from a foreign counterpart location.

While this Information Disclosure Statement may be "material" pursuant to 37 CFR 1.56, it is not intended to constitute an admission that any patent, publication or other

Serial No. 09/901,442

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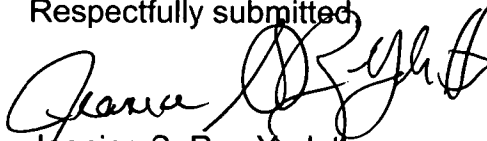
DataDome Ex. 1002, p. 52
DataDome v. Arkose Labs
IPR2025-00694

information referred to herein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97 (d) (e) each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement; the Examiner is hereby authorized to charge the Petition Fee of \$180.00 to Deposit Account 09/0461.

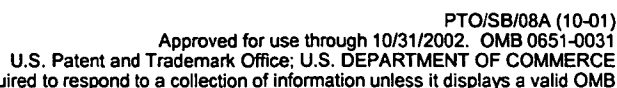
In accordance with 37 CFR 1.97(g) the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. The attached form, PTO-1449, provides a listing of patents, publications, or other information as required by 37 CFR 1.98(a)(1). A copy of each of the items on PTO-1449 is supplied herewith.

Respectfully submitted,



Jeanine S. Ray-Yarletts
Attorney for Applicants
Registration No. 39,808

PHONE: 919-543-9294; FAX: 919-254-4330
IBM Docket No. FR920000041US1
Customer No. 25259



Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				<i>Complete if Known</i>	
				Application Number	09/901,442
				Filing Date	07/09/2001
				First Named Inventor	Marc Lamberton
				Art Unit	2132
				Examiner Name	Thomas R. Peeso
				Attorney Docket Number	FR9-2000-0041US1
Sheet	1	of	2		

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Examiner Signature		Date Considered	
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considered. Include copy of this form with next communication to applicant.
 Applicant's unique citation designation number (optional). ²See Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.
³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of
 the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the
 document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.
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Substitute for form 1449B/PTO			
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			
Sheet	2	of	2

Complete if Known	
Application Number	09/901,442
Filing Date	07/09/2001
First Named Inventor	Marc Lamberton
Group Art Unit	2132
Examiner Name	Thomas R. Peeso
Attorney Docket Number	RSW920040130US1

[illegible]

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

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

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LFW 2132 \$

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

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Catherine M. Robbins

Catherine M. Robbins

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SIGNATURE OF PERSON MAILING PAPER AND FEE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of	:	Date: March 15, 2006
M. Lamberton, et al	:	IBM Corporation
S.N. 09/901,442	:	Dept. T81/Bldg. 503
Filed: 07/09/2001	:	P.O. Box 12195
Title: System & Method for	:	Research Triangle Park, NC 27709
Implementing a Robot Proof Website	:	Art Unit: 2132

03/21/2006 CNEGA1 00000024 090461 09901442

01 FC:1806 180.00 DA

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

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

Sir:

Applicants submit herewith prior art as well as Examiner's findings of patents, publications or other information of which there may be a duty to disclose in accordance with 37 CF 1.56 which they have just been made aware of from a foreign counterpart location.

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Serial No. 09/901,442

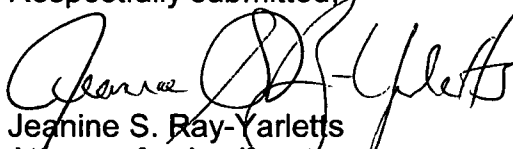
1

information referred to herein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97 (d) (e) each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement; the Examiner is hereby authorized to charge the Petition Fee of \$180.00 to Deposit Account 09/0461.

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Respectfully submitted,



Jeanine S. Ray-Yarlett
Attorney for Applicants
Registration No. 39,808

PHONE: 919-543-9294; FAX: 919-254-4330
IBM Docket No. FR920000041US1
Customer No. 25259

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	09/901,442
				Filing Date	July 9, 2001
				First Named Inventor	Marc Lamberton, et al
				Art Unit	2132
				Examiner Name	
Sheet	1	of	2	Attorney Docket Number	FR920000041US1

[illegible][illegible]

Examiner Signature		Date Considered	
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¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>		Complete if Known	
		Application Number	09/901,442
		Filing Date	July 9, 2001
		First Named Inventor	Marc Lamberton, et al
		Group Art Unit	2132
		Examiner Name	
Sheet 2	of 2	Attorney Docket Number	FR920000041US1

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
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, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	1.	Hiroshi Yuhki, "CGL Lesson – Learning by C. S. Perl", October 1, 1999.	
	2.	Hiroshi Yuhki, "Introduction to CGL Created by Perl", July 30, 1998.	

Examiner Signature		Date Considered	
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¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

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

Application Number	09901442
Filing Date	2001-07-09
First Named Inventor	Marc Lamberton
Art Unit	2132
Examiner Name	Peeso, Thomas R
Attorney Docket Number	FR920000041US1 (353)

U.S. PATENTS

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					

If you wish to add additional U.S. Patent citation information please click the Add button.

U.S. PATENT APPLICATION PUBLICATIONS

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					

If you wish to add additional U.S. Published Application citation information please click the Add button.

FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	11-296481	JP		1999-10-29	Mitsubishi		☐

If you wish to add additional Foreign Patent Document citation information please click the Add button

NON-PATENT LITERATURE DOCUMENTS

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

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

Application Number		09901442
Filing Date		2001-07-09
First Named Inventor	Marc Lamberton	
Art Unit	2132	
Examiner Name	Peeso, Thomas R	
Attorney Docket Number	FR920000041US1 (353)	

1	YUKI, H.; CGI Lessons Using C&Perl (the 18th lesson) - For Creation of Attractive Web - Daily Quiz; C Magazine, Vol. 11, No. 10, Softbank Publishing, Inc.; October 1, 1999, pp. 168-173	☐
2	YUKI, H.; Introduction of CGI Creation Using Perl-Application Version; first edition; Softbank Publishing, Inc.; July 30, 1998, pp. 379-399	☐
3	JPI Version-6 JPI1/Remote Control; Operation Manual, Hitachi Ltd., June 30, 2000, Version 1, pp. 141-146	☐
4		☐

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature		Date Considered	
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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.

Filing Date: 05/01/08

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875						Application or Docket Number 12/113,607	
APPLICATION AS FILED – PART I							
(Column 1)		(Column 2)		SMALL ENTITY		OR OTHER THAN SMALL ENTITY	
FOR	NUMBER FILED	NUMBER EXTRA		RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)
BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A		N/A		N/A	310
SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A		N/A		N/A	510
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A		N/A		N/A	210
TOTAL CLAIMS (37 CFR 1.16(j))	20	minus 20	=	0		X\$50	0
INDEPENDENT CLAIMS (37 CFR 1.16(h))	2	minus 3	=	0		X\$210	0
APPLICATION SIZE FEE (37 CFR 1.16(s))							
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))				185		370	
* If the difference in column 1 is less than zero, enter "0" in column 2.				TOTAL	0	TOTAL	1030
APPLICATION AS AMENDED – PART II							
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)	ADDI-TIONAL FEE (\$)	OR OTHER THAN SMALL ENTITY
Total (37 CFR 1.16(i))	*	Minus	**	=	X	=	OR OTHER THAN SMALL ENTITY
Independent (37 CFR 1.16(h))	*	Minus	***	=	X	=	OR OTHER THAN SMALL ENTITY
Application Size Fee (37 CFR 1.16(s))							OR OTHER THAN SMALL ENTITY
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))				N/A		N/A	OR OTHER THAN SMALL ENTITY
				TOTAL		TOTAL	
				ADD'T FEE		ADD'T FEE	
(Column 1)		(Column 2)		(Column 3)		SMALL ENTITY	
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE (\$)	ADDI-TIONAL FEE (\$)	OR OTHER THAN SMALL ENTITY
Total (37 CFR 1.16(i))	*	Minus	**	=	X	=	OR OTHER THAN SMALL ENTITY
Independent (37 CFR 1.16(h))	*	Minus	***	=	X	=	OR OTHER THAN SMALL ENTITY
Application Size Fee (37 CFR 1.16(s))							OR OTHER THAN SMALL ENTITY
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))				N/A		N/A	OR OTHER THAN SMALL ENTITY
				TOTAL		TOTAL	
				ADD'T FEE		ADD'T 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.**

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MULTIPLE DEPENDENT CLAIM FEE CALCULATION SHEET Substitute for Form PTO-1360 (For use with Form PTO/SB/06)							Application Number 12/113,607		Filing Date 5/01/08	
							Applicant(s)			
* May be used for additional claims or amendments										
CLAIMS	AS FILED		AFTER FIRST AMENDMENT		AFTER SECOND AMENDMENT					
	Indep	Depend	Indep	Depend	Indep	Depend	Indep	Depend	Indep	Depend
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Total						
Indep						
Depend						
Total						
Claims						

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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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
12/113,607	05/01/2008	2161	1030	FR920000041US2 (353CON)	20	2

CONFIRMATION NO. 1363

46320
CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP
STEVEN M. GREENBERG
950 PENINSULA CORPORATE CIRCLE
SUITE 3020
BOCA RATON, FL 33487

FILING RECEIPT



OC000000030062993

Date Mailed: 05/23/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Marc Lamberton, Antibes, FRANCE;
Eric Levy-Abegnoli, Nice, FRANCE;
Pascal Thubert, Vence, FRANCE;

Assignment For Published Patent Application

INTERNATIONAL BUSINESS MACHINES CORPORATION, Armonk, NY

Power of Attorney:

Joseph Redmond Jr--18753	Jerry Herndon--27901
Gerald Woods--24144	Alan Clay--32121
Edward Duffield--25970	Edward Pennington--32588
John Hoel--26279	Gregory Doudnikoff--32847
Christopher Hughes--26914	Jeanine Ray--39808

Domestic Priority data as claimed by applicant

This application is a CON of 09/901,442 07/09/2001 PAT 7,373,510

Foreign Applications

EUROPEAN PATENT OFFICE (EPO) 00480085.0 2201 09/12/2000

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If Required, Foreign Filing License Granted: 05/20/2008

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 12/113,607**

Projected Publication Date: 08/28/2008

Non-Publication Request: No

Early Publication Request: No

Title

SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITE

Preliminary Class

707

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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NOT GRANTED

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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/113,607	05/01/2008	Marc Lamberton	FR920000041US2 (353CON)

CONFIRMATION NO. 1363

PUBLICATION NOTICE



OC000000031824672

46320
CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP
STEVEN M. GREENBERG
950 PENINSULA CORPORATE CIRCLE
SUITE 3020
BOCA RATON, FL 33487

Title:SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITE

Publication No.US-2008-0209217-A1

Publication Date:08/28/2008

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

Further assistance in electronically accessing the publication, or about PAIR, is available by calling the Patent Electronic Business Center at 1-866-217-9197.

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



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/113,607	05/01/2008	Marc Lamberton	FR920000041US2 (353CON)	1363
46320 7590 08/27/2010 CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 2022 BOCA RATON, FL 33487			EXAMINER KIM, JUNG W	
			ART UNIT 2432	PAPER NUMBER
			MAIL DATE 08/27/2010	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.

Office Action Summary	Application No. 12/113,607	Applicant(s) LAMBERTON ET AL.	
	Examiner JUNG KIM	Art Unit 2432	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,7-10,14,27-29,31,33-36,40 and 48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,7-10,14,27-29,31,33-36,40 and 48 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09901442.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

- | | |
|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) ☐ Other: ____. |

DETAILED ACTION

1. Claims 1-3, 5, 7-10, 14, 27-29, 31, 33-36, 40, and 48 are pending.

Priority

2. This application is a continuation of US Application 09/901,442, now patent no. 7,373,510.

Information Disclosure Statement

3. The IDS submitted on 5/1/08 have been considered. An initialed copy is enclosed.

Double Patenting

4. Claims 1-3, 5, 7-10, 14, 27-29, 31, 33-36, 40, and 48 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-30 of U.S. Patent No. 7,373,510. Although the conflicting claims are not identical, they are not patentably distinct from each other because all limitations of claims 1-3, 5, 7-10, 14, 27-29, 31, 33-36, 40, and 48 are disclosed in claims 1-30 of U.S. Patent No. 7,373,510.

Claim Rejections - 35 USC § 101

Art Unit: 2432

5. Claims 27-29, 33, 34, 36, 40 and 48 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 27-29, 33, 34, 36, 40 and 48 define a computer process comprising computer-executable steps. Applicant's specification does not disclose or describe the term "computer process." In the absence of any description in the Specification, the plain meaning of the term controls – one of ordinary skill in the computer arts would recognize a "computer process comprising computer-executable steps" as an instance of a computer program, which is not a physical "thing." Computer processes are neither computer components nor statutory methods, as they are not "acts" being performed, nor is a computer process a composition of matter. Hence, a computer process is not statutory because it is not one of the four enumerated statutory categories of invention. *See also In re Nuijten.*

Claim Rejections - 35 USC § 102

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

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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7. Claims 1-3, 7-10, 14, 22, 27-29, 33, 34, 36, 40 and 48 are rejected under 35 U.S.C. 102(a) and/or 102(e) as being anticipated by Lillibridge et al. US 6,195,698 (hereinafter Lillibridge).

8. As per claims 1-3, 7-10, 14, 22, 27-29, 33, 34, 36, 40 and 48, Lillibridge discloses a method and a computer process for preventing robots from browsing a web site beyond a welcome page, comprising computer-executable steps of:

- a. receiving an initial request from an undefined originator and responding to said initial request with a challenge that prompts a response from said undefined originator (col. 6:40-49, when a client sends a request to a server, the server initiates a challenge to determine whether the client is an automated agent or a human); and
- b. receiving a response from said undefined originator and checking said response to determine whether said challenge is fulfilled (6:50-57, client responds with a guess); and
- c. if said challenge is fulfilled: processing any further requests; and if said challenge is not fulfilled: stopping processing of any further requests and dropping or redirecting a TCP connection established with said undefined originator (6:58-67, if the challenge is properly answered in the required time, the server allows the request, otherwise, the connection is terminated);
- d. logging a source IP address of said undefined originator and starting a timer (7:35-45 and 8:6-19, the invention checks the difference in server time to

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ascertain whether a reply is valid; 8:37-46, which discloses storing a hash of a string that includes an IP address of the client);

- e. the computer process further including computer-executable steps for: prompting said undefined originator to perform a specific action; changing said prompting at each access of said website (4:45-5:40; 6:40-43, each time the client request access to the server, the client is challenged with a randomly generated riddle);
- f. the computer process further including computer-executable steps for: prompting said undefined originator to make a response chosen from among a plurality of prompted response options; prompting said undefined originator to make a response that is an answer to a quiz; and prompting said undefined originator to make a response based upon the knowledge content of said prompt; wherein said response is suggested by textual meaning (9:19-36, the invention expresses the challenge as a natural language type question, such as identifying a letter at a certain position of a given word and typing symbols in a particular order).

Claim Rejections - 35 USC § 103

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

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 5, 31 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lillibridge in view of Baba US 7,051,369 (hereinafter Baba).

11. As per claims 5, 31 and 35, the rejections of claims 2, 29 and 33 under 35 USC 102(a) and/or (e) as being anticipated by Lillibridge are incorporated herein. Lillibridge further discloses the feature of determining whether the server has recently honored a request with a unique transaction identifier, and responding to the request if it has not. Lillibridge does not disclose that the transaction identifier is a source IP address; hence, Lillibridge does not expressly disclose computer-executable steps for: checking whether a source IP address of said new request matches said logged source IP address; and if said source IP address matches said logged source IP address: checking whether said timer has expired and, if said timer is expired, resetting said logged IP address; and proceeding normally with said new request; and if said timer is not expired, dropping or redirecting said TCP connection; if said source IP address does not match said logged source IP address, proceeding normally with said new request and executing all the above steps with each newly received request. In the related field of network intrusion detection, Baba discloses a method and apparatus to monitor IP packets and taking certain actions when an attack is identified. One type of action is logging the source address of a communication that was associated with an attack and preventing IP packets having the same source address as the logged source address from entering the network for a predetermined time. In particular, on col. 13, lines 64-14, line 21, Baba discloses

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The director 6, which has been supplied with the detected first-type attack data from the sensor 5, rewrites the filter setting file of the firewall 2 in order to prevent IP packets having the same source IP addresses as the source IP addresses contained in the detected first-type attack data from entering the LAN 1 for a predetermined time, e.g., of 5 minutes, from the present time. At this time, when the IP packets having the above source IP addresses are transmitted, the firewall 2 discards those IP packets to prevent them from entering the LAN 1. Accordingly, the LAN 1 is protected against a port scan attack.

If the director 6 is supplied again with the same detected first-type attack data as the previously given detected first-type attack data from the sensor 5 before the above predetermined time of 5 minutes elapses, then the director 6 controls the firewall 2 in order to prevent IP packets from the source IP address of the detected first-type attack data from entering the LAN 1 for the predetermined time of 5 minutes from the time at which the director 6 is supplied again with the detected first-type attack data. If the director 6 is not supplied with detected first-type attack data before the above predetermined time of 5 minutes elapses, then the director 6 cancels the blocking of IP packets from the source IP address of the detected first-type attack data against entry into the LAN 1.

The art of Baba is analogous to the art of Lillibridge because both inventions are directed to methods and systems for handling unwanted automated network communications. It would be obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Lillibridge to include computer-executable steps for: checking whether a source IP address of said new request matches said logged source IP address; and if said source IP address matches said logged source IP address: checking whether said timer has expired and, if said timer is expired, resetting said logged IP address; and proceeding normally with said new request; and if said timer is not expired, dropping or redirecting said TCP connection; if said source IP address does not match said logged source IP address, proceeding normally with said new request and executing all the above steps with each newly received request. One

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would be motivated to do so to thwart automated communications initiated by a particular source from accessing the network. The aforementioned cover the limitations of claims 5, 31 and 35.

Conclusion

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

13. See enclosed PTO-892.

Communications Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W. Kim whose telephone number is 571-272-3804. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2432

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).

/Jung Kim/
Primary Examiner, AU 2432

Notice of References Cited	Application/Control No. 12/113,607		Applicant(s)/Patent Under Reexamination LAMBERTON ET AL.	
	Examiner JUNG KIM		Art Unit 2432	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,195,698	02-2001	Lillibridge et al.	709/225
*	B	US-7,051,369	05-2006	Baba, Yoshimi	726/23
	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	Ahn et al. "Telling Humans and Computers Apart (Automatically) or How Lazy Cryptographers do AI"; Communications of the ACM, 2004
	V	The CaptchaProject: Gimp web page; downloaded from archive.org on 8/19/10: http://web.archive.org/web/20010524235558/www.captcha.net/gimpy.html 8/19/2010
	W	Coates et al. "Pessimial Print: A Reverse Turing Test"; Proceedings, IAPR 6 th Int'l Conf. on Document Analysis and Recognition, Seattle, WA, September 10-13, 2001, pp. 1154-1158.
	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.

