

Office of Petitions: Routing Sheet



Application No. 11624471

This application is being forwarded to your office for further processing. A decision has been rendered on a petition filed in this application, as indicated below. For details of this decision, please see the document PET.OP.DEC filed on the same date as this document.

GRANTED

DISMISSED

DENIED

Office of Petitions: Decision Count Sheet

Mailing Month

10

Application No.

11624471



For US serial numbers: enter number only, no slashes or commas. Ex: 10123456

For PCT: enter "51+single digit of year of filing+last 5 numbers", Ex. for PCT/US05/12345, enter 51512345

Deciding Official:

Woods, Derek

Count (1) - Palm Credit

11/624,471

Decision:

GRANT

FINANCE WORK NEEDED

Select Check Box for YES



Decision Type:

525 - 37 CFR 1.181 for W/D HOLDING OF ABANDONMEN

Notes:

Count (2)

Decision:

n/a

FINANCE WORK NEEDED

Select Check Box for YES

Decision Type:

NONE

Notes:

Count (3)

Decision:

n/a

FINANCE WORK NEEDED

Select Check Box for YES

Decision Type:

NONE

Notes:

Initials of Approving Official (if required)

If more than 3 decisions, attach 2nd count sheet & mark this box

Printed on: 10/29/2015



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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
11/624,471 01/18/2007 SUBHAS KUMAR GHOSH H0008311 31772-0026 6700

128 7590 10/30/2015
HONEYWELL INTERNATIONAL INC.
PATENT SERVICES
115 Tabor Road
P O BOX 377
MORRIS PLAINS, NJ 07950

EXAMINER

CHEDEKEL, TABITHA F

ART UNIT PAPER NUMBER

2876

MAIL DATE DELIVERY MODE

10/30/2015

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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In re Application of :
Gosh :
Application No. 11/624471 :
Filing or 371(c) Date: 01/18/2007 : DECISION
Attorney Docket Number: : ON PETITION
H0008311 31772-0026 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR § 1.181(a), filed April 8, 2015.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed January 5, 2011, wherein claims 1-4, 14-18, 23, 31 and 36 were rejected, and claims 32-34 were allowed. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a).

Applicant filed an Amendment in reply to the Office action on February 4, 2011.

The Examiner mailed an Advisory Action on April 6, 2011, indicating that for purposes of appeal the Amendment would be entered, and again indicating that claims 1-4, 14-18, 23, 31 and 36 were rejected, and claims 32-34 were allowed.

Applicant filed a Notice of Appeal on April 20, 2011.

The case was set before the Board of Patent Appeals and Interferences (“Board”), which affirmed the Examiner as to the rejected claims.

The Office mailed a Notice of Abandonment on March 11, 2015, indicating as the reason for abandonment the period for seeking court review had expired and there were no allowed claims.

Applicant’s Assertion

Applicant files the present petition and provides that claims 32-34 were allowed in the application and are in condition for allowance. Petitioner avers that the Notice of Abandonment is therefore improper, and requests withdrawal of the Notice of Abandonment.

Office records

A review of Office records confirms that the Examiner noted that claims 32-34 were allowed in the final Office action mailed January 5, 2011, and in the Advisory Action mailed on April 6, 2011.

The MPEP 1214.06II, Claims Stand Allowed, provides:

The appellant is not required to file a reply. The examiner issues the application or ex parte reexamination certificate on the claims which stand allowed. It is not necessary for the applicant or patent owner to cancel the rejected claims, since they may be canceled by the examiner in an examiner's amendment.

If the Board affirms a rejection of claim 1, claim 2 was objected to prior to appeal as being allowable except for its dependency from claim 1 and independent claim 3 is allowed, the examiner should cancel claims 1 and 2 and issue the application or ex parte reexamination certificate with claim 3 only.

If the Board affirms a rejection against independent claim 1, reverses all rejections against dependent claim 2 and claim 3 is allowed, after expiration of the period for further appeal, the examiner should either:

- (A) Convert dependent claim 2 into independent form by examiner's amendment, cancel claim 1 in which the rejection was affirmed, and issue the application or ex parte reexamination certificate with claims 2 and 3; or
- (B) Set a time limit in which appellant may rewrite dependent claim 2 in independent form. Extensions of time under 37 CFR 1.136(a) will not be permitted. If no timely reply is received, the examiner will cancel claims 1 and 2 and issue the application with allowed claim 3 only.