<i>Index of Claims</i> 	Application/Control No. 12113607	Applicant(s)/Patent Under Reexamination LAMBERTON ET AL.
	Examiner JUNG KIM	Art Unit 2432

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
CLAIM		DATE								
Final	Original	08/25/2010								
	1	✓								
	2	✓								
	3	✓								
	4	-								
	5	✓								
	6	-								
	7	✓								
	8	✓								
	9	✓								
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	27	✓								
	28	✓								
	29	✓								
	30	-								
	31	✓								
	32	-								
	33	✓								
	34	✓								
	35	✓								
	36	✓								

<i>Index of Claims</i> 	Application/Control No. 12113607	Applicant(s)/Patent Under Reexamination LAMBERTON ET AL.
	Examiner JUNG KIM	Art Unit 2432

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
CLAIM		DATE								
Final	Original	08/25/2010								
	37	-								
	38	-								
	39	-								
	40	✓								
	41	-								
	42	-								
	43	-								
	44	-								
	45	-								
	46	-								
	47	-								
	48	✓								

Search Notes 	Application/Control No. 12113607	Applicant(s)/Patent Under Reexamination LAMBERTON ET AL.
	Examiner JUNG KIM	Art Unit 2432

SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
east search; acm online; google	8/24/10	jk
inventor name search on palm	8/24/10	jk

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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BIB DATA SHEET

CONFIRMATION NO. 1363

SERIAL NUMBER	FILING or 371(c) DATE	CLASS	GROUP ART UNIT	ATTORNEY DOCKET NO.		
12/113,607	05/01/2008	707	2432	FR920000041US2 (353CON)		
APPLICANTS Marc Lamberton, Antibes, FRANCE; Eric Levy-Abegnoli, Nice, FRANCE; Pascal Thubert, Vence,;						
** CONTINUING DATA ***** This application is a CON of 09/901,442 07/09/2001 PAT 7,373,510						
** FOREIGN APPLICATIONS ***** EUROPEAN PATENT OFFICE (EPO) 00480085.0 2201 09/12/2000						
** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 05/20/2008						
Foreign Priority claimed ☒ Yes ☐ No 35 USC 119(a-d) conditions met ☒ Yes ☐ No Verified and /JUNG W KIM/ Acknowledged Examiner's Signature		☐ Met after Allowance Initials	STATE OR COUNTRY FRANCE	SHEETS DRAWINGS 4	TOTAL CLAIMS 20	INDEPENDENT CLAIMS 2
ADDRESS CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 2022 BOCA RATON, FL 33487 UNITED STATES						
TITLE SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITE						
FILING FEE RECEIVED 1030	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		

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
S1	1	("7373510").PN.	US-PGPUB; USPAT	OR	OFF	2010/08/19 12:25
S2	2	("5867495" "5949876").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/19 12:25
S3	48	robots with tag same page	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/19 12:30
S4	3	("6393479" "6418471" "6574627").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/19 12:31
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S20	482	(robot computer crawler) with (distinguish\$3 different differentiat\$3 separate apart) with human and (@pd < "20050101")	USPAT	OR	ON	2010/08/19 13:35
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S22	106	human adj interactive adj proofs	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/08/19 13:39
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S27	2	asirra	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/08/19 14:42
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S29	2	("5867495" "5949876").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/19 17:52
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S35	3	("6393479" "6418471" "6574627").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/25 10:59
S36	5	lamberton.in. and (time \$1 with expire\$1) same (source address) same (drop\$4 rout\$3 redirect\$3) near3 (packet connection)	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/25 11:03
S37	123	(726/22-23.ccls. 726/1. ccls.) and (time\$1 with (elapse run adj out terminat\$3 expire\$1) same (source address))	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/25 11:51
S38	1	("7,424,744").PN.	US-PGPUB; USPAT	OR	OFF	2010/08/25 14:53

EAST Search History (Interference)

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8/ 25/ 2010 7:28:47 PM

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12113507 FAX: 2432

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Application Number	~~09301442~~	12113607
Filing Date	~~2001-07-09~~	5/1/08
First Named Inventor	Marc Lamberton	
Art Unit	~~2132~~	2432
Examiner Name	~~Peebo, Thomas R~~	Kim, Jung
Attorney Docket Number	FR920000041US1 (353)	

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					

U.S. PATENT APPLICATION PUBLICATIONS

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					

FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ²	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	11-296481	JP		1999-10-29	Mitsubishi		☐

NON-PATENT LITERATURE DOCUMENTS

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.	T5
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Receipt date: 05/01/2008

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

Application Number	~~00004442~~ 12113607 - GAU: 2432
Filing Date	~~2001-07-09~~ 5/1/08
First Named Inventor	Marc Lamberton
Art Unit	~~2132~~ 2432
Examiner Name	~~Peter Thomas R~~ Kim, Jung
Attorney Docket Number	FR920000041US1 (353)

1	YUKI, H.; CGI Lessons Using C&Perl (the 18th lesson) - For Creation of Attractive Web - Daily Quiz; C Magazine, Vol. 11, No. 10, Softbank Publishing, Inc.; October 1, 1999, pp. 168-173	☐
2	YUKI, H.; Introduction of CGI Creation Using Perl-Application Version; first edition; Softbank Publishing, Inc.; July 30, 1998, pp. 379-399	☐
3	JPI Version-6 JPI1/Remote Control; Operation Manual, Hitachi Ltd., June 30, 2000, Version 1, pp. 141-146	☐
4		☐

If you wish to add additional non-patent literature document citation information please click the Add button

EXAMINER SIGNATURE

Examiner Signature	/Jung Kim/	Date Considered	08/25/2010
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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.



PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031
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Kim, Jung

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/Jung Kim/

Date
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08/25/2010

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¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of

Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 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. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. Applicant is to place a check mark here if English language Translation is attached.

document under WIPO Standard ST. 16 if possible. Applicant is to place a check mark here if English language translation is attached.

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RE LINED THROUGH
DataDome v. Arkose Labs

IPR2025-00694

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449B/PTO				Complete if Known Application Number 09/901,442 12113607 Filing Date 07/09/2001 5/1/08 First Named Inventor Marc Lamberton Group Art Unit 2402 2432 Examiner Name Thomas R. Pecos Kim, Attorney Docket Number RSW920040130US1	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>					
Sheet	2	of	2		

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Examiner Signature	/Jung Kim/	Date Considered	08/25/2010
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12113607 - GAU: 2432

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Substitution for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known <table border="1"> <tr> <td>Application Number</td> <td>09/901,442 1211360</td> </tr> <tr> <td>Filing Date</td> <td>July 9, 2001 5/1/08</td> </tr> <tr> <td>First Named Inventor</td> <td>Marc Lamberton, et al</td> </tr> <tr> <td>Art Unit</td> <td>2402 2432</td> </tr> <tr> <td>Examiner Name</td> <td>Kim, Jung</td> </tr> <tr> <td>Attorney Docket Number</td> <td>FR920000041US1</td> </tr> </table>		Application Number	09/901,442 1211360	Filing Date	July 9, 2001 5/1/08	First Named Inventor	Marc Lamberton, et al	Art Unit	2402 2432	Examiner Name	Kim, Jung	Attorney Docket Number	FR920000041US1
Application Number	09/901,442 1211360																
Filing Date	July 9, 2001 5/1/08																
First Named Inventor	Marc Lamberton, et al																
Art Unit	2402 2432																
Examiner Name	Kim, Jung																
Attorney Docket Number	FR920000041US1																
Sheet	1	of	2														

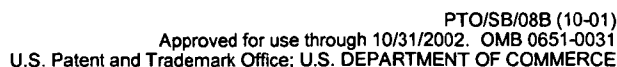
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Examiner Signature	/Jung Kim/	Date Considered	08/25/2010
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Document under WIPO Standard S.1. If possible, Applicant is to place a check mark here if English language translation is attached.

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ALL REFERENCES CONSIDERED EXCEPT WHERE REFINED THROUGH. /J.K./



Substitute for form 1449B/PTO

Complete if Known

Application Number	09/901,442 1211360
Filing Date	July 6, 2001 5/1/08
First Named Inventor	Marc Lamberton, et al
Group Art Unit	~~2432~~ 2432
Examiner Name	Kim, Jung
Attorney Docket Number	FR920000041US1

Sheet	2	of	2
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[illegible]

Examiner Signature	/Jung Kim/	Date Considered	08/25/2010
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 46320
	:	
Marc LAMBERTON et al.	:	Confirmation Number: 1363
	:	
Application No.: 12/113,607	:	Group Art Unit: 2432
	:	
Filed: May 1, 2008	:	Examiner: J. Kim
	:	
For: SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITE		

AMENDMENT

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following Amendment and Remarks are submitted in response to the Office Action
dated August 27, 2010.

AMENDMENTS TO THE CLAIMS

Claims 1-55 (Cancelled)

56. (New) A method for preventing robots from browsing a Web site beyond a welcome page, comprising:

receiving an initial request, directed to the Web site, from an undefined originator;

responding to the initial request with a challenge that prompts a response to the challenge from the undefined originator; and

receiving the response to the challenge from the undefined originator, wherein

the challenge includes:

a plurality of graphical forms, and

an accompanying textual expression describing one of the plurality of graphical forms, and

the response to the challenge includes an identification of a location of the described one of the plurality of graphical forms.

57. (New) The method of claim 56, further comprising
modifying the challenge in response to a second initial request.

58. (New) The method of claim 57, wherein
the modifying includes varying a coordinate location of the described one of the plurality of graphical forms.

59. (New) The method of claim 57, wherein
the modifying includes varying which one of the plurality of graphical forms is described
by the accompanying textual expression.

60. (New) The method of claim 56, further comprising
processing further requests from the undefined originator after the challenge has been
successfully fulfilled.

61. (New) The method of claim 56, further comprising
stopping processing of further requests from the undefined originator after the challenge
has not been successfully fulfilled.

62. (New) The method of claim 61, wherein
the stopping processing includes dropping or redirecting a TCP connection established
with the undefined originator.

63. (New) The method of claim 56, further comprising
logging a source IP address of the undefined originator, and
starting a timer.

64. (New) The method of claim 56, further comprising:
receiving a new request;

determining whether a source IP address of the new request matches the logged source IP address of the undefined originator;

determining whether said timer is expired; and

upon the source IP address of the new request matching the logged source IP address of the undefined originator and the timer being expired, responding to the new request with a second challenge that prompts a response to the second challenge.

65. (New) The method of claim 56, wherein

the location is X and Y coordinates of the undefined originator's click associated with the challenge.

66. (New) A computer program product comprising a computer usable storage medium having stored therein computer usable program code for preventing robots from browsing a Web site beyond a welcome page, the computer usable program code, which when executed by a computer hardware device, causes the computer hardware device to perform:

receiving an initial request, directed to the Web site, from an undefined originator;

responding to the initial request with a challenge that prompts a response to the challenge from the undefined originator; and

receiving the response to the challenge from the undefined originator, wherein

the challenge includes:

a plurality of graphical forms, and

an accompanying textual expression describing one of the plurality of graphical forms, and

the response to the challenge includes an identification of a location of the described one of the plurality of graphical forms.

67. (New) The computer program product of claim 66, wherein the computer hardware device is further caused to perform
modifying the challenge in response to a second initial request.

68. (New) The computer program product of claim 67, wherein
the modifying includes varying a coordinate location of the described one of the plurality of graphical forms.

69. (New) The computer program product of claim 67, wherein
the modifying includes varying which one of the plurality of graphical forms is described by the accompanying textual expression.

70. (New) The computer program product of claim 66, wherein the computer hardware device is further caused to perform
processing further requests from the undefined originator after the challenge has been successfully fulfilled.

71. (New) The computer program product of claim 66, wherein the computer hardware device is further caused to perform

stopping processing of further requests from the undefined originator after the challenge has not been successfully fulfilled.

72. (New) The computer program product of claim 71, wherein the stopping processing includes dropping or redirecting a TCP connection established with the undefined originator.

73. (New) The computer program product of claim 66, wherein the computer hardware device is further caused to perform logging a source IP address of the undefined originator, and starting a timer.

74. (New) The computer program product of claim 66, wherein the computer hardware device is further caused to perform:

- receiving a new request;
- determining whether a source IP address of the new request matches the logged source IP address of the undefined originator;
- determining whether said timer is expired; and
- upon the source IP address of the new request matching the logged source IP address of the undefined originator and the timer being expired, responding to the new request with a second challenge that prompts a response to the second challenge.

75. (New) The computer program product of claim 66, wherein

the location is X and Y coordinates of the undefined originator's click associated with the challenge.

REMARKS

At the time of the First Office Action dated August 27, 2010, claims 1-3, 5, 7-10, 14, 22, 27-29, 31, 33-36, 40, and 48 were pending and rejected in this application.

Applicants have cancelled claims 1-3, 5, 7-10, 14, 22, 27-29, 31, 33-36, 40, and 48 to remove these claims from further consideration in this application. Applicants are not conceding in this application that those claims are not patentable over the prior art cited by the Examiner, as the present claim cancellations are only for facilitating expeditious prosecution of the present Application. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

Claims 56-75 have been newly added, and Applicants respectfully submit that the newly presented claims do not generate any new matter issue. Moreover, Applicants note that newly presented independent claims 56 and 66 each recite "the challenge includes: a plurality of graphical forms, and an accompanying textual expression describing one of the plurality of graphical forms, and the response to the challenge includes an identification of a location of the described one of the plurality of graphical forms." Applicants respectfully submit that the applied prior art, either alone or in combination, fails to teach or suggest these limitations.

CLAIMS 1-3, 5, 7-10, 14, 22, 27-29, 31, 33-36, 40, AND 48 ARE REJECTED UNDER THE JUDICIALLY CREATED DOCTRINE OF OBVIOUSNESS-TYPE DOUBLE PATENTING AS BEING UNPATENTABLE OVER CLAIMS 1-30 OF U.S. PATENT NO. 7,373,510 (HEREINAFTER THE '510 PATENT)

Claims 1-3, 5, 7-10, 14, 22, 27-29, 31, 33-36, 40, and 48 have been cancelled, and thus, the Examiner's rejection is rendered moot.

CLAIMS 27-29, 33-34, 36, 40, AND 48 ARE REJECTED UNDER 35 U.S.C. § 101

Claims 27-29, 33-34, 36, 40, and 48 have been cancelled, and thus, the Examiner's rejection is rendered moot.

CLAIMS 1-3, 7-10, 14, 22, 27-29, 33-34, 36, 40, AND 48 ARE REJECTED UNDER 35 U.S.C. § 102 AS BEING ANTICIPATED BY LILLIBRIDGE ET AL., U.S. PATENT NO. 6,195,698 (HEREINAFTER LILLIBRIDGE)

Claims 1-3, 7-10, 14, 22, 27-29, 33-34, 36, 40, and 48 have been cancelled, and thus, the Examiner's rejection is rendered moot.

CLAIMS 5, 31, AND 35 ARE REJECTED UNDER 35 U.S.C. § 103 AS BEING OBVIOUSNESS IN VIEW OF LILLIBRIDGE AND BABA, U.S. PATENT NO. 7,051,369

Claims 5, 31, and 35 have been cancelled, and thus, the Examiner's rejection is rendered moot.

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicants hereby respectfully request reconsideration and prompt allowance of the pending claims.

Although Applicants believe that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction. (emphasis added)

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

Date: November 24, 2010

Respectfully submitted,

/Scott D. Paul/

Scott D. Paul

Registration No. 42,984

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Registration No. 44,725

Phone: (561) 922-3845

CUSTOMER NUMBER 46320

Electronic Acknowledgement Receipt

EFS ID:	8912834
Application Number:	12113607
International Application Number:	
Confirmation Number:	1363
Title of Invention:	SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITE
First Named Inventor/Applicant Name:	Marc Lamberton
Customer Number:	46320
Filer:	Scott David Paul
Filer Authorized By:	
Attorney Docket Number:	FR920000041US2 (353CON)
Receipt Date:	24-NOV-2010
Filing Date:	01-MAY-2008
Time Stamp:	16:29:52
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		7161-353CON_amendment_1_OA_08-27-10.pdf	85789 12458ee33061340be6cd75b765c64e60b5b2f024	yes	10

	Multipart Description/PDF files in .zip description		
	Document Description	Start	End
	Amendment/Req. Reconsideration-After Non-Final Reject	1	1
	Claims	2	7
	Applicant Arguments/Remarks Made in an Amendment	8	10
Warnings:			
Information:			
Total Files Size (in bytes):		85789	
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.			

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.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 12/113,607		Filing Date 05/01/2008		☐ To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)		SMALL ENTITY ☐ OR			OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A				
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$	=		X \$	=			
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$	=		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 \$250 (\$125 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			TOTAL				
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)		SMALL ENTITY OR			OTHER THAN SMALL ENTITY		
AMENDMENT	11/24/2010	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
	Total (37 CFR 1.16(i))	* 20	Minus	** 20	=	0		X \$52=	0	
	Independent (37 CFR 1.16(h))	* 2	Minus	*** 3	=	0		X \$220=	0	
☐ Application Size Fee (37 CFR 1.16(s))										
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE			TOTAL ADD'L FEE	0	
(Column 1)			(Column 2)		SMALL ENTITY OR			OTHER THAN SMALL ENTITY		
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	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			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.										

Legal Instrument Examiner:
/MARQUITA D. JONES/

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.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/113,607	05/01/2008	Marc Lamberton	FR920000041US2 (353CON)	1363
46320 7590 02/17/2011 CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 2022 BOCA RATON, FL 33487			EXAMINER KIM, JUNG W	
			ART UNIT 2432	PAPER NUMBER
			MAIL DATE 02/17/2011	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.

Office Action Summary	Application No. 12/113,607	Applicant(s) LAMBERTON ET AL.	
	Examiner JUNG KIM	Art Unit 2432	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 56-75 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 56-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

- | | |
|---|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed on 11/24/10.
2. Claims 56-75 are pending.

Priority

3. This application is a continuation of US Application 09/901,442, filed on July 9, 2001, now patent no. 7,373,510, which claims foreign priority to EP 0048008, filed on September 12, 2000.

Claim Objections

4. Claims 64 and 74 are objected to because of the following informalities: claims 64 and 74 define the limitation "determining whether a source IP address of the new request matches the logged source IP address of the undefined originator." However, the independent claims to which claims 64 and 74 depend upon do not provide antecedent basis for "the logged source IP address." It appears that claims 64 and 74 were intended to depend on claims 63 and 73 respectively, because claims 63 and 73 do in fact define a "logged source IP address." Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. Claims 66-75 are rejected under 101 as being directed to nonstatutory subject matter. Claims 66-75 define a computer program product comprising a computer

usable storage medium. The specification provides no guidance for interpreting the limitation "computer usable storage medium." Under the broadest reasonable interpretation of the claim, a computer usable storage medium is directed to both statutory (e.g. hardware related mediums) and non-statutory (e.g. signals per se) subject matter. Signals per se are not one of the four categories of patent-eligible subject matter. See *In re Nuijten*, 515 F.3d 1361 (Fed. Cir. 2008). To overcome the 101 rejection, Applicant is advised to add the modifier "non-transitory" to "computer usable storage medium," or change "medium" to "device."

Claim Rejections - 35 USC § 103

6. Claims 56-61, 65-71 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili US 6,209,104 (hereinafter Jalili) in view of Kirsch US 5,855,020 (hereinafter Kirsch).

7. As per claims 56-61, 65-71 and 75, Jalili discloses a method and a computer program product comprising computer usable storage medium having stored therein computer usable program code, which when executed by a computer hardware device, causes the computer hardware device to perform a method comprising:

- a. receiving an initial request, directed to the Web site, from an undefined originator (see col. 6, lines 4-7 and lines 32-33; col. 9, lines 40-57: user requests access to a server);
- b. responding to said initial request with a challenge that prompts a response to the challenge from said undefined originator (see col. 6, lines 34-36; col. 9,

lines 40-57, server returns a group of icons, randomly arranged, and displayed on the user's display; the user selects her password from the displayed icons); and

c. receiving the response to the challenge from said undefined originator, wherein the challenge includes: a plurality of graphically forms, and an instruction describing one of the plurality of the described one of the plurality of graphical forms (see col. 6, lines 32-48; col. 7, line 25-col. 8, line 31: visual authentication system requires the user to enter their password to access the service; the set of characters by which the user selects their password are randomly arranged and are identified using different shapes; the coordinate list of the selected icons are returned to the server for user authentication; col. 8, lines 33-41: user password is not limited to characters per se-it can also include image based sequences; instruction by the authentication system to select the user password from the displayed set of icons identifies a subset of the set of icons);

d. modifying the challenge in response to a second initial request; the modifying includes varying a coordinate location of the described one of the plurality of graphical forms; the modifying includes varying which one of the plurality of graphical forms is described by the instruction (see col. 9, lines 1-10, for each session, the icon shapes are different, and placed in different locations; the instruction requires the user to select their password from the displayed set of icons);

- e. processing further requests from the undefined originator after the challenge has been successfully fulfilled (see col. 6, lines 4-28; col. 8, lines 10-15: access to services is granted if the submitted coordinate data corresponds to the expected coordinate data for the session; col. 8, lines 66-67);
 - f. stopping processing of further requests from the undefined originator after the challenge has not been successfully fulfilled (see col. 8, lines 10-15: access is only granted if the submitted coordinate data corresponds to the expected coordinate data for the session);
 - g. wherein the location is X and Y coordinates of the undefined originator's click associated with the challenge (see figs. 6 and 7, each icon is designated a particular coordinate location for the session; col. 7, line 62-col. 8, line 15: user selects data in a particular order via a mouse, and the coordinate data of the selected icons are transmitted to the server for verification; col. 8, lines 49-54).
8. Furthermore, Jalili's method and system prevents robots, such as web crawlers, from browsing a web site beyond a welcome page. At the time the invention was made, web crawlers conventionally traversed web pages by requesting access via URLs embedded in a given page. See e.g. Kirsch, col. 2, lines 53-65. Because the authentication procedure disclosed by Jalili requires user interaction (i.e. clicking on a random display of icons) in order to gain access, conventional web crawlers would have not be able to access a site that used Jalili's authentication procedure beyond the initial login page.

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9. Finally, although Jalili does not expressly disclose the instruction is an accompanying textual expression, it was notoriously well known in the art of user authentication at the time the invention was made to provide a textual expression of an instruction to select a password from an available character set. For example, ATM systems conventionally included a written instruction for the user to enter their password from a key pad. Official notice of this teaching is taken. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Jalili such that the instruction is an accompanying textual expression. One would have been motivated to do so to provide a text based instruction so that the user can authenticate with the system as known to one of ordinary skill in the art. The aforementioned cover the limitations of claims 56-61, 65-71 and 75.

10. Claims 62, 63, 72 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili in view of Kirsch, and further in view of Lilibridge et al. US 6,195,698 (hereinafter Lilibridge et al.).

11. As per claims 62, 63, 72 and 73, the rejections of claims 56 and 61 under 35 USC 103(a) as being unpatentable over Jalili in view of Kirsch is incorporated herein. Jalili does not expressly disclose the step of stopping processing includes dropping or redirecting a TCP connection established with the undefined originator; or that the method further comprising the step of logging a source IP address of the undefined originator, and starting a timer. Lilibridge et al. disclose a method for restricting access

to a network service available over the Internet by requiring the user to respond correctly to a riddle. See abstract; col. 5, lines 40-64. In particular, Lilibridge et al. disclose that if the user's response is not correct, the server terminates the connection. See col. 6, lines 58-67. Furthermore, Lilibridge et al. disclose that in response to a generic request for service, the system sends the riddle and a server time to the client; the client responds with an answer to the riddle and the time. If the difference between the returned time and the maximum time allowed to solve the riddle is less than a certain threshold, and the received answer is correct, access to the service is granted. Moreover, Lilibridge et al. disclose logging the client's IP address to ensure that a client's answer came from the same source as the initial request. See col. 8, lines 37-46. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Jalili such that the step of stopping processing includes dropping or redirecting a TCP connection established with the undefined originator. One would have been motivated to do so to prevent network access to the service if the user does not properly respond to the challenge as taught by Lilibridge et al. Moreover, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the method of Jalili to further comprise logging a source IP address of the undefined originator and starting a timer. One would have been motivated to do so to ensure that the authentication was performed by the user who initiated the request and that the authentication procedure did not timeout as known to one of ordinary skill in the art and as disclosed by Lilibridge et al. The aforementioned cover the limitations of claims 62, 63, 72 and 73.

12. Claims 64 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili in view of Kirsch and Lilibridge et al., and further in view of Kenyon US 6,199,065 (hereinafter Kenyon).

13. As per claims 64 and 74, the rejections of claims 63 and 73 under 35 USC 103(a) as being unpatentable over Jalili in view of Kirsch is incorporated herein. Jalili does not disclose receiving a new request, determining whether a source IP address of the new request matches the logged source IP address of the undefined originator; determining whether said timer is expired; and upon the source IP address of the new request matching the logged source IP address of the undefined originator and the timer being expired, responding to the new request with a second challenge that prompts a response to the second challenge. However, the feature of re-authenticating a user once a session has timeout was well known in the art at the time the invention was made. Because old sessions for a particular user can result in a security lapse, network servers conventionally terminated a user's session and required the user to re-authenticate to the network server. For example, Kenyon discloses a method and system for providing online services; users initially are required to authenticate to the service to establish a valid session. However, if the user's session times out, the user is required to login again. See col. 2, lines 15-40. It is further conventional in the art to identify a user's session by the IP address of the user's transmissions. See e.g. Lilibridge et al. at col. 8, lines 36-46. The invention of Jalili in view of the teachings of

Kenyon and Lilibridge et al. would suggest checking the source IP address of a new request, and if the source had already established a session but the session had timed out, then re-initiating the authentication procedure. Because each new authentication procedure of Jalili would display a new order/shape for the set of characters, the re-authentication step for a given user would transmit a new challenge that prompts a response to the second challenge. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Jalili such that the invention receives a new request, determines whether a source IP address of the new request matches the logged source IP address of the undefined originator; determines whether said timer is expired; and upon the source IP address of the new request matches the logged source IP address of the undefined originator and the timer being expired, responds to the new request with a second challenge that prompts a response to the second challenge. One would have been motivated to do so to prevent unauthorized access to stale user sessions and to reduce system usage by terminating stale user sessions as known to one of ordinary skill in the art. The aforementioned cover the limitations of claims 64 and 74.

Conclusion

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

15. D.R. Hobaugh "A practical Turing Test for Detecting Adbots" discloses a test to determine whether the user is a robot or a human; a user is presented with two sets of

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images, which represent two classifications of images. The test asks the user whether an image falls into one category or another. The article is identified as being published in volume 12, issue 4, of the *Intelligence* for the winter of 2001. No record of this volume is listed in the copyright office. The printed out of the bongo web page: <http://www.captcha.net/captchas/bongo/> is dated 8/13/02. <http://captcha.net/cgi-bin/bongo> was indexed on 2/4/02 by archive.org.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Communications Inquiry

Art Unit: 2432

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNG KIM whose telephone number is (571)272-3804. The examiner can normally be reached on FLEX.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. 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).

/Jung Kim/
Primary Examiner, AU 2432

Notice of References Cited	Application/Control No. 12/113,607		Applicant(s)/Patent Under Reexamination LAMBERTON ET AL.	
	Examiner JUNG KIM		Art Unit 2432	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,209,104	03-2001	Jalili, Reza	726/18
*	B	US-6,199,065	03-2001	Kenyon, Simon Charles	1/1
*	C	US-5,855,020	12-1998	Kirsch, Steven T.	1/1
	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	D.R. Hobbaugh "A Practical Turing Test for Detecting Adbots" Intelligence, Vol. 12, Issue 4, Winter 2001.
	V	http://www.captcha.net/captchas/bongo/ dated 8/13/02.
	W	http://web.archive.org/web/20020204070232/http://www.captcha.net/cgi-bin/bongo downloaded on 2/9/11.
	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.

<i>Search Notes</i> 	Application/Control No. 12113607	Applicant(s)/Patent Under Reexamination LAMBERTON ET AL.
	Examiner JUNG KIM	Art Unit 2432

SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
east search; acm online; google	8/24/10	jk
inventor name search on palm	8/24/10	jk
updated east search; google	2/8/11	jk

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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<i>Index of Claims</i> 	Application/Control No. 12113607	Applicant(s)/Patent Under Reexamination LAMBERTON ET AL.
	Examiner JUNG KIM	Art Unit 2432

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant				☐ CPA				☐ T.D.				☐ R.1.47			
CLAIM		DATE													
Final	Original	08/25/2010	02/09/2011												
	1	✓	-												
	2	✓	-												
	3	✓	-												
	4	-	-												
	5	✓	-												
	6	-	-												
	7	✓	-												
	8	✓	-												
	9	✓	-												
	10	✓	-												
	11	-	-												
	12	-	-												
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	14	✓	-												
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	34	✓	-												
	35	✓	-												
	36	✓	-												

<i>Index of Claims</i> 	Application/Control No. 12113607	Applicant(s)/Patent Under Reexamination LAMBERTON ET AL.
	Examiner JUNG KIM	Art Unit 2432

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant				☐ CPA				☐ T.D.				☐ R.1.47			
CLAIM		DATE													
Final	Original	08/25/2010	02/09/2011												
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	70		✓												
	71		✓												
	72		✓												

<i>Index of Claims</i> 	Application/Control No. 12113607	Applicant(s)/Patent Under Reexamination LAMBERTON ET AL.
	Examiner JUNG KIM	Art Unit 2432

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant				☐ CPA		☐ T.D.		☐ R.1.47	
CLAIM		DATE							
Final	Original	08/25/2010	02/09/2011						
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	74		✓						
	75		✓						

EAST Search History

EAST Search History (Prior Art)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
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S2	2	("5867495" "5949876").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/19 12:25
S3	48	robots with tag same page	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/19 12:30
S4	3	("6393479" "6418471" "6574627").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/19 12:31
S5	331	captcha	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/19 12:46
S6	24	("20030096643" "20050037834" "20050148379" "20050151319" "20050181852" "20050192086" "20050202864" "20050206076" "20060036874" "20060080175" "20060154714" "4679143" "5667439" "6394901" "6468155" "6645071" "6902166" "6918834" "6932702" "7033270" "7056210" "7066813" "7074127" "7077746").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/19 12:51
S7	5	("20030028773" "6038666" "6742039" "7139916" "7149899").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/19 12:52

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S9	5	("20030028773" "6038666" "6742039" "7139916" "7149899"). PN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/19 12:57

S10	67	("20010042043" "20020023214" "20020048369" "20020087859" "20020112171" "20020152173" "20030023856" "20030041239" "20030046244" "20030069748" "20030069749" "20030084003" "20030105721" "20030163431" "20040054630" "20040059951" "20040103305" "20040107356" "20040123129" "20040133793" "20050027871" "20050050332" "20050060560" "20050060584" "4827508" "4977594" "5050213" "5124117" "5150411" "5410598" "5530235" "5534975" "5629980" "5634012" "5638443" "5715403" "5892900" "5910987" "5915019" "5917912" "5920630" "5920861" "5940504" "5943422" "5949876" "5982891" "5999949" "6112181" "6138119" "6157721" "6185683" "6195698" "6209093" "6237786" "6240185" "6253193" "6292569" "6363488" "6389402" "6427140" "6449367" "6618484" "6640304" "6658568" "6668325" "6785815" "6832316").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/19 12:58
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S11	23	("20010037468" "20040003258" "20040199597" "20050140675" "20050198580" "4695966" "4949391" "5539868" "6037984" "6195698" "6243093" "6266158" "6292575" "6397355" "6618117" "6636216" "6721423" "6750944" "6763515" "6829748" "6868539" "6895507" "6947557"). PN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/19 12:59
S12	8	("5425102" "5434918" "5604803" "5721779" "5784464" "5889860" "5953419" "5966445"). PN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/19 13:02
S13	54	("6195698").URPN.	USPAT	OR	ON	2010/08/19 13:03
S14	85	turing adj test	USPAT	OR	ON	2010/08/19 13:28
S15	0	(ahn near3 luis manuel near3 blum nicholas near3 hopper john near3 langford).in. and carnegie adj mellon.asn.	USPAT	OR	ON	2010/08/19 13:31
S16	0	(ahn near3 luis manuel near3 blum nicholas near3 hopper john near3 langford).in. and (robot turing)	USPAT	OR	ON	2010/08/19 13:32
S17	0	(ahn near3 luis manuel near3 blum nicholas near3 hopper john near3 langford).in. and (robot computer) with (distinguish \$3 different differentiat\$3 separate apart) with human	USPAT	OR	ON	2010/08/19 13:35
S18	0	(ahn near3 luis manuel near3 blum nicholas near3 hopper john near3 langford).in. and (robot computer crawler) with (distinguish\$3 different differentiat\$3 separate apart) with human	USPAT	OR	ON	2010/08/19 13:35

S19	923	(robot computer crawler) with (distinguish\$3 different differentiat\$3 separate apart) with human	USPAT	OR	ON	2010/08/19 13:35
S20	482	(robot computer crawler) with (distinguish\$3 different differentiat\$3 separate apart) with human and (@pd < "20050101")	USPAT	OR	ON	2010/08/19 13:35
S21	26	human adj interactive adj proofs	USPAT	OR	ON	2010/08/19 13:39
S22	106	human adj interactive adj proofs	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/08/19 13:39
S23	23	("20010037468" "20040003258" "20040199597" "20050140675" "20050198580" "4695966" "4949391" "5539868" "6037984" "6195698" "6243093" "6266158" "6292575" "6397355" "6618117" "6636216" "6721423" "6750944" "6763515" "6829748" "6868539" "6895507" "6947557").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/19 13:40
S24	6	("20030005464" "20030110400" "20030172283" "20050065802" "20050246193" "7006661").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/19 13:43
S25	1	("6195698").PN.	US-PGPUB; USPAT	OR	OFF	2010/08/19 14:18
S26	11	turing and gimpy	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/08/19 14:21
S27	2	asirra	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2010/08/19 14:42

S28	2	(ahn near3 luis manuel near3 blum nicholas near3 hopper john near3 langford) and (gimpy)	USPAT	OR	ON	2010/08/19 14:44
S29	2	("5867495" "5949876").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/19 17:52
S30	1	("7373510").PN.	US-PGPUB; USPAT	OR	OFF	2010/08/25 10:27
S31	2	("5867495" "5949876").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/25 10:27
S32	70	(726/22-23.ccls. 726/1.ccls.) and (time\$1 with expire\$1) same (source address)	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/25 10:35
S33	193	(time\$1 with expire\$1) same (source address) same (drop\$4 rout\$3 redirect\$3) near3 (packet connection)	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/25 10:40
S34	1	("6393479").PN.	US-PGPUB; USPAT	OR	OFF	2010/08/25 10:50
S35	3	("6393479" "6418471" "6574627").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/25 10:59
S36	5	lamberton.in. and (time\$1 with expire\$1) same (source address) same (drop\$4 rout\$3 redirect\$3) near3 (packet connection)	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/25 11:03
S37	123	(726/22-23.ccls. 726/1.ccls.) and (time\$1 with (elapse run adj out terminat \$3 expire\$1) same (source address))	US-PGPUB; USPAT; USOCR	OR	ON	2010/08/25 11:51
S38	1	("7,424,744").PN.	US-PGPUB; USPAT	OR	OFF	2010/08/25 14:53
S39	26	(captcha human adj interactive adj proofs reverse adj turing) and (graphic\$2 picture illustration) with (location position)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/01/31 13:35
S40	2	(09/901442).APP.	US-PGPUB; USPAT	OR	OFF	2011/01/31 13:37
S41	60	("6195698").URPN.	USPAT	OR	ON	2011/01/31 13:43

S42	23	("20010037468" "20040003258" "20040199597" "20050140675" "20050198580" "4695966" "4949391" "5539868" "6037984" "6195698" "6243093" "6266158" "6292575" "6397355" "6618117" "6636216" "6721423" "6750944" "6763515" "6829748" "6868539" "6895507" "6947557"). PN.	US-PGPUB; USPAT; USOCR	OR	ON	2011/01/31 15:38
S43	10	captchas and bongo	US-PGPUB; USPAT; USOCR	OR	ON	2011/01/31 15:52
S44	10	captcha and bongo	US-PGPUB; USPAT; USOCR	OR	ON	2011/01/31 15:52
S45	20	(726/22-23.ccls. 726/1. ccls.) and (human adj interactive adj proof captcha reverse adj turing)	US-PGPUB; USPAT; USOCR	OR	ON	2011/01/31 16:17
S46	476	(human adj interactive adj proof captcha reverse adj turing)	US-PGPUB; USPAT; USOCR	OR	ON	2011/01/31 16:19
S47	19	(713/182.ccls.) and (human adj interactive adj proof captcha reverse adj turing)	US-PGPUB; USPAT; USOCR	OR	ON	2011/01/31 16:21
S48	2	("6292897" "7139916"). PN.	US-PGPUB; USPAT; USOCR	OR	ON	2011/01/31 16:38
S49	57	visual adj cryptography	US-PGPUB; USPAT; USOCR	OR	ON	2011/01/31 17:21
S53	1	("20030142748").PN.	US-PGPUB; USPAT	OR	OFF	2011/02/02 16:35
S54	1	("20040062307").PN.	US-PGPUB; USPAT	OR	OFF	2011/02/02 16:55
S55	1	(12/132045).APP.	US-PGPUB; USPAT	OR	OFF	2011/02/03 08:52
S56	1	("6,889,218").PN.	US-PGPUB; USPAT	OR	OFF	2011/02/03 09:10
S57	51	intrusion adj detection and (learn\$3 same abnormal same normal)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/03 09:11
S58	1	("20050076245").PN.	US-PGPUB; USPAT	OR	OFF	2011/02/03 09:12

S59	1	(12/105593).APP.	US-PGPUB; USPAT	OR	OFF	2011/02/03 09:17
S60	39	intrusion adj detection adj system and (learn\$3 same abnormal same normal)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/03 09:27
S61	6	(eap extensible adj authentication adj protocol).bsum. and ((ack acknowledgement) and (mac message adj authentication adj code)). clm.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/03 10:13
S62	5	result adj indication same eap	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/03 10:34
S63	2	eap and success same hokey	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/03 10:50
S64	5	eap and success same preference	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/03 10:55
S65	1	eap and success same preference and hokey	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/03 10:55
S66	0	eap and sucess same option and hokey	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/03 10:55
S67	0	eap and sucess same option same extension	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/03 10:56

S68	2	eap and success same option same extension	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/03 10:56
S69	3	eap and success same (preference option) same extension	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/03 10:56
S70	291	eap and success same (key)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/03 10:59
S71	141	eap and success with (key)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/03 10:59
S72	1	S65 and (key same success)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/03 11:00
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S74	1	S73 and (key same success)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/03 11:01
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S78	6	("5918013" "6006328" "6192475" "6195698" "6334189" "6668325").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2011/02/08 09:32
S79	12	("20020178058" "20040199597" "4964163" "5163097" "5345549" "5497422" "5608387" "6134657" "6195698" "6209104" "6615264" "6980081").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2011/02/08 09:33
S80	26	("4964163").URPN.	USPAT	OR	ON	2011/02/08 09:39
S81	9	("5276314" "5428349" "5465084" "5559961" "5608387" "5664099" "5754785" "5764913" "5821933").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2011/02/08 10:10
S82	55	("6209104").URPN.	USPAT	OR	ON	2011/02/08 10:11
S83	19	("20020188842" "20020188872" "20030002667" "20030005290" "20030182558" "20040044739" "20050055318" "6070796" "6209102" "6209104" "6226752" "6317835" "6363152" "6400675" "6571336" "6970852" "7124433" "7387240" "7526652").PN.	US-PGPUB; USPAT; USOCR	OR	ON	2011/02/08 10:12
S84	1	("6,195,698").PN.	US-PGPUB; USPAT	OR	OFF	2011/02/08 11:11
S85	1	("20060294390").PN.	US-PGPUB; USPAT	OR	OFF	2011/02/08 12:31
S86	1	("7231657").PN.	US-PGPUB; USPAT	OR	OFF	2011/02/08 12:33
S87	10153	((("713/18?)OR("726")).ccls.).CCLS.	US-PGPUB; USPAT	OR	OFF	2011/02/08 12:58

S88	10157	((713/18?)OR("726")).ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/08 12:58
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S90	29252	"726".clas.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/08 13:06
S91	0	"726".ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/08 13:07
S92	13224	726/?ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/08 13:07
S93	29252	"726"/\$.ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/08 13:07
S94	36049	(713/18? OR "726"/\$).ccls.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/08 13:08
S95	3262	web adj crawler	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/08 15:33
S96	612	web adj crawler and @py < "2005"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/08 15:33

S97	269	web adj crawler and @ad < "20001010"	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/08 15:33
S99	282	ip adj address same session with (time adj out timeout)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/09 09:23
S100	77	ip adj address same session with (time adj out timeout) same (authenticat \$3 login relogin reauthenticat\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/09 09:23
S101	314	session with (time adj out timeout) same (reauthenticat\$3 relogin again)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/09 09:31
S102	58	session with (time adj out timeout) same (reauthenticat\$3 relogin (again with (authenticat\$3 login)))	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2011/02/09 09:32

EAST Search History (I nterference)

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S51	4	(marc near2 lamberton and eric near2 levy- abegnoli and pascal near2 thubert).in.	US-PGPUB; UPAD	OR	ON	2011/01/31 18:03
S52	11	(marc near2 lamberton and eric near2 levy- abegnoli and pascal near2 thubert).in.	US-PGPUB; USPAT; UPAD	OR	ON	2011/01/31 18:03

2/ 9/ 2011 11:45:23 AM

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 46320
:
Marc Lamberton : Confirmation Number: 1363
:
Application No.: 12/113,607 : Group Art Unit: 2431
:
Filed: May 1, 2008 : Examiner: Abrishamkar, Kaveh
:
For: SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITE

NOTICE OF APPEAL

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

Appellant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the Examiner.