Conclusion

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

The application will be referred to Technology Center Art Unit 2876 for action on the allowed claims in the normal course of business.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DW/

Derek Woods
Attorney Advisor
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**PETITION TO WITHDRAW ABANDONMENT
UNDER 37 CFR 1.181(a)**

APPLICANT: Subhas K. Ghosh EXAMINER: Tabitha F. Chedekel
SERIAL NO.: 11/624,471 GROUP ART UNIT: 2876
FILING DATE: January 18, 2007 CONFIRMATION NO.: 6700
INVENTION: SYSTEM AND METHOD FOR SECURE AND DISTRIBUTED
PHYSICAL ACCESS CONTROL USING SMART CARDS

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

SIR:

Applicant hereby petitions the Director to withdraw the holding of abandonment in the above-identified application in accordance with 37 CFR 1.181(a) for the reasons set forth below. No fee is required for this petition.

The rejected claims of the present application were taken to appeal. A Decision On Appeal was issued on December 19, 2015, affirming the final rejection by the Examiner of the claims 1-3, 4, 14, 15, 16, 17, 18 23, 31, 35 and 36 over the prior art. In the final rejection, in the appeal briefs, and in the Decision on Appeal, it was noted that claims 32 - 34 are allowed and that claims 5 - 13, 19 - 22, and 24 - 30 would be allowable if redrafted into independent form.

According to MPEP §1214.06, where the Examiner is sustained in whole or part and claims in the application stand allowed, the Applicant is not required to file a reply. The MPEP section further notes that in the absence of a response by the applicant Examiner is to issue the application based on the claims that are allowed.

Instead of issuing the application based on the allowed claims, the Examiner issued a Notice of Abandonment dated March 11, 2015. The Notice of Abandonment gives as reasons for abandonment:

“1. Applicant’s failure to timely file a proper reply to the Office letter mailed on 19 December 2014.” and

“6. The decision by the Board of Patent Appeals and Interference rendered on December 19, 2014 and because the period for seeking court review of the decision has expired and there are no allowed claims.” (emphasis added)

The Examiner’s abandonment is in error. First, as to ground number 1, the MPEP §1214.06, part II. Claims Stand Allowed, states, “The appellant is not required to file a reply.” As such, the failure to timely file a reply is not a proper ground for abandoning the application.

Second, as to ground number 6, the present application includes allowed claims 32 - 34 as indicated in the Examiner’s own Final Action and Examiner’s Answer, as well as indicated in the Decision on appeal. The “no allowed claims” condition for ground number 6 has not been met and thus ground 6 cannot serve as a basis for abandoning the application.

No other grounds for abandonment are provided.

Having demonstrated that both grounds 1 and 6 for abandonment cited by the Examiner are in error, the holding of abandonment should be withdrawn.

Applicant respectfully petitions the Director for withdrawal of the abandonment.

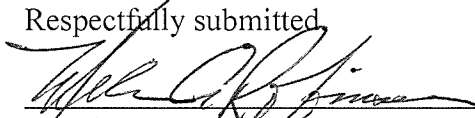
Accompanying Amendment

This Petition is being submitted with an Amendment which redrafts the claims that are indicated as allowable but which depend from a rejected base claim so that they are now independent or depend from allowable base claims. Some of the rejected claims are amended to depend from allowable base claims, while the remaining rejected claims are cancelled. No new limitations are added and no new issues of patentability are raised.

Deposit Account Information

The Commissioner is hereby authorized to charge any additional fees which may be required or to credit any overpayment to account no. 501519.

Respectfully submitted,



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CUSTOMER NO. 000128

ATTORNEY FOR APPLICANT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AMENDMENT ACCOMPANYING PETITION TO WITHDRAW ABANDONMENT

APPLICANT: Subhas K. Ghosh EXAMINER: Tabitha F. Chedekel
SERIAL NO.: 11/624,471 GROUP ART UNIT: 2876
FILING DATE: January 18, 2007 CONFIRMATION NO.: 6700
INVENTION: SYSTEM AND METHOD FOR SECURE AND DISTRIBUTED
PHYSICAL ACCESS CONTROL USING SMART CARDS

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

SIR:

In response to the Notice of Abandonment dated March 11, 2015, and accompanying a Petition to Withdraw Abandonment, amend the above-identified application as follows:

Amendments to the Claims begin on page 2.