The fee for this Notice of Appeal is (37 C.F.R. § 41.20(b)(1)): \$540.00

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

X The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 09-0461.

___ A Petition for Extension of Time under C.F.R. § 1.136(a) (PTO/SB/22) is enclosed.

Date: May 17, 2011

Respectfully submitted,

/Steven Greenberg/
Steven M. Greenberg
Registration Number 44,725
CUSTOMER NUMBER 46320

Electronic Patent Application Fee Transmittal

Application Number:	12113607			
Filing Date:	01-May-2008			
Title of Invention:	SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITE			
First Named Inventor/Applicant Name:	Marc Lamberton			
Filer:	Steven M. Greenberg/Sarah Scott			
Attorney Docket Number:	FR920000041US2 (353CON)			
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Notice of appeal	1401	1	540	540
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:			DataDome Ex. 1002, p. 141 DataDome v. Arkose Labs	

IPR2025-00694

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				540

Electronic Acknowledgement Receipt	
EFS ID:	10105742
Application Number:	12113607
International Application Number:	
Confirmation Number:	1363
Title of Invention:	SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITE
First Named Inventor/Applicant Name:	Marc Lamberton
Customer Number:	46320
Filer:	Steven M. Greenberg/Sarah Scott
Filer Authorized By:	Steven M. Greenberg
Attorney Docket Number:	FR920000041US2 (353CON)
Receipt Date:	17-MAY-2011
Filing Date:	01-MAY-2008
Time Stamp:	12:30:18
Application Type:	Utility under 35 USC 111(a)

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Payment was successfully received in RAM	\$540			
RAM confirmation Number	10014			
Deposit Account	090461			
Authorized User				
File Listing:				
Document Number	Document Description	File Name	File Size (Bytes) Data Dome v. Arkose Labs	Multi-Part (.zip, if appl.) Ex. 1002, p. 143

1	Notice of Appeal Filed	7161-353CON_NOTICEOFAPPEAL_05172011.pdf	15325 ae4b5b05a2f72bc545e1d9b26936a44c3fb80355	no	1
Warnings:					
Information:					
2	Fee Worksheet (PTO-875)	fee-info.pdf	30683 252faae0f71f2b6cd51ee8764a03d96819ff8f20	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			46008		
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.					

Document code: WFEE

United States Patent and Trademark Office
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	Seq No: 10014	Sales Acctg Dt: 05/17/2011	090461	12113607
	01 FC : 1401	540.00 CR		

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IX. EVIDENCE APPENDIX 19

X. RELATED PROCEEDINGS APPENDIX 20

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application Number: 12/113,607

Confirmation Number: 1363

Filing Date: May 1, 2008

Applicant(s): Marc Lamberton et al.

Entitled: SYSTEM AND METHOD FOR IMPLEMENTING
A ROBOT PROOF WEB SITE

Examiner: ABRISHAMKAR, KAVEH

Group Art Unit: 2431

Attorney Docket No.: FR920000041US2 (7161-353CON)

TRANSMITTAL OF APPEAL BRIEF

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

Sir:

Submitted herewith is Appellants' Appeal Brief in support of the Notice of Appeal dated May 17, 2011. The Director is authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 09-0461.

Date: July 13, 2011

Respectfully submitted,

/Steven M. Greenberg/
Steven M. Greenberg
Registration No. 44,725
Customer Number 46320

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application Number: 12/113,607
Confirmation Number: 1363
Filing Date: May 1, 2008
Applicant(s): Marc Lamberton et al.
Entitled: SYSTEM AND METHOD FOR IMPLEMENTING
A ROBOT PROOF WEB SITE
Examiner: ABRISHAMKAR, KAVEH
Group Art Unit: 2431
Attorney Docket No.: FR920000041US2 (7161-353CON)

APPEAL BRIEF

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

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed May 17, 2011, wherein the Appellants appeals from the Examiner's rejection of claims 56-75.

I. REAL PARTY IN INTEREST

The patent application of the subject patent application (the "Application") has been assigned to International Business Machines Corporation by assignment recorded on July 9, 2001, at Reel 012010, Frame 0251.

II. RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any related appeals and interferences.

III. STATUS OF CLAIMS

Claims 56-75 are pending in the Application. Claims 56-75 have been rejected and are under appeal. Claims 1-55 have been cancelled.

IV. STATUS OF AMENDMENTS

No claims were amended after the final official action dated February 17, 2011 (the "Final Office Action").

V. SUMMARY OF CLAIMED SUBJECT MATTER

With respect to claim 56, a method for preventing robots from browsing a Web site beyond a welcome page has been claimed. (Page 6, lines 2-4) The method includes receiving an initial request, directed to the Web site, from an

undefined originator; responding to the initial request with a challenge that prompts a response to the challenge from the undefined originator; and receiving the response to the challenge from the undefined originator. (Page 8, lines 6-23)

The challenge includes a plurality of graphical forms, and an accompanying textual expression describing one of the plurality of graphical forms. The response to the challenge includes an identification of a location of the described one of the plurality of graphical forms. (Page 6, line 14 to page 7, line 10)

With respect to claim 66, a computer program product comprising a computer usable storage medium having stored therein computer usable program code for preventing robots from browsing a Web site beyond a welcome page has been claimed. (Page 4, lines 17-18) The computer usable program code, which when executed by a computer hardware device, causes the computer hardware device to perform: receiving an initial request, directed to the Web site, from an undefined originator; responding to the initial request with a challenge that prompts a response to the challenge from the undefined originator; and receiving the response to the challenge from the undefined originator. (Page 8, lines 6-23)

The challenge includes a plurality of graphical forms, and an accompanying textual expression describing one of the plurality of graphical forms. The response to the

challenge includes an identification of a location of the described one of the plurality of graphical forms. (Page 6, line 14 to page 7, line 10)

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The rejection of claims 66-75 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

The rejection of claims 56-61, 65-71, and 75 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,209,104 to Jalili in view of U.S. Patent No. 5,855,020 to Kirsch.

The rejection of claims 62-63 and 72-73 under 35 U.S.C. § 103(a) as being unpatentable over Jalili in view of Kirsch and further in view of U.S. Patent No. 6,195,698 to Lilibridge et al. (Lilibridge).

The rejection of claims 64 and 74 under 35 U.S.C. § 103(a) as being unpatentable over Jalili in view of Kirsch and Lilibridge and further in view of U.S. Patent No. 6,199,065 to Kenyon.

VII. THE ARGUMENT

THE REJECTION OF CLAIMS 66-75 UNDER 35 U.S.C. § 101

Claims 66-75 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, Examiner asserted that a computer

usable storage medium is directed to both statutory (e.g. hardware related mediums) and non-statutory (e.g. signals per se) subject matter.

It is noted that the claims are drawn to a "computer readable storage medium," not just a "computer readable medium." Examiner does not appear to have realized the full import of the meaning of the term "storage." A transitory medium such as signal does not "store" anything. Instead, a signal transmits information. Unlike a signal which transmits information and is thus transitory, storage implies some type of temporal permanence. For that reason, those skilled in the art, as well as the Honorable Board in the decision rendered within *Ex parte Mehta* (Appeal No. 2008-004853), recognize there is a difference between a transmission medium (e.g., light, electricity, EMF, etc.) and a storage medium (e.g., memory, hard disk, CD-ROM, etc.).

Further, a "storage medium" is well-known to mean "any device or recording medium into which data can be copied and held until some later time, and from which the entire original data can be obtained." (answers.com) By comparison, a signal cannot hold data until some later time due to its transitory nature. This clearly indicates that a "storage medium" is not a transitory but a tangible medium that stores data, and thus is statutory subject matter.

THE REJECTION OF CLAIMS 56-61, 65-71, AND 75 UNDER 35 U.S.C. § 103

Claims 56-61, 65-71, and 75 have been rejected 35 U.S.C. § 103(a) as being unpatentable over Jalili in view of Kirsch. For the convenience of the Honorable Board, claims 57-61 and 65 stand or fall together with independent claim 56 and claims 67-71 and 75 stand or fall together with independent claim 66.

With respect to the Examiner's determination of obviousness, it is noted that the law of obviousness under 35 U.S.C. § 103(a) and the Examination Guidelines set forth in M.P.E.P. 2141 (specifically, rationale (A) of M.P.E.P. 2141) require Examiner to locate all claimed teachings in the combination of cited references. With rationale (A) in mind, exemplary claim 56 sets forth a method for preventing robots from browsing a Web site beyond a welcome page. For the convenience of the Honorable Board, the entirety of claim 56 has been reproduced herein as follows:

56. A method for preventing robots from browsing a Web site beyond a welcome page, comprising:
receiving an initial request, directed to the Web site, from an undefined originator;
responding to the initial request with a challenge that prompts a response to the challenge from the undefined originator; and
receiving the response to the challenge from the undefined originator,
wherein
the challenge includes:
a plurality of graphical forms, and

an accompanying textual expression describing one of the plurality of graphical forms, and
the response to the challenge includes an identification of a location of the described one of the plurality of graphical forms.

Integral to claim 56 (and also claim 66) is that the challenge includes a plurality of graphical forms and an accompanying textual expression describing one of the plurality of graphical forms. Appellants submit that at least this limitation is not disclosed by any of the cited references or any combination thereof.

Notwithstanding, Examiner asserted to the contrary at page 6 of the Final Office Action. Specifically, in rejecting the integral limitation set forth above, Examiner stated the following:

Finally, although Jalili does not expressly disclose the instruction is an accompanying textual expression, it was notoriously well known in the art of user authentication at the time the invention was made to provide a textual expression of an instruction to select a password from an available character set. For example, ATM systems conventionally included a written instruction for the user to enter their password from a key pad. Official notice of this teaching is taken. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Jalili such that the instruction is an accompanying textual expression. One would have been motivated to do so to provide a text based instruction so that the user can authenticate with the system as known to one of ordinary skill in the art. The aforementioned cover the limitations of claims 56-61, 65-71 and 75.

Thus, Examiner appears to refer to the teaching in Jalili of the selection of a password from an available character set. Yet, one feature of the Appellants' invention is that in the Appellants' claimed invention the accompanying textual expression provides the answer to the challenge (not just instruction to select or

enter a personal password) thus enabling a human being after reading the textual expression to select the correct graphical form. Consequently, the Appellants' invention easily allows discrimination of a human being from a robot on the basis of their respective levels of abstract reasoning, which is naturally high, or very high, for a human being while a robot is totally lacking this capacity. Since in the Appellants' invention the challenge is not provided for authentication (but for distinguishing a human user from a robot), the challenge can be answered by any human user, not a particular user who knows the password as in Jalili.

In concert with the teachings of Jalili, Examiner provided an example that ATM systems conventionally included a written instruction for the user to enter their password from a key pad. Yet, the instruction for the user to enter a password is totally different from the textual expression that describes the answer of the challenge so that all human users are able to select the correct graphical form in the challenge. In illustration, Appellants' provided examples of the challenges according to the Appellants' invention in Figs. 1, 5-a, and 5-b which are reproduced below.

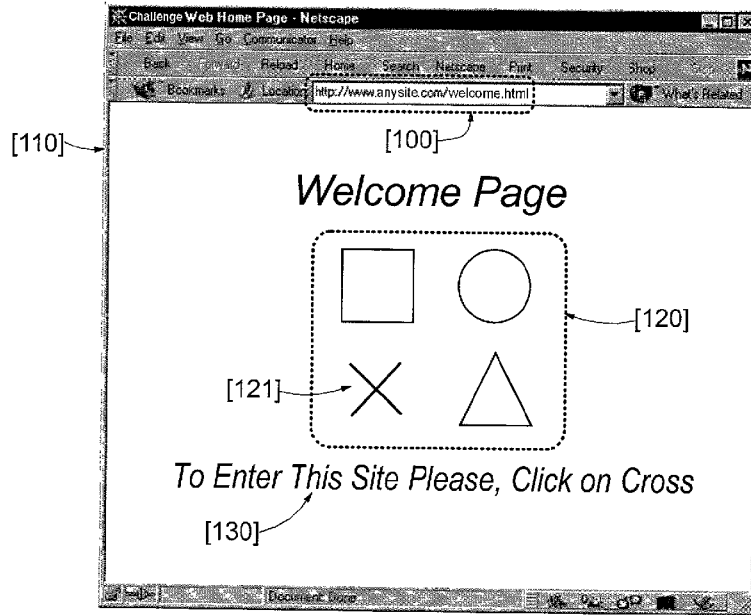


Figure 1

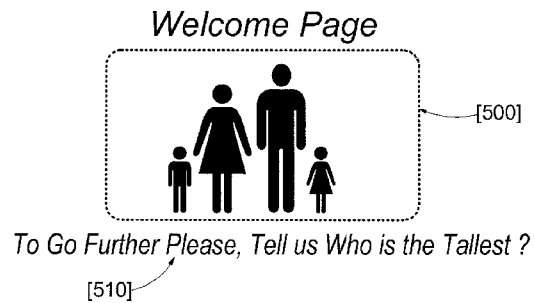


Figure 5-a

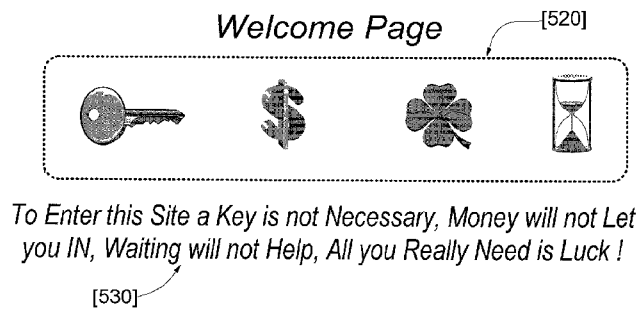


Figure 5-b

To the extent Examiner has not found a teaching in Jalili that the accompanying textual expression provides the answer to the challenge so that a human being after reading the textual expression can select the correct graphical form, Examiner has not found that the prior art included each **properly construed** element claimed. Accordingly, Appellants submit that Examiner has not established a prima facie case of obviousness.

THE REJECTION OF CLAIMS 62-63 AND 72-73 UNDER 35 U.S.C. § 103

For the convenience of the Honorable Board, claims 62-63 stand or fall together with independent claim 56 and claims 72-73 stand or fall together with independent claim 66.

THE REJECTION OF CLAIMS 64 AND 74 UNDER 35 U.S.C. § 103

For the convenience of the Honorable Board, claim 64 stands or falls together with independent claim 56 and claims 74 stands or falls together with independent claim 66.

In view of the foregoing, reversal of all the rejections is respectfully requested.

Date: July 13, 2011

Respectfully submitted,

/Steven M. Greenberg/
Steven M. Greenberg
Registration No. 44,725
Customer Number 46320

VIII. CLAIMS APPENDIX

56. A method for preventing robots from browsing a Web site beyond a welcome page, comprising:

receiving an initial request, directed to the Web site, from an undefined originator;

responding to the initial request with a challenge that prompts a response to the challenge from the undefined originator; and

receiving the response to the challenge from the undefined originator, wherein

the challenge includes:

a plurality of graphical forms, and

an accompanying textual expression describing one of the plurality of graphical forms, and

the response to the challenge includes an identification of a location of the described one of the plurality of graphical forms.

57. The method of claim 56, further comprising

modifying the challenge in response to a second initial request.

58. The method of claim 57, wherein
the modifying includes varying a coordinate location of the described one of
the plurality of graphical forms.
59. The method of claim 57, wherein
the modifying includes varying which one of the plurality of graphical forms
is described by the accompanying textual expression.
60. The method of claim 56, further comprising
processing further requests from the undefined originator after the challenge
has been successfully fulfilled.
61. The method of claim 56, further comprising
stopping processing of further requests from the undefined originator after
the challenge has not been successfully fulfilled.
62. The method of claim 61, wherein
the stopping processing includes dropping or redirecting a TCP connection
established with the undefined originator.

63. The method of claim 56, further comprising
logging a source IP address of the undefined originator, and
starting a timer.
64. The method of claim 56, further comprising:
receiving a new request;
determining whether a source IP address of the new request matches the
logged source IP address of the undefined originator;
determining whether said timer is expired; and
upon the source IP address of the new request matching the logged source IP
address of the undefined originator and the timer being expired, responding to the
new request with a second challenge that prompts a response to the second
challenge.
65. The method of claim 56, wherein
the location is X and Y coordinates of the undefined originator's click
associated with the challenge.
66. A computer program product comprising a computer usable storage medium
having stored therein computer usable program code for preventing robots from

browsing a Web site beyond a welcome page, the computer usable program code, which when executed by a computer hardware device, causes the computer hardware device to perform:

receiving an initial request, directed to the Web site, from an undefined originator;

responding to the initial request with a challenge that prompts a response to the challenge from the undefined originator; and

receiving the response to the challenge from the undefined originator, wherein

the challenge includes:

a plurality of graphical forms, and

an accompanying textual expression describing one of the plurality of graphical forms, and

the response to the challenge includes an identification of a location of the described one of the plurality of graphical forms.

67. The computer program product of claim 66, wherein the computer hardware device is further caused to perform

modifying the challenge in response to a second initial request.

68. The computer program product of claim 67, wherein
the modifying includes varying a coordinate location of the described one of
the plurality of graphical forms.
69. The computer program product of claim 67, wherein
the modifying includes varying which one of the plurality of graphical forms
is described by the accompanying textual expression.
70. The computer program product of claim 66, wherein the computer hardware
device is further caused to perform
processing further requests from the undefined originator after the challenge
has been successfully fulfilled.
71. The computer program product of claim 66, wherein the computer hardware
device is further caused to perform
stopping processing of further requests from the undefined originator after
the challenge has not been successfully fulfilled.
72. The computer program product of claim 71, wherein

the stopping processing includes dropping or redirecting a TCP connection established with the undefined originator.

73. The computer program product of claim 66, wherein the computer hardware device is further caused to perform

logging a source IP address of the undefined originator, and
starting a timer.

74. The computer program product of claim 66, wherein the computer hardware device is further caused to perform:

receiving a new request;
determining whether a source IP address of the new request matches the
logged source IP address of the undefined originator;
determining whether said timer is expired; and
upon the source IP address of the new request matching the logged source IP
address of the undefined originator and the timer being expired, responding to the
new request with a second challenge that prompts a response to the second
challenge.

75. The computer program product of claim 66, wherein

the location is X and Y coordinates of the undefined originator's click associated with the challenge.

IX. EVIDENCE APPENDIX

No evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the Examiner has been relied upon by Appellant in this Appeal, and thus no evidence is attached hereto.

X. RELATED PROCEEDINGS APPENDIX

Since Appellant is unaware of any related appeals and interferences, no decision rendered by a court or the Board is attached hereto.

Electronic Patent Application Fee Transmittal

Application Number:	12113607			
Filing Date:	01-May-2008			
Title of Invention:	SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITE			
First Named Inventor/Applicant Name:	Marc Lamberton			
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Attorney Docket Number:	FR920000041US2 (353CON)			
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Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
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Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Filing a brief in support of an appeal	1402	1	540	540
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:			DataDome Ex. 1002, p. 168 DataDome v. Arkose Labs	

IPR2025-00694

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				540

Electronic Acknowledgement Receipt	
EFS ID:	10512431
Application Number:	12113607
International Application Number:	
Confirmation Number:	1363
Title of Invention:	SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITE
First Named Inventor/Applicant Name:	Marc Lamberton
Customer Number:	46320
Filer:	Steven M. Greenberg/Sarah Scott
Filer Authorized By:	Steven M. Greenberg
Attorney Docket Number:	FR920000041US2 (353CON)
Receipt Date:	13-JUL-2011
Filing Date:	01-MAY-2008
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Application Type:	Utility under 35 USC 111(a)

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Deposit Account	090461
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Document Number	Document Description	File Name	File Size(Bytes) Data Digest Message Digest	Multi-Part (if appl.)

1	Appeal Brief Filed	7161-353CON_APPEALBRIEF_07132011.pdf	264208 f5a34a411a264a403f0fa59a9d63f7344912065f	no	22
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	30774 625388bb29890ba2de40fe852c99040a1389abe	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			294982		
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.					

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	01 FC : 1402	540.00 CR		



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/113,607	05/01/2008	Marc Lamberton	FR920000041US2 (353CON)	1363
46320 7590 10/17/2011 CAREY, RODRIGUEZ, GREENBERG & O'KEEFE, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 2022 BOCA RATON, FL 33487			EXAMINER ABRISHAMKAR, KAVEH	
			ART UNIT 2494	PAPER NUMBER
			MAIL DATE 10/17/2011	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.

Office Action Summary	Application No. 12/113,607	Applicant(s) LAMBERTON ET AL.	
	Examiner KAVEH ABRISHAMKAR	Art Unit 2494	

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

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

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

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 56-75 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 56-75 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

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

Attachment(s)

- | | |
|--|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) ☐ Other: ____. |

DETAILED ACTION

In view of the Appeal Brief filed on July 13, 2011, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Jung Kim/
Supervisory Patent Examiner, Art Unit 2494

Response to Arguments

Applicant's arguments filed on July 13, 2011 regarding the rejection of claims 66-75 under 35 U.S.C. §101 have been fully considered but they are not persuasive. The Applicant, in the aforementioned Appeal Brief, argues that the computer readable storage medium is statutory as a transitory medium such as a signal does not "store

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anything (see Appeal Brief: page 5). This argument is not found persuasive. A signal though not permanently storing a signal, does temporarily store the information it carries, and therefore, the "storage medium" does not place claims 66-75 into a statutory class. Therefore, the rejection under 35 U.S.C. §101 is maintained as given below.

Applicant's arguments, see Appeal Brief, pages 6-8, filed on July 13, 2011 with respect to the rejection(s) of claim(s) 56-75 under 35 U.S.C. §103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

However, upon further consideration, a new ground(s) of rejection is made in view of the new prior art, Blonder (U.S. Patent 5,559,961).

Claim Rejections - 35 USC § 101

1. Claims 66-75 are rejected under 101 as being directed to nonstatutory subject matter. Claims 66-75 define a computer program product comprising a computer usable storage medium. The specification provides no guidance for interpreting the limitation "computer usable storage medium." Under the broadest reasonable interpretation of the claim, a computer usable storage medium is directed to both statutory (e.g. hardware related mediums) and non-statutory (e.g. signals per se) subject matter. Signals per se are not one of the four categories of patent-eligible subject matter. See *In re Nuijten*, 515 F.3d 1361 (Fed. Cir. 2008). To overcome the

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101 rejection, Applicant is advised to add the modifier "non-transitory" to "computer usable storage medium," or change "medium" to "device."

Claim Rejections - 35 USC § 103

2. Claims 56-61, 65-71 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili US 6,209,104 (hereinafter Jalili) in view of Kirsch US 5,855,020 (hereinafter Kirsch) further in view of Blonder (U.S. Patent 5,559,961).

3. As per claims 56-61, 65-71 and 75, Jalili discloses a method and a computer program product comprising computer usable storage medium having stored therein computer usable program code, which when executed by a computer hardware device, causes the computer hardware device to perform a method comprising:

- a. receiving an initial request, directed to the Web site, from an undefined originator (see col. 6, lines 4-7 and lines 32-33; col. 9, lines 40-57: user requests access to a server);
 - b. responding to said initial request with a challenge that prompts a response to the challenge from said undefined originator (see col. 6, lines 34-36; col. 9, lines 40-57, server returns a group of icons, randomly arranged, and displayed on the user's display; the user selects her password from the displayed icons);
- and

- c. receiving the response to the challenge from said undefined originator, wherein the challenge includes: a plurality of graphically forms, and an instruction describing one of the plurality of the described one of the plurality of graphical forms (see col. 6, lines 32-48; col. 7, line 25-col. 8, line 31: visual authentication system requires the user to enter their password to access the service; the set of characters by which the user selects their password are randomly arranged and are identified using different shapes; the coordinate list of the selected icons are returned to the server for user authentication; col. 8, lines 33-41: user password is not limited to characters per se-it can also include image based sequences; instruction by the authentication system to select the user password from the displayed set of icons identifies a subset of the set of icons);
- d. modifying the challenge in response to a second initial request; the modifying includes varying a coordinate location of the described one of the plurality of graphical forms; the modifying includes varying which one of the plurality of graphical forms is described by the instruction (see col. 9, lines 1-10, for each session, the icon shapes are different, and placed in different locations; the instruction requires the user to select their password from the displayed set of icons);
- e. processing further requests from the undefined originator after the challenge has been successfully fulfilled (see col. 6, lines 4-28; col. 8, lines 10-15: access to services is granted if the submitted coordinate data corresponds to the expected coordinate data for the session; col. 8, lines 66-67);

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- f. stopping processing of further requests from the undefined originator after the challenge has not been successfully fulfilled (see col. 8, lines 10-15: access is only granted if the submitted coordinate data corresponds to the expected coordinate data for the session);
 - g. wherein the location is X and Y coordinates of the undefined originator's click associated with the challenge (see figs. 6 and 7, each icon is designated a particular coordinate location for the session; col. 7, line 62-col. 8, line 15: user selects data in a particular order via a mouse, and the coordinate data of the selected icons are transmitted to the server for verification; col. 8, lines 49-54).
4. Furthermore, Jalili's method and system prevents robots, such as web crawlers, from browsing a web site beyond a welcome page. At the time the invention was made, web crawlers conventionally traversed web pages by requesting access via URLs embedded in a given page. See e.g. Kirsch, col. 2, lines 53-65. Because the authentication procedure disclosed by Jalili requires user interaction (i.e. clicking on a random display of icons) in order to gain access, conventional web crawlers would have not be able to access a site that used Jalili's authentication procedure beyond the initial login page.
5. Finally, Jalili does not explicitly mention an accompanying textual expression describing one of the graphical forms. Jalili does disclose a system wherein a user selects her PIN or password by identifying in order the particular icons containing the alphanumeric characters containing the PIN or password elements (Jalili: column 8, lines 42-51). However, Jalili does not explicitly mention that there is any textual

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expression accompanying this user selecting the password or PIN using the display image. In an analogous art, Blonder discloses prompting the user to select a tap region and to position it within a password image by tapping on a display to select the password (Blonder: column 3, lines 55-66). This prompt provided by Blonder is analogous to the claimed textual expression accompanying the graphical expression. When combined with Jalili, the prompt would be the textual expression advising the user to enter her PIN or password by selecting tap regions/particular icons on the display image. It would have been obvious to have the prompt of Blonder (accompanying textual expression) prompting the user to select tap regions within a display image of Jalili in order to provide a system that yields great security and instructs the user how to gain access by using the display image (Blonder: column 2, lines 1-15).

6. The aforementioned cover the limitations of claims 56-61, 65-71 and 75.

7. Claims 62, 63, 72 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili in view of Kirsch, and further in view of Blonder (U.S. Patent 5,559,961) in further in view of Lilibridge et al. US 6,195,698 (hereinafter Lilibridge et al.).

8. As per claims 62, 63, 72 and 73, the rejections of claims 56 and 61 under 35 USC 103(a) as being unpatentable over Jalili in view of Kirsch in further in view of Blonder is incorporated herein. Jalili does not expressly disclose the step of stopping processing includes dropping or redirecting a TCP connection established with the

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undefined originator; or that the method further comprising the step of logging a source IP address of the undefined originator, and starting a timer. Lilibridge et al. disclose a method for restricting access to a network service available over the Internet by requiring the user to respond correctly to a riddle. See abstract; col. 5, lines 40-64. In particular, Lilibridge et al. disclose that if the user's response is not correct, the server terminates the connection. See col. 6, lines 58-67. Furthermore, Lilibridge et al. disclose that in response to a generic request for service, the system sends the riddle and a server time to the client; the client responds with an answer to the riddle and the time. If the difference between the returned time and the maximum time allowed to solve the riddle is less than a certain threshold, and the received answer is correct, access to the service is granted. Moreover, Lilibridge et al. disclose logging the client's IP address to ensure that a client's answer came from the same source as the initial request. See col. 8, lines 37-46. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Jalili such that the step of stopping processing includes dropping or redirecting a TCP connection established with the undefined originator. One would have been motivated to do so to prevent network access to the service if the user does not properly respond to the challenge as taught by Lilibridge et al. Moreover, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the method of Jalili to further comprise logging a source IP address of the undefined originator and starting a timer. One would have been motivated to do so to ensure that the authentication was performed by the user who initiated the request and that the authentication procedure

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did not timeout as known to one of ordinary skill in the art and as disclosed by Lilibridge et al. The aforementioned cover the limitations of claims 62, 63, 72 and 73.

9. Claims 64 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili in view of Kirsch, Blonder and Lilibridge et al., and further in view of Kenyon US 6,199,065 (hereinafter Kenyon).

10. As per claims 64 and 74, the rejections of claims 63 and 73 under 35 USC 103(a) as being unpatentable over Jalili in view of Kirsch in further in view of Blonder is incorporated herein. Jalili does not disclose receiving a new request, determining whether a source IP address of the new request matches the logged source IP address of the undefined originator; determining whether said timer is expired; and upon the source IP address of the new request matching the logged source IP address of the undefined originator and the timer being expired, responding to the new request with a second challenge that prompts a response to the second challenge. However, the feature of re-authenticating a user once a session has timeout was well known in the art at the time the invention was made. Because old sessions for a particular user can result in a security lapse, network servers conventionally terminated a user's session and required the user to re-authenticate to the network server. For example, Kenyon discloses a method and system for providing online services; users initially are required to authenticate to the service to establish a valid session. However, if the user's session times out, the user is required to login again. See col. 2, lines 15-40. It is

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further conventional in the art to identify a user's session by the IP address of the user's transmissions. See e.g. Lilibridge et al. at col. 8, lines 36-46. The invention of Jalili in view of the teachings of Kenyon and Lilibridge et al. would suggest checking the source IP address of a new request, and if the source had already established a session but the session had timed out, then re-initiating the authentication procedure. Because each new authentication procedure of Jalili would display a new order/shape for the set of characters, the re-authentication step for a given user would transmit a new challenge that prompts a response to the second challenge. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Jalili such that the invention receives a new request, determines whether a source IP address of the new request matches the logged source IP address of the undefined originator; determines whether said timer is expired; and upon the source IP address of the new request matches the logged source IP address of the undefined originator and the timer being expired, responds to the new request with a second challenge that prompts a response to the second challenge. One would have been motivated to do so to prevent unauthorized access to stale user sessions and to reduce system usage by terminating stale user sessions as known to one of ordinary skill in the art. The aforementioned cover the limitations of claims 64 and 74.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAVEH ABRISHAMKAR whose telephone number is (571)272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jung Kim can be reached on 571-272-3804. 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.

/Kaveh Abrishamkar/
Primary Examiner, Art Unit 2494

/K. A./
10/09/2011
Primary Examiner, Art Unit 2494

Notice of References Cited	Application/Control No. 12/113,607	Applicant(s)/Patent Under Reexamination LAMBERTON ET AL.	
	Examiner KAVEH ABRISHAMKAR	Art Unit 2494	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,559,961 A	09-1996	Blonder, Greg E.	726/18
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
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	M	US-			

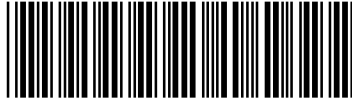
FOREIGN PATENT DOCUMENTS

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

NON-PATENT DOCUMENTS

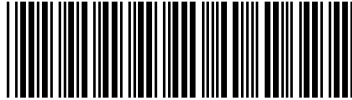
*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*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.

<i>Index of Claims</i> 	Application/Control No. 12113607	Applicant(s)/Patent Under Reexamination LAMBERTON ET AL.
	Examiner Kaveh Abrishamkar	Art Unit 2494

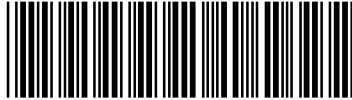
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=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant		☐ CPA		☐ T.D.		☐ R.1.47			
CLAIM		DATE							
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	35	✓	-	-					
	36	✓	-	-					

<i>Index of Claims</i> 	Application/Control No. 12113607	Applicant(s)/Patent Under Reexamination LAMBERTON ET AL.
	Examiner Kaveh Abrishamkar	Art Unit 2494

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant		☐ CPA		☐ T.D.		☐ R.1.47			
CLAIM		DATE							
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	71		✓	✓					
	72		✓	✓					

<i>Index of Claims</i> 	Application/Control No. 12113607	Applicant(s)/Patent Under Reexamination LAMBERTON ET AL.
	Examiner Kaveh Abrishamkar	Art Unit 2494

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant				☐ CPA		☐ T.D.		☐ R.1.47	
CLAIM		DATE							
Final	Original	08/25/2010	02/09/2011	10/09/2011					
	73		✓	✓					
	74		✓	✓					
	75		✓	✓					

Search Notes 	Application/Control No. 12113607	Applicant(s)/Patent Under Reexamination LAMBERTON ET AL.
	Examiner Kaveh Abrishamkar	Art Unit 2494

SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
east search; acm online; google	8/24/10	jk
inventor name search on palm	8/24/10	jk
updated east search; google	2/8/11	jk
Updated EAST Search	10/9/11	K.A.

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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Attorney Docket No.: FR920000041US2 (7161-353CON)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number: 12/113,607
Confirmation Number: 1363
Filing Date: May 1, 2008
Applicant(s): Marc Lamberton et al.
Entitled: SYSTEM AND METHOD FOR IMPLEMENTING
A ROBOT PROOF WEB SITE
Examiner: ABRISHAMKAR, KAVEH
Group Art Unit: 2431

NOTICE OF APPEAL

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

Appellant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the Examiner.

There is **NO FEE REQUIRED** for this Notice of Appeal. Since Appellants have already paid the fee for the Notice of Appeal filed May 17, 2011, pursuant to M.P.E.P. § 1207.04, "the previous paid notice of appeal fee and appeal brief fee can be applied to the new appeal."

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

X The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 09-0461.

____ A Petition for Extension of Time under C.F.R. § 1.136(a) (PTO/SB/22) is enclosed.

Date: January 17, 2012

Respectfully submitted,

/Steven Greenberg/
Steven M. Greenberg
Registration Number 44,725
CUSTOMER NUMBER 46320

Electronic Acknowledgement Receipt

EFS ID:	11851930
Application Number:	12113607
International Application Number:	
Confirmation Number:	1363
Title of Invention:	SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITE
First Named Inventor/Applicant Name:	Marc Lamberton
Customer Number:	46320
Filer:	Steven M. Greenberg/Sarah Scott
Filer Authorized By:	Steven M. Greenberg
Attorney Docket Number:	FR920000041US2 (353CON)
Receipt Date:	17-JAN-2012
Filing Date:	01-MAY-2008
Time Stamp:	15:54:09
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Notice of Appeal Filed	7161-353CON_NOTICEOFAPPEAL_01172012.pdf	15758 b34553ec2876904ace1831766a76145f92292c48	no	1

Warnings:

Information:

DataDome Ex. 1002, p. 191

DataDome v. Arkose Labs

IPR2025-00694

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.

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.

Document code: WFEE

United States Patent and Trademark Office
Sales Receipt for Accounting Date: 01/26/2012

TYOUNG	SALE	#00000002	Mailroom Dt:	01/17/2012	090461	12113607
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I. REAL PARTY IN INTEREST.....	2
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application Number: 12/113,607

Confirmation Number: 1363

Filing Date: May 1, 2008

Applicant(s): Marc Lamberton et al.

Entitled: SYSTEM AND METHOD FOR IMPLEMENTING
A ROBOT PROOF WEB SITE

Examiner: ABRISHAMKAR, KAVEH

Group Art Unit: 2431

Attorney Docket No.: FR920000041US2 (7161-353CON)

TRANSMITTAL OF APPEAL BRIEF

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

Sir:

Submitted herewith is Appellants' Appeal Brief in support of the Notice of Appeal dated January 17, 2012. No fee is believed to be due since Appellant has already paid the fee for the Appeal Brief filed July 13, 2011. Pursuant to M.P.E.P. § 1207.04, "the previous paid notice of appeal fee and appeal brief fee can be applied to the new appeal." However, the Director is authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 09-0461.

Date: March 15, 2012

Respectfully submitted,

/Steven M. Greenberg/
Steven M. Greenberg
Registration No. 44,725
Customer Number 46320

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Application Number: 12/113,607
Confirmation Number: 1363
Filing Date: May 1, 2008
Applicant(s): Marc Lamberton et al.
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A ROBOT PROOF WEB SITE
Examiner: ABRISHAMKAR, KAVEH
Group Art Unit: 2431
Attorney Docket No.: FR920000041US2 (7161-353CON)

APPEAL BRIEF

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

Sir:

This Appeal Brief is submitted in support of the Notice of Appeal filed January 17, 2012, wherein the Appellants appeals from the Examiner's rejection of claims 56-75.

I. REAL PARTY IN INTEREST

The patent application of the subject patent application (the "Application") has been assigned to International Business Machines Corporation by assignment recorded on July 9, 2001, at Reel 012010, Frame 0251.

II. RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any related appeals and interferences.

III. STATUS OF CLAIMS

Claims 56-75 are pending in the Application. Claims 56-75 have been rejected at least twice and are under appeal. Claims 1-55 have been cancelled.

IV. STATUS OF AMENDMENTS

No claims were amended after the non-final official action dated October 17, 2011 (the "Latest Non-Final Office Action").

V. SUMMARY OF CLAIMED SUBJECT MATTER

With respect to claim 56, a method for preventing robots from browsing a Web site beyond a welcome page has been claimed. (Page 6, lines 2-4) The method includes receiving an initial request, directed to the Web site, from an

undefined originator; responding to the initial request with a challenge that prompts a response to the challenge from the undefined originator; and receiving the response to the challenge from the undefined originator. (Page 8, lines 6-23)

The challenge includes a plurality of graphical forms, and an accompanying textual expression describing one of the plurality of graphical forms. The response to the challenge includes an identification of a location of the described one of the plurality of graphical forms. (Page 6, line 14 to page 7, line 10)

With respect to claim 66, a computer program product comprising a computer usable storage medium having stored therein computer usable program code for preventing robots from browsing a Web site beyond a welcome page has been claimed. (Page 4, lines 17-18) The computer usable program code, which when executed by a computer hardware device, causes the computer hardware device to perform: receiving an initial request, directed to the Web site, from an undefined originator; responding to the initial request with a challenge that prompts a response to the challenge from the undefined originator; and receiving the response to the challenge from the undefined originator. (Page 8, lines 6-23)

The challenge includes a plurality of graphical forms, and an accompanying textual expression describing one of the plurality of graphical forms. The response to the

challenge includes an identification of a location of the described one of the plurality of graphical forms. (Page 6, line 14 to page 7, line 10)

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The rejection of claims 66-75 under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

The rejection of claims 56-61, 65-71, and 75 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,209,104 to Jalili in view of U.S. Patent No. 5,855,020 to Kirsch further in view of U.S. Patent No. 5,559,961 to Blonder.

The rejection of claims 62-63 and 72-73 under 35 U.S.C. § 103(a) as being unpatentable over Jalili in view of Kirsch and further in view of Blonder further in view of U.S. Patent No. 6,195,698 to Lilibridge et al. (Lilibridge).

The rejection of claims 64 and 74 under 35 U.S.C. § 103(a) as being unpatentable over Jalili in view of Kirsch, Blonder and Lilibridge and further in view of U.S. Patent No. 6,199,065 to Kenyon.

VII. THE ARGUMENT

THE REJECTION OF CLAIMS 66-75 UNDER 35 U.S.C. § 101

Claims 66-75 have been rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, Examiner asserted that a computer

usable storage medium is directed to both statutory (e.g. hardware related mediums) and non-statutory (e.g. signals per se) subject matter.