Remarks begin on page 4.

IN THE CLAIMS

Amend the claims as shown below by the markings. Cancel claims 1, 2, 16, and 23 without prejudice.

1. and 2. (canceled)

3. (currently amended) The method of claim 5, ~~claim 2~~ wherein the first code is also based on the secret key.

4. (currently amended) The method of claim 5, ~~claim 2~~ further comprising: periodically changing the first code and the secret key synchronously.

5. (currently amended) A method of controlling access to a resource comprising:
reading a first code from a user carried device, wherein the first code comprises an encoded form
of at least an ID of a user and at least one privilege, and wherein the privilege embodies a
policy defining the user's access to the resource;
comparing the first code to a second code; and
permitting access only if the first code substantially matches the second code;
wherein the comparing of the first code to a second code comprises:
computing the second code based on the user ID, the privilege, and a secret key; and
comparing the first code to the computed second code; ~~The method of claim 2~~
wherein the computing of the second code comprises:
generating an intermediate code based at least on the user ID and the secret key;
concatenating the intermediate code and the privilege; and [[,]]

applying an encoding function to the concatenation of the intermediate code and the privilege so as to produce the second code.

6. (original) The method of claim 5 wherein the encoding function comprises a hash function.

7. (original) The method of claim 5 wherein the generating of an intermediate code comprises:
generating a first intermediate code by applying the secret key to an initial value;
generating a second intermediate code by applying the secret key to the first intermediate code to produce a first result and by adding the user ID to the result; and,
generating a third intermediate code by applying the secret key to the second intermediate code to produce a second result and by adding a final value to the second result;
and wherein the concatenating of the intermediate code and the privilege comprises concatenating the first, second, and third intermediate codes and the privilege.

8. (currently amended) A method of controlling access to a resource comprising:
reading a first code from a user carried device, wherein the first code comprises an encoded form of at least an ID of a user and at least one privilege, and wherein the privilege embodies a policy defining the user's access to the resource;
comparing the first code to a second code; and
permitting access only if the first code substantially matches the second code; The method of claim 1
wherein the comparing of the first code to a second code comprises:

computing the second code based on the user ID, the privilege, a secret key, and a common key, wherein the secret key applies only to the user, and wherein the common key applies to a plurality of users; and [[,]]
comparing the first code to the computed second code.

9. (original) The method of claim 8 wherein the first code is also based on the secret key.

10. (original) The method of claim 8 further comprising periodically changing the first code and the secret key synchronously.

11. (original) The method of claim 8 wherein the computing of the second code comprises:
generating an intermediate code based at least on the user ID and the secret key;
concatenating the intermediate code, the privilege, and the common key; and,
applying an encoding function to the concatenation of the intermediate code, the privilege, and the common key so as to produce the second code.

12. (original) The method of claim 11 wherein the encoding function comprises a hash function.

13. (original) The method of claim 11 wherein the generating of an intermediate code comprises:
generating a first intermediate code by applying the secret key to an initial value;
generating a second intermediate code by applying the secret key to the first intermediate code to produce a result and by adding the user ID to the result; and,

generating a third intermediate code by applying the secret key to the second intermediate code to produce a second result and by adding a final value to the second result; and wherein the concatenating of the intermediate code, the privilege, and the common key comprises concatenating the first, second, and third intermediate codes, the privilege, and the common key.

14. (currently amended) The method of claim 5, ~~claim 4~~ further comprising: periodically changing the first and second codes synchronously.

15. (currently amended) The method of claim 5, ~~claim 4~~ wherein the first code is self-expiring.

16. (canceled)

17. (currently amended) The method of claim 19, ~~claim 16~~ wherein the encoding function comprises a hash function.

18. (currently amended) The method of claim 19, ~~claim 16~~ further comprising: periodically and synchronously changing the first code and the second secret key.