As presently presented, claim 66 recites a "computer usable storage medium". At page 5 of the Appeal Brief filed July 13, 2011, Appellants observed that the statutory nature of a claim reciting a "computer usable storage medium" is supported by the decision of Ex Parte Mehta (Appeal No. 2008-004853). In particular, in Ex Parte Mehta, the Honorable Board held, "the language of [the] claim ... which recites that the storage medium stores computer-executable instructions which are readable and cause a computer to perform the listed operations, establishes the requisite structural and functional interrelationships between the computer and the stored instructions which permit the computer's functionality to be realized."

In response, at pages 2 and 3 of the Latest Non-Final Office Action, Examiner discounted the holding of the Honorable Board in Ex Parte Mehta, and instead stated,

Applicant's arguments filed on July 13, 2011 regarding the rejection of claims 66-75 under 35 U.S.C. §101 have been fully considered but they are not persuasive. The Applicant, in the aforementioned Appeal Brief, argues that the computer readable storage medium is statutory as a transitory medium such as a signal does not "store anything (see Appeal Brief: page 5). This argument is not found persuasive. A signal though not permanently storing a signal, does temporarily store the information it carries, and therefore, the "storage medium" does not place claims 66-75 into a statutory class. Therefore, the rejection under 35 U.S.C. §101 is maintained as given below.

Thus, the issue at hand is whether “computer usable storage medium” as compared to “computer usable medium” is statutory subject matter.

Recently, the Honorable Board has recognized the foregoing distinction between a “computer usable medium” and a “computer usable storage medium”.¹ Specifically, in Ex Parte Dureau the Honorable Board found that the recitation in a computer program product claim of a “computer readable storage medium” as opposed to a “computer readable medium” necessarily excludes a signal.² More to the point, in just the past few months, in Ex Parte Bash³ the Honorable Board also found the recitation of “computer readable storage medium” to recite statutory subject matter.⁴

With the opinions of Ex parte Mehta, Ex parte Dureau and Ex parte Bash in mind, independent claim 66 recites a “ computer program product comprising a computer usable storage medium having stored therein computer usable program code.” Claim 66 also recites that the computer usable program code is used by a computer hardware system to perform various steps of a method. Thus, consistent with the opinions of Ex parte Mehta, Ex parte Dureau and Ex parte Bash, the

¹ Ex Parte Vincent Dureau (2010 WL 3389299, Appeal No. 2009-007211)

² Id. at *2 (“We agree with Appellant that the amended claim is statutory because it is now directed to a tangible computer readable *storage* medium, and not to an intangible signal.”)

³ Ex Parte Bash (2010 WL 5199590, Appeal No. 2009-007202)

⁴ Id. at *2

language of Appellants' claims 66-75, which recites that the storage medium stores computer-executable instructions which are readable and cause a computer to perform the listed operations, establishes the requisite structural and functional interrelationships between the computer and the stored instructions which permit the computer's functionality to be realized.

THE REJECTION OF CLAIMS 56-61, 65-71, AND 75 UNDER 35 U.S.C. § 103

Claims 56-61, 65-71, and 75 have been rejected 35 U.S.C. § 103(a) as being unpatentable over Jalili in view of Kirsch further in view of Blonder. With respect to the Examiner's determination of obviousness, it is noted that the law of obviousness under 35 U.S.C. § 103(a) and the Examination Guidelines set forth in M.P.E.P. 2141 (specifically, rationale (A) of M.P.E.P. 2141) require Examiner to locate all claimed teachings in the combination of cited references. Examiner has not done so in this instance.

Claims 56 and 66

Independent claims 56 and 66 pertain to preventing robots from browsing a Web site beyond a welcome page. Exemplary claim 56 sets forth a method for preventing robots from browsing a Web site beyond a welcome page. For the

convenience of the Honorable Board, the entirety of claim 56 has been reproduced herein as follows:

56. A method for preventing robots from browsing a Web site beyond a welcome page, comprising:
receiving an initial request, directed to the Web site, from an undefined originator;
responding to the initial request with a challenge that prompts a response to the challenge from the undefined originator; and
receiving the response to the challenge from the undefined originator, wherein
the challenge includes:
a plurality of graphical forms, and
an accompanying textual expression describing one of the plurality of graphical forms, and
the response to the challenge includes an identification of a location of the described one of the plurality of graphical forms.

Integral to claim 56 (and also claim 66 which recites similar operative portions) is that the challenge includes a plurality of graphical forms and an accompanying textual expression describing one of the plurality of graphical forms. Appellants submit that at least this limitation is not disclosed by any of the cited references or any combination thereof.

Notwithstanding, Examiner argued to the contrary in the Latest Non-Final Office Action. In this regard, in rejecting the above-mentioned limitation, Examine stated at pages 6-7 of the Latest Non-Final Office Action the following:

Finally, Jalili does not explicitly mention an accompanying textual expression describing one of the graphical forms. Jalili does disclose a system wherein a user selects her PIN or password by identifying in order the particular icons containing the alphanumeric characters containing the PIN or password elements (Jalili:

column 8, lines 42-51). However, Jalili does not explicitly mention that there is any textual expression accompanying this user selecting the password or PIN using the display image. In an analogous art, Blonder discloses prompting the user to select a tap region and to position it within a password image by tapping on a display to select the password (Blonder: column 3, lines 55-66). This prompt provided by Blonder is analogous to the claimed textual expression accompanying the graphical expression. When combined with Jalili, the prompt would be the textual expression advising the user to enter her PIN or password by selecting tap regions/particular icons on the display image. It would have been obvious to have the prompt of Blonder (accompanying textual expression) prompting the user to select tap regions within a display image of Jalili in order to provide a system that yields great security and instructs the user how to gain access by using the display image (Blonder: column 2, lines 1-15).

Thus, Examiner refers to col. 3, lines 55-66 of Blonder in support of Examiner's rejection.

For the convenience of Examiner, col. 3, lines 55-66 of Blonder has been reproduced herein as follows:

Following step 312, PASSWD 16 prompts the user to select a tap region 401 and to position it within password image 400, at step 314. The user performs these functions via one or more entry devices 14, such as by manipulating a cursor via a keyboard, pointing and dragging the cursor with a mouse, or tapping and sliding on display 15 with a light pen or a touch pen. If display 15 is a touch-sensitive screen, the user may perform the functions by tapping and sliding on display 15 with a finger. PASSWD 16 waits until the user makes a location selection on display 15 via an entry device 14, at step 316, and determines the coordinates of the selected location, at step 318.

A review of the foregoing passage will reveal several deficiencies in Examiner's interpretation of the scope of Blonder.

For instance, as can be seen from the above, Blonder teaches a graphical password arrangement that displays a predetermined graphical image and requires a user to "touch" predetermined areas of the image in a predetermined sequence, as a means of entering a password. It is not clear how this teaches a challenge that includes a plurality of graphical forms and an accompanying textual expression describing one of the plurality of graphical forms, as recited in claim 56. First, it is noted that in Blonder there is only one graphical image, not a plurality of graphical forms. Second, in Blonder the user is prompted to touch predetermined areas of the image in a predetermined sequence. Therefore, in Blonder the prompt instructs what the user is required to do, but does not describe one of the plurality of graphical forms.

As Appellants already discussed in the Appeal Brief of July 13, 2011, an important feature of the Appellants' invention is that in the Appellants' invention the accompanying textual expression provides the answer to the challenge and a human being after reading the textual expression should be able to select the correct graphical form. The Appellants' invention thus easily allows

discrimination of a human being from a robot on the basis of their respective levels of abstract reasoning, which is naturally high, or very high, for a human being while a robot is totally lacking this capacity. Since in the Appellants' invention the challenge is not provided for authentication (but for distinguishing a human user from a robot), the challenge can be answered by any human user, not just the particular user who knows the password as in Jalili or Blonder. The instruction for users to enter their password is totally different from the textual expression that describes the answer of the challenge so that all human users are able to select the correct graphical form in the challenge.

Accordingly, since Examiner has not found that the prior art included each **properly construed** element claimed, Appellants submit that Examiner has not established a prima facie case of obviousness.

Claims 57-61, 65, 67-71 and 75

For the convenience of the Honorable Board, claims 57-61 and 65 stand or fall together with independent claim 56, and claims 67-71 and 75 stand or fall together with independent claim 66.

THE REJECTION OF CLAIMS 62-63 AND 72-73 UNDER 35 U.S.C. § 103

For the convenience of the Honorable Board, claims 62-63 stand or fall together with independent claim 56 and claims 72-73 stand or fall together with independent claim 66.

THE REJECTION OF CLAIMS 64 AND 74 UNDER 35 U.S.C. § 103

For the convenience of the Honorable Board, claim 64 stands or falls together with independent claim 56 and claims 74 stands or falls together with independent claim 66.

In view of the foregoing, reversal of all the rejections is respectfully requested.

Date: March 15, 2012

Respectfully submitted,

/Steven M. Greenberg/
Steven M. Greenberg
Registration No. 44,725
Customer Number 46320

VIII. CLAIMS APPENDIX

56. A method for preventing robots from browsing a Web site beyond a welcome page, comprising:

receiving an initial request, directed to the Web site, from an undefined originator;

responding to the initial request with a challenge that prompts a response to the challenge from the undefined originator; and

receiving the response to the challenge from the undefined originator, wherein

the challenge includes:

a plurality of graphical forms, and

an accompanying textual expression describing one of the plurality of graphical forms, and

the response to the challenge includes an identification of a location of the described one of the plurality of graphical forms.

57. The method of claim 56, further comprising

modifying the challenge in response to a second initial request.

58. The method of claim 57, wherein

the modifying includes varying a coordinate location of the described one of the plurality of graphical forms.

59. The method of claim 57, wherein

the modifying includes varying which one of the plurality of graphical forms is described by the accompanying textual expression.

60. The method of claim 56, further comprising

processing further requests from the undefined originator after the challenge has been successfully fulfilled.

61. The method of claim 56, further comprising

stopping processing of further requests from the undefined originator after the challenge has not been successfully fulfilled.

62. The method of claim 61, wherein

the stopping processing includes dropping or redirecting a TCP connection established with the undefined originator.

63. The method of claim 56, further comprising

logging a source IP address of the undefined originator, and
starting a timer.

64. The method of claim 56, further comprising:
receiving a new request;
determining whether a source IP address of the new request matches the
logged source IP address of the undefined originator;
determining whether said timer is expired; and
upon the source IP address of the new request matching the logged source IP
address of the undefined originator and the timer being expired, responding to the
new request with a second challenge that prompts a response to the second
challenge.

65. The method of claim 56, wherein
the location is X and Y coordinates of the undefined originator's click
associated with the challenge.

66. A computer program product comprising a computer usable storage medium
having stored therein computer usable program code for preventing robots from
browsing a Web site beyond a welcome page, the computer usable program code,

which when executed by a computer hardware device, causes the computer hardware device to perform:

receiving an initial request, directed to the Web site, from an undefined originator;

responding to the initial request with a challenge that prompts a response to the challenge from the undefined originator; and

receiving the response to the challenge from the undefined originator, wherein

the challenge includes:

a plurality of graphical forms, and

an accompanying textual expression describing one of the plurality of graphical forms, and

the response to the challenge includes an identification of a location of the described one of the plurality of graphical forms.

67. The computer program product of claim 66, wherein the computer hardware device is further caused to perform

modifying the challenge in response to a second initial request.

68. The computer program product of claim 67, wherein

the modifying includes varying a coordinate location of the described one of the plurality of graphical forms.

69. The computer program product of claim 67, wherein
the modifying includes varying which one of the plurality of graphical forms is described by the accompanying textual expression.

70. The computer program product of claim 66, wherein the computer hardware device is further caused to perform
processing further requests from the undefined originator after the challenge has been successfully fulfilled.

71. The computer program product of claim 66, wherein the computer hardware device is further caused to perform
stopping processing of further requests from the undefined originator after the challenge has not been successfully fulfilled.

72. The computer program product of claim 71, wherein
the stopping processing includes dropping or redirecting a TCP connection established with the undefined originator.

73. The computer program product of claim 66, wherein the computer hardware device is further caused to perform

logging a source IP address of the undefined originator, and
starting a timer.

74. The computer program product of claim 66, wherein the computer hardware device is further caused to perform:

receiving a new request;
determining whether a source IP address of the new request matches the
logged source IP address of the undefined originator;
determining whether said timer is expired; and
upon the source IP address of the new request matching the logged source IP
address of the undefined originator and the timer being expired, responding to the
new request with a second challenge that prompts a response to the second
challenge.

75. The computer program product of claim 66, wherein
the location is X and Y coordinates of the undefined originator's click
associated with the challenge.

IX. EVIDENCE APPENDIX

No evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 of this title or of any other evidence entered by the Examiner has been relied upon by Appellant in this Appeal, and thus no evidence is attached hereto.

X. RELATED PROCEEDINGS APPENDIX

Since Appellant is unaware of any related appeals and interferences, no decision rendered by a court or the Board is attached hereto.

Electronic Acknowledgement Receipt

EFS ID:	12318889
Application Number:	12113607
International Application Number:	
Confirmation Number:	1363
Title of Invention:	SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITE
First Named Inventor/Applicant Name:	Marc Lamberton
Customer Number:	46320
Filer:	Steven M. Greenberg/Sarah Scott
Filer Authorized By:	Steven M. Greenberg
Attorney Docket Number:	FR920000041US2 (353CON)
Receipt Date:	15-MAR-2012
Filing Date:	01-MAY-2008
Time Stamp:	21:38:13
Application Type:	Utility under 35 USC 111(a)

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Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Appeal Brief Filed	7161-353CON_APPEALBRIEF_03152012.pdf	79358 08ed16e998543626ba620f03cba53b1e01785552	no	22

Warnings:

Information:

DataDome Ex. 1002, p. 216

DataDome v. Arkose Labs

IPR2025-00694

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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.

Document code: WFEE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/113,607	05/01/2008	Marc Lamberton	FR920000041US2 (353CON)	1363
46320 7590 05/22/2012 CAREY, RODRIGUEZ, GREENBERG & O'KEEFE, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 2022 BOCA RATON, FL 33487			EXAMINER ABRISHAMKAR, KAVEH	
			ART UNIT 2494	PAPER NUMBER
			MAIL DATE 05/22/2012	DELIVERY MODE PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 12/113,607
Filing Date: May 01, 2008
Appellant(s): LAMBERTON ET AL.

Steven M. Greenberg
Reg. No. 44,725
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 15, 2012 appealing from the Office action mailed October 17, 2011.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:
56-75 are currently pending.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

6,209,104	JALILI	3-2001
5,855,020	KIRSCH	12-1998
5,559,961	BLONDER	9-1996
6,195,698	LILIBRIDGE	2-2001
6,199,065	KENYON	3-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 66-75 are rejected under 101 as being directed to nonstatutory subject matter. Claims 66-75 define a computer program product comprising a computer usable storage medium. The specification provides no guidance for interpreting the limitation "computer usable storage medium." Under the broadest reasonable interpretation of the claim, a computer usable storage medium is directed to both statutory (e.g. hardware related mediums) and non-statutory (e.g. signals per se) subject matter. Signals per se are not one of the four categories of patent-eligible

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subject matter. See *In re Nuijten*, 515 F.3d 1361 (Fed. Cir. 2008). To overcome the 101 rejection, Applicant is advised to add the modifier "non-transitory" to "computer usable storage medium," or change "medium" to "device."

2. Claims 56-61, 65-71 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili US 6,209,104 (hereinafter Jalili) in view of Kirsch US 5,855,020 (hereinafter Kirsch) further in view of Blonder (U.S. Patent 5,559,961).

3. As per claims 56-61, 65-71 and 75, Jalili discloses a method and a computer program product comprising computer usable storage medium having stored therein computer usable program code, which when executed by a computer hardware device, causes the computer hardware device to perform a method comprising:

- a. receiving an initial request, directed to the Web site, from an undefined originator (see col. 6, lines 4-7 and lines 32-33; col. 9, lines 40-57: user requests access to a server);
- b. responding to said initial request with a challenge that prompts a response to the challenge from said undefined originator (see col. 6, lines 34-36; col. 9, lines 40-57, server returns a group of icons, randomly arranged, and displayed on the user's display; the user selects her password from the displayed icons); and
- c. receiving the response to the challenge from said undefined originator, wherein the challenge includes: a plurality of graphically forms, and an instruction

describing one of the plurality of the described one of the plurality of graphical forms (see col. 6, lines 32-48; col. 7, line 25-col. 8, line 31: visual authentication system requires the user to enter their password to access the service; the set of characters by which the user selects their password are randomly arranged and are identified using different shapes; the coordinate list of the selected icons are returned to the server for user authentication; col. 8, lines 33-41: user password is not limited to characters per se-it can also include image based sequences; instruction by the authentication system to select the user password from the displayed set of icons identifies a subset of the set of icons);

d. modifying the challenge in response to a second initial request; the modifying includes varying a coordinate location of the described one of the plurality of graphical forms; the modifying includes varying which one of the plurality of graphical forms is described by the instruction (see col. 9, lines 1-10, for each session, the icon shapes are different, and placed in different locations; the instruction requires the user to select their password from the displayed set of icons);

e. processing further requests from the undefined originator after the challenge has been successfully fulfilled (see col. 6, lines 4-28; col. 8, lines 10-15: access to services is granted if the submitted coordinate data corresponds to the expected coordinate data for the session; col. 8, lines 66-67);

f. stopping processing of further requests from the undefined originator after the challenge has not been successfully fulfilled (see col. 8, lines 10-15: access

is only granted if the submitted coordinate data corresponds to the expected coordinate data for the session);

g. wherein the location is X and Y coordinates of the undefined originator's click associated with the challenge (see figs. 6 and 7, each icon is designated a particular coordinate location for the session; col. 7, line 62-col. 8, line 15: user selects data in a particular order via a mouse, and the coordinate data of the selected icons are transmitted to the server for verification; col. 8, lines 49-54).

4. Furthermore, Jalili's method and system prevents robots, such as web crawlers, from browsing a web site beyond a welcome page. At the time the invention was made, web crawlers conventionally traversed web pages by requesting access via URLs embedded in a given page. See e.g. Kirsch, col. 2, lines 53-65. Because the authentication procedure disclosed by Jalili requires user interaction (i.e. clicking on a random display of icons) in order to gain access, conventional web crawlers would have not be able to access a site that used Jalili's authentication procedure beyond the initial login page.

5. Finally, Jalili does not explicitly mention an accompanying textual expression describing one of the graphical forms. Jalili does disclose a system wherein a user selects her PIN or password by identifying in order the particular icons containing the alphanumeric characters containing the PIN or password elements (Jalili: column 8, lines 42-51). However, Jalili does not explicitly mention that there is any textual expression accompanying this user selecting the password or PIN using the display image. In an analogous art, Blonder discloses prompting the user to select a tap region

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and to position it within a password image by tapping on a display to select the password (Blonder: column 3, lines 55-66). This prompt provided by Blonder is analogous to the claimed textual expression accompanying the graphical expression. When combined with Jalili, the prompt would be the textual expression advising the user to enter her PIN or password by selecting tap regions/particular icons on the display image. It would have been obvious to have the prompt of Blonder (accompanying textual expression) prompting the user to select tap regions within a display image of Jalili in order to provide a system that yields great security and instructs the user how to gain access by using the display image (Blonder: column 2, lines 1-15).

6. The aforementioned cover the limitations of claims 56-61, 65-71 and 75.

7. Claims 62, 63, 72 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili in view of Kirsch, and further in view of Blonder (U.S. Patent 5,559,961) in further in view of Lilibridge et al. US 6,195,698 (hereinafter Lilibridge et al.).

8. As per claims 62, 63, 72 and 73, the rejections of claims 56 and 61 under 35 USC 103(a) as being unpatentable over Jalili in view of Kirsch in further in view of Blonder is incorporated herein. Jalili does not expressly disclose the step of stopping processing includes dropping or redirecting a TCP connection established with the undefined originator; or that the method further comprising the step of logging a source IP address of the undefined originator, and starting a timer. Lilibridge et al. disclose a

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method for restricting access to a network service available over the Internet by requiring the user to respond correctly to a riddle. See abstract; col. 5, lines 40-64. In particular, Lilibridge et al. disclose that if the user's response is not correct, the server terminates the connection. See col. 6, lines 58-67. Furthermore, Lilibridge et al. disclose that in response to a generic request for service, the system sends the riddle and a server time to the client; the client responds with an answer to the riddle and the time. If the difference between the returned time and the maximum time allowed to solve the riddle is less than a certain threshold, and the received answer is correct, access to the service is granted. Moreover, Lilibridge et al. disclose logging the client's IP address to ensure that a client's answer came from the same source as the initial request. See col. 8, lines 37-46. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Jalili such that the step of stopping processing includes dropping or redirecting a TCP connection established with the undefined originator. One would have been motivated to do so to prevent network access to the service if the user does not properly respond to the challenge as taught by Lilibridge et al. Moreover, it would have been obvious to one of ordinary skill in the art at the time the invention was made for the method of Jalili to further comprise logging a source IP address of the undefined originator and starting a timer. One would have been motivated to do so to ensure that the authentication was performed by the user who initiated the request and that the authentication procedure did not timeout as known to one of ordinary skill in the art and as disclosed by Lilibridge et al. The aforementioned cover the limitations of claims 62, 63, 72 and 73.

9. Claims 64 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili in view of Kirsch, Blonder and Lilibridge et al., and further in view of Kenyon US 6,199,065 (hereinafter Kenyon).

10. As per claims 64 and 74, the rejections of claims 63 and 73 under 35 USC 103(a) as being unpatentable over Jalili in view of Kirsch in further in view of Blonder is incorporated herein. Jalili does not disclose receiving a new request, determining whether a source IP address of the new request matches the logged source IP address of the undefined originator; determining whether said timer is expired; and upon the source IP address of the new request matching the logged source IP address of the undefined originator and the timer being expired, responding to the new request with a second challenge that prompts a response to the second challenge. However, the feature of re-authenticating a user once a session has timeout was well known in the art at the time the invention was made. Because old sessions for a particular user can result in a security lapse, network servers conventionally terminated a user's session and required the user to re-authenticate to the network server. For example, Kenyon discloses a method and system for providing online services; users initially are required to authenticate to the service to establish a valid session. However, if the user's session times out, the user is required to login again. See col. 2, lines 15-40. It is further conventional in the art to identify a user's session by the IP address of the user's transmissions. See e.g. Lilibridge et al. at col. 8, lines 36-46. The invention of Jalili in

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view of the teachings of Kenyon and Lilibridge et al. would suggest checking the source IP address of a new request, and if the source had already established a session but the session had timed out, then re-initiating the authentication procedure. Because each new authentication procedure of Jalili would display a new order/shape for the set of characters, the re-authentication step for a given user would transmit a new challenge that prompts a response to the second challenge. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Jalili such that the invention receives a new request, determines whether a source IP address of the new request matches the logged source IP address of the undefined originator; determines whether said timer is expired; and upon the source IP address of the new request matches the logged source IP address of the undefined originator and the timer being expired, responds to the new request with a second challenge that prompts a response to the second challenge. One would have been motivated to do so to prevent unauthorized access to stale user sessions and to reduce system usage by terminating stale user sessions as known to one of ordinary skill in the art. The aforementioned cover the limitations of claims 64 and 74.

(10) Response to Argument

The Appellant argues that the computer usable storage medium claims are directed towards statutory subject matter.

The Examiner contends that the computer usable storage medium claims are not directed towards statutory subject matter. The Applicant argues that that since the

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claims recite a "storage" medium, the claims are directed towards a statutory class of invention. The Examiner respectfully disagrees with this assertion that the recitation of "storage" makes the claims statutory. First, the Examiner notes that there the Appellant's specification provides no guidance for the use of the computer readable medium. There is no recitation of the term "medium" or its equivalent in its specification to provide guidance for the intended scope of the term "medium." Therefore, under the broadest reasonable interpretation of the claim, a computer readable storage medium is directed to both statutory (e.g. hardware related mediums) and non-statutory (e.g. signals per se) subject matter. Signals per se are not one of the four categories of patent-eligible subject matter. See *In re Nuijten*, 515 F.3d 1361 (Fed. Cir. 2008). Second, the Appellant argues that the computer readable storage medium is statutory as a transitory medium such as a signal does not store anything. This argument is also not found persuasive. A signal, though not permanently storing a signal, does temporarily store the information it carries, and therefore, a recitation of a "storage medium" does not place the computer readable usable medium claims into a statutory class.

The Appellant further argues that the Cited Prior Art (CPA) does not teach that the challenge includes a plurality of graphical forms and an accompanying textual expression describing one of the plurality of graphical forms.

The Examiner contends that the combination of Jalili in view of Kirsch further in view of Blonder teaches that the challenge includes a plurality of graphical forms and an

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accompanying textual expression describing one of the plurality of graphical forms.

First, the Examiner contends that Jalili teaches a challenge which includes a plurality of graphical forms. Jalili discloses a server subsystem which generates a display image and transmits the display image (challenge) to the user so that the user can select her PIN or password by identifying in order the particular icons (graphical forms) containing the alphanumeric characters containing PIN or password elements (Jalili: Figure 4, column 8, lines 42-51). As noted above, the display image which prompts the user to select icons to input the password or PIN is the challenge, and the multiple icons (as shown in Figure 4) are interpreted as the multiple graphical forms as they are each a separate image with a different alphanumeric character displayed on it. Second, the Examiner contends that Blonder teaches an accompanying textual expression describing one of the plurality of graphical forms. Blonder, like Jalili, teaches providing a user with a password image, but Blonder, also explicitly discloses providing a prompt along with the password image as part of the challenge provided to the user (Blonder: column 3, lines 51-57). The prompt in Blonder prompts the user to select tap regions (analogous to icons in Jalili and graphical forms in claimed invention) and position it within the password image (Blonder: column 3, lines 55-58). The prompt in Blonder which describes a user to select a particular tap region (analogous to icon in Jalili) is interpreted by the Examiner to be the textual expression accompanying one of the plurality of graphical forms as it describes an action to be taken on a particular icon/tap region (prompts user to select a particular tap region) (Blonder: column 3, lines 55-58). Since the prompt identifies a tap region/icon/graphical form (see Blonder, Figure 4) to

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be selected, it describes the tap region so that the user knows which tap region to position within the password image (Blonder: column 3, lines 55-57). Therefore, the combination of the references provides not only the graphical forms (icons of Jalili containing multiple alphanumeric characters) but also a textual expression (prompt of Blonder) which describes which tap region/icon to perform a certain action on. Therefore, the Examiner respectfully maintains that the CPA does teach that the challenge includes a plurality of graphical forms and an accompanying textual expression describing one of the plurality of graphical forms.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(11) Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Kaveh Abrishamkar/

Primary Examiner, Art Unit 2494

Conferees:

/Jung Kim/

Supervisory Patent Examiner, Art Unit 2494

/Carl Colin/

Supervisory Patent Examiner, Art Unit 2493



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/113,607	05/01/2008	Marc Lamberton	FR920000041US2 (353CON)	1363
46320 7590 08/31/2012 CAREY, RODRIGUEZ, GREENBERG & O'KEEFE, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 2022 BOCA RATON, FL 33487			EXAMINER ABRISHAMKAR, KAVEH	
			ART UNIT 2494	PAPER NUMBER
			MAIL DATE 08/31/2012	DELIVERY MODE PAPER

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SUITE 2022
BOCA RATON, FL 33487

Appeal No: 2012-011856
Application: 12/113,607
Appellant: Marc Lamberton et al.

Board of Patent Appeals and Interferences Docketing Notice

Application 12/113,607 was received from the Technology Center at the Board on August 27, 2012 and has been assigned Appeal No: 2012-011856.

In all future communications regarding this appeal, please include both the application number and the appeal number.

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By order of the Board of Patent Appeals and Interferences.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/113,607	05/01/2008	Marc Lamberton	FR920000041US2 (353CON)	1363
46320	7590	03/03/2015	EXAMINER	
CRGO LAW STEVEN M. GREENBERG 7900 Glades Road SUITE 520 BOCA RATON, FL 33434			ABRISHAMKAR, KAVEH	
			ART UNIT	PAPER NUMBER
			2494	
			NOTIFICATION DATE	DELIVERY MODE
			03/03/2015	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte MARC LAMBERTON, ERIC LEVY-ABEGNOLI,
and PASCAL THUBERT

Appeal 2012-011856
Application 12/113,607
Technology Center 2400

Before ROBERT E. NAPPI, BRUCE R. WINSOR, and
JAMES W. DEJMEK, *Administrative Patent Judges*.

DEJMEK, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from the Examiner's Non-Final Rejection of claims 56–75. Claims 1–55 have been canceled. We have jurisdiction over the pending claims under 35 U.S.C. § 6(b).

We AFFIRM-IN-PART.

STATEMENT OF THE CASE¹

Introduction

Appellants' invention is directed to preventing robots from browsing web sites beyond a welcome screen. Abstract. These robots, sometimes known as Web Wanderers, Web Crawlers, or Web Spiders, “are programs designed to automatically traverse the hypertext structure of the Web.” Spec. 1. Search engines, for example, use these programs to find and index content from around the web. *Id.* Other robots, however, may not be so beneficial and have undesirable effects to the website operator or the user. *Id.* 1–3. In an effort to restrict access by a robot, a challenge is presented to an undefined originator requesting access to the website. *Id.* 4. The challenge is designed to be answered simply by a human being, but not be readily responded to by a robot. *Id.* 6.

Representative claims 56 and 66 are illustrative of the subject matter on appeal and are reproduced below with the disputed limitations emphasized in *italics*:

56. A method for preventing robots from browsing a Web site beyond a welcome page, comprising:

receiving an initial request, directed to the Web site, from an undefined originator;

responding to the initial request with a challenge that prompts a response to the challenge from the undefined originator; and

¹ Throughout this Opinion we refer to the Appeal Brief dated March 15, 2012 and the Examiner's Answer mailed on May 22, 2012.

receiving the response to the challenge from the undefined originator,

wherein

the challenge includes:

a plurality of graphical forms, and

an accompanying textual expression describing one of the plurality of graphical forms, and

the response to the challenge includes an identification of a location of the described one of the plurality of graphical forms.

66. A computer program product comprising a *computer usable storage medium* having stored therein computer usable program code for preventing robots from browsing a Web site beyond a welcome page, the computer usable program code, which when executed by a computer hardware device, causes the computer hardware device to perform:

receiving an initial request, directed to the Web site, from an undefined originator;

responding to the initial request with a challenge that prompts a response to the challenge from the undefined originator; and

receiving the response to the challenge from the undefined originator,

wherein

the challenge includes:

a plurality of graphical forms, and

an accompanying textual expression describing one of the plurality of graphical forms, and

the response to the challenge includes an identification of a location of the described one of the plurality of graphical forms.

References

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Blonder	US 5,559,961	Sept. 24, 1996
Kirsch	US 5,855,020	Dec. 29, 1998
Lillibridge et al. ("Lillibridge")	US 6,195,698 B1	Feb. 27, 2001
Kenyon	US 6,199,065 B1	Mar. 6, 2001
Jalili	US 6,209,104 B1	Mar. 27, 2001

The Examiner's Rejections

1. Claims 66–75 stand rejected under 35 U.S.C. § 101 as being directed to nonstatutory subject matter. Ans. 4–5.
2. Claims 56–61, 65–71, and 75 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jalili, Kirsch, and Blonder. Ans. 5–8.
3. Claims 62, 63, 72, and 73 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jalili, Kirsch, Blonder, and Lillibridge. Ans. 8–9.
4. Claims 64 and 74 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Jalili, Kirsch, Blonder, Lillibridge, and Kenyon. Ans. 10–11.

Issues on Appeal

1. Did the Examiner err in finding the “computer usable storage medium,” as recited in claim 66, encompasses nonstatutory subject matter?
2. Did the Examiner err in finding the combination of Jalili and Blonder teaches or suggests “a plurality of graphical forms, and an accompanying

textual expression describing one of the plurality of graphical forms,” as recited in claim 56?

ANALYSIS

Rejections under 35 U.S.C. § 101

Claims 66–75 are rejected because “[u]nder the broadest reasonable interpretation of the claim[s], a computer usable storage medium is directed to both statutory (e.g., hardware related mediums) and non-statutory (e.g., signals per se) subject matter.” Final Act. 3. Appellants argue use of the claim term “storage” limits claim 66 to non-transitory storage media (i.e., statutory subject matter), citing the non-precedential decision in *Ex parte Mehta*, No. 2008-004853 (BPAI Nov. 18, 2009). Br. 4–7. Appellants further rely on the decisions in *Ex parte Dureau*, No. 2009-007211 (BPAI Aug. 23, 2010) and *Ex parte Bash*, No. 2009-007202 (BPAI Dec. 20, 2010) for support. *Id.* at 6–7. Appellants contend “the issue at hand is whether ‘computer usable storage medium’ as compared to ‘computer usable medium’ is statutory subject matter.” Br. 6.

In *Ex parte Mewherter*, however, a more recent and precedential decision, the Board addressed this same issue and “[did] not find this argument persuasive.” *Ex parte Mewherter*, 107 USPQ2d 1857, 1859 (PTAB 2013) (precedential) (expanded panel). Consistent with the Examiner's conclusion (Ans. 12), *Mewherter* instructs that in the absence of language in the Specification that would limit the meaning, the broadest reasonable construction of the limitation “computer usable storage medium” includes within its scope a transitory medium (such as signals). *Mewherter*, 107 USPQ2d at 1862 (distinguishing *Ex parte Mehta* and holding that the broadest reasonable construction of “machine-readable storage

medium” includes a transitory medium such as a signal absent an express limitation of a claim’s scope to non-transitory storage media).²

As the Examiner notes, the Appellants’ Specification provides no guidance for the use of the term “computer usable storage medium” or otherwise limits its scope to non-transitory storage media. Ans. 12. Further, nothing in the claim language limits the scope of the storage media. Accordingly, we affirm the Examiner’s rejection of claims 66–75 as covering both non-statutory and statutory subject matter. *See In re Nuijten*, 500 F.3d 1346, 1354–57 (Fed. Cir. 2007) (transitory signals cannot be patentable subject matter).

Rejections under 35 U.S.C. § 103(a)

Appellants argue the rejection under 35 U.S.C. § 103(a) of independent claims 56 and 66 collectively. Br. 7–11.

Regarding independent claim 55, Appellants argue the Examiner erred in finding the combination of Jalili and Blonder teaches or suggests a “challenge includ[ing] a plurality of graphical forms and an accompanying textual expression describing one of the plurality of graphical forms.” Br. 8. In particular, Appellants concede that although Blonder teaches a graphical password arrangement, the reference fails to disclose a plurality of graphical forms and further fails to teach an accompanying textual expression describing one of the graphical forms. *Id.* at 10.

In response, the Examiner finds that “Jalili teaches a challenge which includes a plurality of graphical forms. Ans. 13. We agree with the Examiner’s finding on this point. Figure 4 of Jalili is illustrative and is reproduced below.

² We note ““machine-readable storage medium”” and ““computer usable storage medium”” are equivalent terms. *See Mewherter*, 107 USPQ2d at 1859 n. 2.

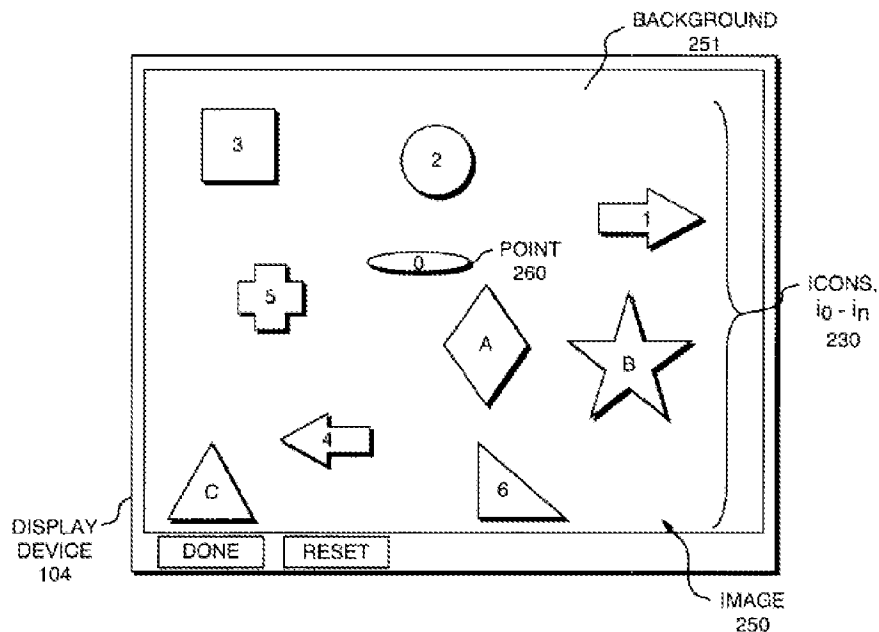


FIG. 4

Figure 4 of Jalili is a front view of a display showing the manner in which various icons may be displayed. Jalili, col. 4, ll. 44–45. As shown, a plurality of graphical forms (i.e., icons i_0-i_n) is presented to the user for entering a password. *Id.* at col. 6, ll. 65–67. Appellants’ argument that Blonder fails to teach a plurality of graphical forms is not persuasive. Nonobviousness cannot be established by attacking the references individually when the rejection is predicated upon a combination of prior art disclosures. *See In re Merck & Co., Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986).

Regarding Appellants’ second contention (that the combination of references fails to teach or suggest an accompanying textual expression describing one of the graphical forms), the Examiner relies on a disclosure in Blonder to “provid[e] a prompt along with the password image as part of the challenge provided to the user.” Ans. 13. The prompt “is interpreted by the Examiner to be the textual expression accompanying one of the plurality of graphical forms as it describes an

action to be taken on a particular icon/tap region.” *Id.* However, the claim language requires the textual expression describe one of the plurality of graphical forms. The section of Blonder relied upon by the Examiner relates to the setting of a password by tapping various regions on a graphical image. *See* Blonder, col. 3, ll. 35–66. A prompt instructs a user to select a tap region and position it within the password region. *Id.* We do not find this prompt to describe one of the plurality of graphical forms as required by the claims. Further, once the password has been set, the password routine displays the graphical image without also displaying tap regions. *Id.* at col. 4, ll. 30–36. Blonder teaches the password routine “waits until the user makes a location selection on [the] display.” *Id.* at col. 4, ll. 40–41. Figure 5 of Blonder illustrates an example of the display and is reproduced below.

FIG. 5

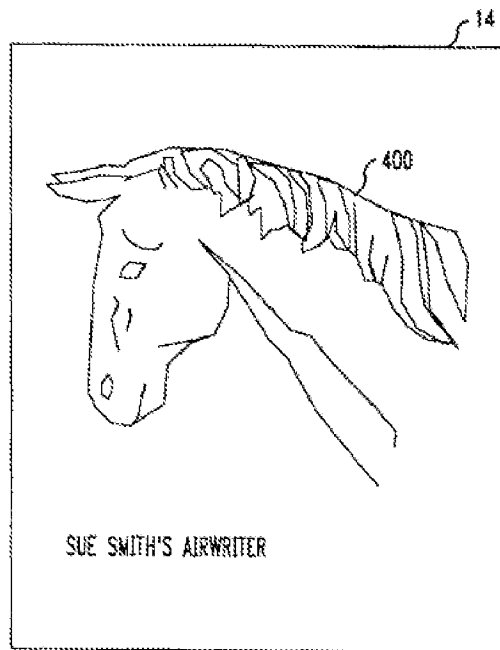


Figure 5 of Blonder is an illustrative view of the display during execution of the password function. *Id.* at col. 2, ll. 49–50. We agree with Appellants that the Examiner’s findings do not persuasively show that Blonder’s graphical password

entry function, even in combination with the other references, teach or suggest an accompanying textual expression describing the graphical form. Br. 8–11.

Accordingly, for the reasons *supra*, we do not sustain the Examiner’s rejection of independent claim 56 or claims 57–65, which depend therefrom. For similar reasons, we do not sustain the rejection under 35 U.S.C. § 103(a) of independent claim 66 or dependent claims 67–75.