19. (currently amended) A method of controlling access to a resource comprising: storing a first code on a user carried device, wherein the first code is based on at least an ID of a user, at least one privilege, a first secret key, and an encoding function, and wherein the privilege defines the user's access to the resource;

computing a second code from the user ID, the privilege, a second secret key, and the encoding function, wherein the first and second secret keys are symmetrical, and wherein the second secret key is stored in a user carried device reader;

comparing the first code to a second code; and

permitting access only if the first code substantially matches the second code; ~~The method of claim 16~~

wherein the computing of the second code comprises:

generating an intermediate code based at least on the user ID and the second secret key;
concatenating the intermediate code and the privilege; and [[,]]
applying the encoding function to the concatenation of the intermediate code and the privilege so as to produce the second code.

20. (original) The method of claim 19 wherein the generating of an intermediate code comprises:

generating a first intermediate code by applying the second secret key to an initial value;

generating a second intermediate code by applying the second secret key to the first intermediate code to produce a result and by adding the user ID to the result; and,

generating a third intermediate code by applying the second secret key to the second intermediate code to produce a second result and by adding a final value to the second result;

and wherein the concatenating of the intermediate code and the privilege comprises concatenating the first, second, and third intermediate codes and the privilege.

21. (currently amended) A method of controlling access to a resource comprising:

storing a first code on a user carried device, wherein the first code is based on at least an ID of a user, at least one privilege, a first secret key, and an encoding function, and wherein the privilege defines the user's access to the resource;

computing a second code from the user ID, the privilege, a second secret key, and the encoding function, wherein the first and second secret keys are symmetrical, and wherein the second secret key is stored in a user carried device reader;

comparing the first code to a second code; and

permitting access only if the first code substantially matches the second code; ~~The method of~~
claim 16

wherein the computing of the second code comprises:

generating an intermediate code based at least on the user ID and the second secret key;

concatenating the intermediate code, the privilege, and a common key; and,

applying an encoding function to the concatenation of the intermediate code, the privilege,
and the common key so as to produce the second code.

22. (original) The method of claim 21 wherein the generating of an intermediate code comprises:

generating a first intermediate code by applying the second secret key to an initial value;

generating a second intermediate code by applying the second secret key to the first intermediate code to produce a result and by adding the user ID to the result; and,

generating a third intermediate code by applying the second secret key to the second intermediate code to produce a second result and adding a final value to the second result;

and wherein the concatenating of the intermediate code and the privilege comprises concatenating the first, second, and third intermediate codes, the privilege, and the common key.

23. (canceled)

24. (currently amended) A reader of an access control system that controls access to a resource comprising:
a memory that stores a secret key; and,
a processor that reads the secret key from the memory, that reads an ID of a user, at least one privilege, and a first code from an user carried device carried by the user, that computes a second code based on the secret key read from the memory and the user ID and privilege read from the user carried device, that compares the first code to the second code, and that permits access to the resource based on the comparison, wherein the privilege defines the user's access to the resource, and wherein the first code comprises an encoded form of at least the user ID and the privilege; ~~The reader of claim 23~~

wherein the reader computes the second code by:

generating an intermediate code based at least on the user ID and the secret key;
concatenating the intermediate code and the privilege; and,
applying an encoding function to the concatenation of the intermediate code and the privilege so as to produce the second code.

25. (original) The reader of claim 24 wherein the encoding function comprises a hash function.

26. (original) The reader of claim 24 wherein the reader generates the intermediate code by:
generating a first intermediate code by applying the secret key to an initial value;

generating a second intermediate code by applying the secret key to the first intermediate code to produce a result and by adding the user ID to the result; and, generating a third intermediate code by applying the secret key to the second intermediate code to produce a second result and by adding a final value to the second result; and wherein the concatenating of the intermediate code and the privilege comprises concatenating the first, second, and third intermediate codes and the privilege.

27. (currently amended) A reader of an access control system that controls access to a resource comprising:
a memory that stores a secret key; and
a processor that reads the secret key from the memory, that reads an ID of a user, at least one privilege, and a first code from an user carried device carried by the user, that computes a second code based on the secret key read from the memory and the user ID and privilege read from the user carried device, that compares the first code to the second code, and that permits access to the resource based on the comparison, wherein the privilege defines the user's access to the resource, and wherein the first code comprises an encoded form of at least the user ID and the privilege; ~~The reader of claim 23~~

wherein the reader computes the second code based on the secret key read from the memory, the user ID and privilege read from the user carried device, and a common key.

28. (original) The reader of claim 27 wherein the reader computes the second code by: generating an intermediate code based at least on the user ID and the secret key; concatenating the intermediate code, the privilege, and the common key; and, applying an encoding function to the concatenation of the intermediate code, the privilege, and the common key so as to produce the second code.