CONCLUSION

We are not persuaded the Examiner erred in rejecting claims 66–75 under 35 U.S.C. § 101 by concluding the claims are directed to nonstatutory subject matter.

We are persuaded the Examiner erred in rejecting claims 56–75 under 35 U.S.C. § 103(a) by concluding the combination of references teaches or suggests a challenge including a plurality of graphical forms and an accompanying textual expression describing one of the plurality of graphical forms, as recited in the claims.

DECISION

The rejection of claims 66–75 is affirmed.

The rejection of claims 56–65 is reversed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED-IN-PART

kme



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SUITE 520
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EXAMINER

ABRISHAMKAR, KAVEH

ART UNIT

PAPER NUMBER

2494

DATE MAILED: 05/18/2015

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/113,607

05/01/2008

Marc Lamberton

FR92000041US2
(353CON)

1363

TITLE OF INVENTION: SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITE

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$960	\$0	\$0	\$960	08/18/2015

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.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/113,607	05/01/2008	Marc Lamberton	FR920000041US2 (353CON)	1363

TITLE OF INVENTION: SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITE

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$960	\$0	\$0	\$960	08/18/2015

EXAMINER	ART UNIT	CLASS-SUBCLASS
ABRISHAMKAR, KAVEH	2494	726-003000

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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
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/113,607	05/01/2008	Marc Lamberton	FR920000041US2 (353CON)	1363
46320	7590	05/18/2015	EXAMINER	
CRGO LAW STEVEN M. GREENBERG 7900 Glades Road SUITE 520 BOCA RATON, FL 33434			ABRISHAMKAR, KAVEH	
			ART UNIT	PAPER NUMBER
			2494	
DATE MAILED: 05/18/2015				

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 the law.

Notice of Allowability	Application No. 12/113,607	Applicant(s) LAMBERTON ET AL.	
	Examiner KAVEH ABRISHAMKAR	Art Unit 2494	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 the Patent Board decision dated 03/03/2015.
☐ 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 56-75. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

- a) ☐ All b) ☐ Some *c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. ☐ Notice of References Cited (PTO-892) | 5. ☒ Examiner's Amendment/Comment |
| 2. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 6. ☐ Examiner's Statement of Reasons for Allowance |
| 3. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 7. ☐ Other _____. |
| 4. ☒ Interview Summary (PTO-413),
Paper No./Mail Date <u>05/08/2015</u> . | |

/KAVEH ABRISHAMKAR/
Primary Examiner, Art Unit 2494

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kara Brotman (Reg. No. 62,212) on May 8, 2015.

The application has been amended as follows:

1. Claim 66 is amended as presented below.

Claim 66 (Currently Amended): A computer program product comprising a non-transitory computer usable storage medium having stored therein computer usable program code for preventing robots from browsing a Web site beyond a welcome page, the computer usable program code, which when executed by a computer hardware device, causes the computer hardware device to perform:

receiving an initial request, directed to the Web site, from an undefined originator;
responding to the initial request with a challenge that prompts a response to the challenge from the undefined originator; and
receiving the response to the challenge from the undefined originator, wherein

the challenge includes:
a plurality of graphical forms, and
an accompanying textual expression describing one of the plurality of graphical forms, and
the response to the challenge includes an identification of a location of the described one of the plurality of graphical forms.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAVEH ABRISHAMKAR whose telephone number is (571)272-3786. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jung Kim can be reached on 571-272-3804. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2494

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.

/KAVEH ABRISHAMKAR/
Primary Examiner, Art Unit 2494

/K. A./
05/10/2015
Primary Examiner, Art Unit 2494

<i>Examiner-Initiated Interview Summary</i>	Application No. 12/113,607	Applicant(s) LAMBERTON ET AL.	
	Examiner KAVEH ABRISHAMKAR	Art Unit 2494	

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

(1) Kaveh Abrishamkar. (3) ____.

(2) Kara Brotman (Reg. No. 62,212). (4) ____.

Date of Interview: 08 May 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: 66-75.

Identification of prior art discussed: N/A.

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 notified the Applicant that the computer program products need to be amended in order to overcome the 101 rejection. The Applicant agreed to add "non-transitory" to claim 66 to overcome the outstanding rejection.

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

/KAVEH ABRISHAMKAR/ Primary Examiner, Art Unit 2494	
--	--

Search Notes 	Application/Control No. 12113607	Applicant(s)/Patent Under Reexamination LAMBERTON ET AL.
	Examiner Kaveh Abrishamkar	Art Unit 2494

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
east search; acm online; google	8/24/10	jk
inventor name search on palm	8/24/10	jk
updated east search; google	2/8/11	jk
Updated EAST Search	10/9/11	K.A.
Updated EAST Search History Attached	5/10/2015	K.A.
Searched 726/1,3,5,18,22-23.ccls. with search terms	5/10/2015	K.A.
Searched 713/183.ccls. with search terms	5/10/2015	K.A.
Searched H04L 63/10.cpc. with search terms	5/10/2015	K.A.
Searched G06F 17/3089.cpc. with search terms	5/10/2015	K.A.

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
726	1,3,5,18,22-23	5/10/2015	K.A.
713	183	5/10/2015	K.A.
H04L	63/10	5/10/2015	K.A.
G06F	17/3089	5/10/2015	K.A.

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Issue Classification 	Application/Control No. 12113607	Applicant(s)/Patent Under Reexamination LAMBERTON ET AL.	
	Examiner KAVEH ABRISHAMKAR	Art Unit 2494	

CPC						
Symbol					Type	Version
H04L		63		10	F	2013-01-01
G06F		17		3089	I	2013-01-01
						
						
						
						
						
						
						
						
						
						
						
						
						

CPC Combination Sets				
Symbol	Type	Set	Ranking	Version
				
				

NONE		Total Claims Allowed:	
(Assistant Examiner)		20	
(Date)			
/KAVEH ABRISHAMKAR/ Primary Examiner.Art Unit 2494	05/10/2015	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	56	5b

Issue Classification 	Application/Control No. 12113607	Applicant(s)/Patent Under Reexamination LAMBERTON ET AL.
	Examiner KAVEH ABRISHAMKAR	Art Unit 2494

☐ 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		33		49	10	65						
	2		18		34		50	11	66						
	3		19		35		51	12	67						
	4		20		36		52	13	68						
	5		21		37		53	14	69						
	6		22		38		54	15	70						
	7		23		39		55	16	71						
	8		24		40	1	56	17	72						
	9		25		41	2	57	18	73						
	10		26		42	3	58	19	74						
	11		27		43	4	59	20	75						
	12		28		44	5	60								
	13		29		45	6	61								
	14		30		46	7	62								
	15		31		47	8	63								
	16		32		48	9	64								

NONE	Total Claims Allowed: 20	
(Assistant Examiner)	(Date)	
/KAVEH ABRISHAMKAR/ Primary Examiner.Art Unit 2494	05/10/2015	O.G. Print Claim(s) 56
(Primary Examiner)	(Date)	O.G. Print Figure 5b

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number: 12/113,607

Confirmation Number: 1363

Filing Date: May 1, 2008

Applicant(s): Marc Lamberton, et al.

Entitled: SYSTEM AND METHOD FOR
IMPLEMENTING A ROBOT PROOF WEB SITE

Examiner: ABRISHAMKAR, KAVEH

Group Art Unit: 2494

Attorney Docket No.: FR920000041US2 (7161-353CON)

AMENDMENT UNDER RULE § 1.312

Mail Stop Amendment
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Allowance mailed May 18, 2015,
Applicants request in enclosed Amendments to the Specification be entered.
Applicants respectfully submit that no new matter is added.

Amendments to the Specification begin on page 2 of this paper.

Remarks begin on page 3 of this paper.

AMENDMENTS TO THE SPECIFICATION

Please amend the following paragraph, which was inserted as part of the Preliminary Amendment filed on May 1, 2008, as follows:

This application is a Continuation of U.S. Application No. 09/901,442, filed on July 9, 2001, now U.S. Patent No. 7,373,510, which also claim priority to European Patent Application 00480085.0, filed September 12, 2000, which ~~[[is]]~~are incorporated herein by reference in its entirety.

REMARKS

Applicants respectfully request the amendments to the Specification
be entered. No new matter has been added.

Respectfully submitted,

Date: July 24, 2015

/Steven M. Greenberg/

Steven M. Greenberg
Reg. No.: 44,725
Kara A. Brotman
Reg. No.: 62,212
CRGO Law
7900 Glades Road, Suite 520
Boca Raton, Florida 33434
Customer No. 46320
Tel: (561) 922-3845
Fax: (561) 244-1062

Electronic Acknowledgement Receipt

EFS ID:	23012610
Application Number:	12113607
International Application Number:	
Confirmation Number:	1363
Title of Invention:	SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITE
First Named Inventor/Applicant Name:	Marc Lamberton
Customer Number:	46320
Filer:	Steven M. Greenberg
Filer Authorized By:	
Attorney Docket Number:	FR920000041US2 (353CON)
Receipt Date:	24-JUL-2015
Filing Date:	01-MAY-2008
Time Stamp:	10:27:29
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	Amendment after Notice of Allowance (Rule 312)	7161-353CON_312AMENDMEN T_07242015.pdf	20955 45b3b8d61dfe9e0e2a032c0c846a7da320d16985	no	3

Warnings:

Information:

DataDome Ex. 1002, p. 261

DataDome v. Arkose Labs

IPR2025-00694

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.

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.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/113,607	05/01/2008	Marc Lamberton	FR920000041US2 (353CON)	1363
46320	7590	08/07/2015	EXAMINER	
CRGO LAW STEVEN M. GREENBERG 7900 Glades Road SUITE 520 BOCA RATON, FL 33434			ABRISHAMKAR, KAVEH	
			ART UNIT	PAPER NUMBER
			2494	
			NOTIFICATION DATE	DELIVERY MODE
			08/07/2015	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@crgolaw.com

Response to Rule 312 Communication	Application No. 12/113,607	Applicant(s) LAMBERTON ET AL.
	Examiner KAVEH ABRISHAMKAR	Art Unit 2494

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

1. ☒ The amendment filed on 24 July 2015 under 37 CFR 1.312 has been considered, and has been:

a) ☒ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☐ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

	/KAVEH ABRISHAMKAR/ Primary Examiner, Art Unit 2494
--	--

PART B - FEE(S) TRANSMITTAL

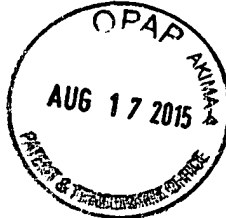
D. King

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)

46320 7590 05/18/2015
 CRGO LAW
 STEVEN M. GREENBERG
 7900 Glades Road
 SUITE 520
 BOCA RATON, FL 33434



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.
12/113,607	05/01/2008	Marc Lamberton	FR920000041US2 (353CON)	1363

TITLE OF INVENTION: SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITE

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	UNDISCOUNTED	\$960	\$0	\$0	\$960	08/18/2015

08/18/2015 SHOHAMM1 00000019 090461 12113607

EXAMINER	ART UNIT	CLASS-SUBCLASS
ABRISHAMKAR, KAVEH	2494	726-003000

01 FC:1501 960.00 DA

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 Steven M. Greenberg, Esq.

2 CRGO LAW

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)

International Business Machines Corporation Armonk, NY

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 09-0461 (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.

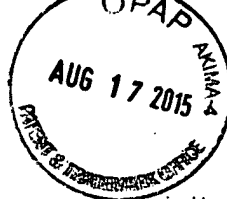
NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature /Steven Greenberg/

Date June 11, 2015

Typed or printed name Steven Greenberg

Registration No. 44,725



PTO/SB/122 (11-08)

Approved for use through 11/30/2011. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**CHANGE OF
CORRESPONDENCE ADDRESS
Application**Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	12/113,607
Filing Date	May 1, 2008
First Named Inventor	Marc Lamberton
Art Unit	2494
Examiner Name	ABRISHAMKAR, KAVEH
Attorney Docket Number	FR920000041US2 (353CON)

Please change the Correspondence Address for the above-identified patent application to:

☒ The address associated with
Customer Number:

25259

OR

☐ Firm or
Individual Name

Address

City

State

Zip

Country

Telephone

Email

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).

I am the:

- ☐ Applicant/Inventor
- ☐ Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- ☒ Attorney or agent of record. Registration Number 44,725
- ☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____

Signature /Steven M. Greenberg/

Typed or Printed
Name Steven M. Greenberg

Date June 11, 2015

Telephone 561-922-3845

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 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

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
12/113,607	09/29/2015	9148427	FR920000041US2 (353CON)	1363

25259 7590 09/09/2015
RSW IP Law
IBM CORPORATION
3039 CORNWALLIS RD.
DEPT. T81 / B503, PO BOX 12195
RESEARCH TRIANGLE PARK, NC 27709

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 2019 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):

Marc Lamberton, Antibes, FRANCE;
Eric Levy-Abegnoli, Nice, FRANCE;
Pascal Thubert, Vence, FRANCE;

The United States represents the largest, most dynamic marketplace in the world and is an unparalleled location for business investment, innovation, and commercialization of new technologies. The USA offers tremendous resources and advantages for those who invest and manufacture goods here. Through SelectUSA, our nation works to encourage and facilitate business investment. To learn more about why the USA is the best country in the world to develop technology, manufacture products, and grow your business, visit SelectUSA.gov.

POWER OF ATTORNEY BY APPLICANT

I hereby revoke all previous powers of attorney given in the application identified in either the attached transmittal letter or the boxes below.

Application Number	Filing Date
12/113,607	05-01-2008

(Note: The boxes above may be left blank if information is provided on form PTO/AIA/82A.)

☒ I hereby appoint the Patent Practitioner(s) associated with the following Customer Number as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above:

27683

OR

☐ I hereby appoint Practitioner(s) named in the attached list (form PTO/AIA/82C) as my/our attorney(s) or agent(s), and to transact all business in the United States Patent and Trademark Office connected therewith for the patent application referenced in the attached transmittal letter (form PTO/AIA/82A) or identified above. (Note: Complete form PTO/AIA/82C.)

Please recognize or change the correspondence address for the application identified in the attached transmittal letter or the boxes above to:

☒ The address associated with the above-mentioned Customer Number

OR

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the Applicant (if the Applicant is a juristic entity, list the Applicant name in the box):

Arkose Labs Holdings, Inc.

- ☐ Inventor or Joint Inventor (title not required below)
- ☐ Legal Representative of a Deceased or Legally Incapacitated Inventor (title not required below)
- ☒ Assignee or Person to Whom the Inventor is Under an Obligation to Assign (provide signer's title if applicant is a juristic entity)
- ☐ Person Who Otherwise Shows Sufficient Proprietary Interest (e.g., a petition under 37 CFR 1.46(b)(2) was granted in the application or is concurrently being filed with this document) (provide signer's title if applicant is a juristic entity)

SIGNATURE of Applicant for Patent

The undersigned (whose title is supplied below) is authorized to act on behalf of the applicant (e.g., where the applicant is a juristic entity).

Signature	Mark H. Remick	Date (Optional)	September 10, 2021 3:30:40 PM PDT
Name	Mark H. Remick		
Title	Chief Operating Officer/Chief Financial Officer		

NOTE: Signature - This form must be signed by the applicant in accordance with 37 CFR 1.33. See 37 CFR 1.4 for signature requirements and certifications. If more than one applicant, use multiple forms.

☒ Total of one forms are submitted.

This collection of information is required by 37 CFR 1.131, 1.32, and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 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.

DataDome Ex. 1002, p. 268

DataDome v. Arkose Labs

IPR2025-00694

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.

STATEMENT UNDER 37 CFR 3.73(c)Applicant/Patent Owner: Arkose Labs Holdings, Inc.Application No./Patent No.: 12/113,607 Filed/Issue Date: 05-01-2008Titled: SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITEArkose Labs Holdings, Inc., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that, for the patent application/patent identified above, it is (choose **one** of options 1, 2, 3 or 4 below):

1. ☒ The assignee of the entire right, title, and interest.
2. ☐ An assignee of less than the entire right, title, and interest (check applicable box):
- ☐ The extent (by percentage) of its ownership interest is ____%. Additional Statement(s) by the owners holding the balance of the interest must be submitted to account for 100% of the ownership interest.
- ☐ There are unspecified percentages of ownership. The other parties, including inventors, who together own the entire right, title and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

3. ☐ The assignee of an undivided interest in the entirety (a complete assignment from one of the joint inventors was made). The other parties, including inventors, who together own the entire right, title, and interest are:

Additional Statement(s) by the owner(s) holding the balance of the interest must be submitted to account for the entire right, title, and interest.

4. ☐ The recipient, via a court proceeding or the like (e.g., bankruptcy, probate), of an undivided interest in the entirety (a complete transfer of ownership interest was made). The certified document(s) showing the transfer is attached.

The interest identified in option 1, 2 or 3 above (not option 4) is evidenced by either (choose **one** of options A or B below):

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Marc Lamberton, Eric Levy-Abegnoli, Pascal Thubert To: INTERNATIONAL BUSINESS MACHINES CORPORATIONThe document was recorded in the United States Patent and Trademark Office at
Reel 057401, Frame 0836, or for which a copy thereof is attached.2. From: INTERNATIONAL BUSINESS MACHINES CORPORATION To: ARKOSE LABS, INC.The document was recorded in the United States Patent and Trademark Office at
Reel 057418, Frame 0615, or for which a copy thereof is attached.

[Page 1 of 2]

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and DataDome Ex. 21002, p. 269

DataDome v. Arkose Labs

IPR2025-00694

STATEMENT UNDER 37 CFR 3.73(c)

3. From: ARKOSE LABS, INC. To: ARKOSE LABS HOLDINGS, INC.

The document was recorded in the United States Patent and Trademark Office at
Reel 057455, Frame 0455, or for which a copy thereof is attached.

4. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

5. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

6. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☐ As required by 37 CFR 3.73(c)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

/Philip H. Albert/

Signature

Philip H. Albert

Printed or Typed Name

Sept. 16, 2021

Date

35819

Title or Registration 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.

Electronic Acknowledgement Receipt

EFS ID:	43790009
Application Number:	12113607
International Application Number:	
Confirmation Number:	1363
Title of Invention:	SYSTEM AND METHOD FOR IMPLEMENTING A ROBOT PROOF WEB SITE
First Named Inventor/Applicant Name:	Marc Lamberton
Customer Number:	25259
Filer:	Philip H. Albert/Katty Tong
Filer Authorized By:	Philip H. Albert
Attorney Docket Number:	FR920000041US2 (353CON)
Receipt Date:	16-SEP-2021
Filing Date:	01-MAY-2008
Time Stamp:	20:35:23
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	Power of Attorney	60250-12US02_POAFiled.pdf	148110	no	1
			39df2484a12e1d663127e481175db7a5181157cf		

Warnings:

DataDome Ex. 1002, p. 272

DataDome v. Arkose Labs

IPR2025-00694

Information:					
2	Assignee showing of ownership per 37 CFR 3.73	60250-12US02_373cFiled.pdf	120941	no	3
			153f30fa97edb2ce78e67b9dfa6a45a5eb64ac27		
Warnings:					
Information:					
Total Files Size (in bytes):			269051		
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 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/113,607	05/01/2008	Marc Lamberton	FR920000041US2 (353CON)

CONFIRMATION NO. 1363

POWER OF ATTORNEY NOTICE



OC000000128501444

25259
INACTIVE - RSW IPLAW
IBM Intellectual Property Law Department
1701 North Street
IPLaw Dept SHCB / Bldg 256-3
Endicott, NY 13760

Date Mailed: 09/20/2021

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/16/2021.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/sharris/



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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/113,607	05/01/2008	Marc Lamberton	FR920000041US2 (353CON)

CONFIRMATION NO. 1363

POA ACCEPTANCE LETTER



27683
HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas, TX 75219

Date Mailed: 09/20/2021

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/16/2021.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Questions about the contents of this notice and the requirements it sets forth should be directed to the Office of Data Management, Application Assistance Unit, at (571) 272-4000 or (571) 272-4200 or 1-888-786-0101.

/sharris/