29. (original) The reader of claim 28 wherein the encoding function comprises a hash function.

30. (original) The reader of claim 28 wherein the reader generates the intermediate code by:
generating a first intermediate code by applying the secret key to an initial value;
generating a second intermediate code by applying the secret key to the first intermediate code to produce a result and by adding the user ID to the result; and,
generating a third intermediate code by applying the secret key to the second intermediate code to produce a second result and by adding a final value to the second result; and,
and wherein the concatenating of the intermediate code, the privilege, and the common key comprises concatenating the first, second, and third intermediate codes, the privilege, and the common key.

31. (currently amended) The reader of claim 24, ~~claim 23~~ wherein the secret key comprises a first secret key, wherein the first code is based on a second secret key, and wherein the first and second secret keys are symmetrical.

32. (original) A user carried device for use by an access control system that controls access to a resource comprising:
a memory that stores an ID of a user, at least one privilege, and a hash value, wherein the hash value is based on an application of a hash function to encrypted data, wherein the encrypted data is based on the user ID, the privilege, and a key, and wherein the privilege embodies a policy governing the user's access to the resource; and,

an interface that communicates the user ID, the privilege, and the hash value to a reader of the access control system.

33. (original) The user carried device of claim 32 wherein the key comprises a secret key applicable to only one user, wherein the hash value is further based on a common key, and wherein the common key is applicable to a plurality of users.

34. (original) The user carried device of claim 32 wherein the hash value comprises a self-expiring hash value.

35. (currently amended) The method claim 5, ~~claim 1~~ further comprising: revoking the privilege upon expiration of a limited time interval.

36. (currently amended) The method claim 5, ~~claim 1~~ wherein the resource comprises a first resource, wherein the privilege comprises a first privilege, and wherein the method further comprises reading a third code from the user carried device, wherein the third code comprises an encoded form of at least the ID of a user and at least a second privilege, and wherein the second privilege embodies a policy defining the user's access to a second resource.

REMARKS

This amendment accompanies a Petition to Withdraw Abandonment Under 37 CFR 1.181(a).

In the Decision on Appeal dated December 19, 2015, the Board affirmed the rejections by the Examiner of claims 1-3, 4, 14, 15, 16, 17, 18 23, 31, 35 and 36 over the prior art. The Decision notes that claims 32 - 34 are allowed. The Decision further notes that claims 5 - 13, 19 - 22, and 24 - 30 would be allowable if redrafted into independent form.

According to MPEP §1214.06, where the Examiner is sustained in whole or part and claims in the application stand allowed, the Applicant is not required to file a reply. In the absence of a reply by the Applicant, the Examiner is to issue the application based on the claims that are allowed.

In the present application, the Applicants did not file a reply following the decision, as permitted by the MPEP. However, instead of issuing the application based in the allowed claims, the Examiner abandoned the application. Applicant respectfully submits that the abandonment was in error and should be withdrawn. The accompanying Petition requests withdrawal of the abandonment.

In the foregoing, the allowed claims 32 - 34 have been presented. In addition, the allowable claims 5 - 13, 19 - 22, and 24 - 30 have been redrafted into independent form or to depend from an allowable independent claim. As such, claims 5 - 13, 19 - 22, and 24 - 30 are in form for allowance. Further, rejected dependent claims 3, 4, 14, 15, 17, 18, 31, 35 and 36 have been amended to depend from claims that are indicated as allowable. No new limitations are added and no new issues of patentability are raised.

In all, claims 3 - 15, 17 - 22, and 24 - 36 are in form for immediate allowance.

Claims 1, 2, 16, and 23 have been canceled without prejudice.

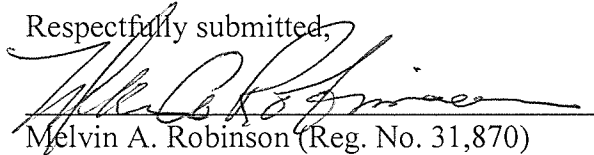
Conclusion

Applicants respectfully request favorable reconsideration and allowance of the present application in view of the forgoing.

Deposit Account Information

The Commissioner is hereby authorized to charge any additional fees which may be required or to credit any overpayment to account no. 501519.

Respectfully submitted,



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