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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/015,052	06/08/2022	8352730	02198-00080	9657

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125 Park Avenue,
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New York, NY 10017

EXAMINER

TARAE, CATHERINE MICHELLE

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PAPER

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

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



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

REEXAMINATION CONTROL NO. 90/015,052 .

PATENT UNDER REEXAMINATION 8352730 .

ART UNIT 3992 .

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

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

Notice of Intent to Issue Ex Parte Reexamination Certificate	Control No. 90/015,052	Patent Under Reexamination 8352730	
	Examiner C. Michelle Tarae	Art Unit 3992	AIA (First Inventor to File) Status No

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

1. Prosecution on the merits is (or remains) closed in this *ex parte* reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. *Cf.* 37 CFR 1.313(a). A Certificate will be issued in view of
 - (a) Patent owner's communication(s) filed: 29 September 2025.
 - (b) Patent owner's failure to file an appropriate timely response to the Office action mailed: _____.
 - (c) Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
 - (d) The decision on appeal by the Board of Patent Appeals and Interferences Court dated _____
 - (e) Other: _____.
2. The Reexamination Certificate will indicate the following:
 - (a) Change in the Specification: Yes No
 - (b) Change in the Drawing(s): Yes No
 - (c) Status of the Claim(s):
 - (1) Patent claim(s) confirmed: _____.
 - (2) Patent claim(s) amended (including dependent on amended claim(s)): _____
 - (3) Patent claim(s) canceled: 1-17.
 - (4) Newly presented claim(s) patentable: 35-51.
 - (5) Newly presented canceled claims: 18-34.
 - (6) Patent claim(s) previously currently disclaimed: _____
 - (7) Patent claim(s) not subject to reexamination: _____.
3. A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
4. Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."
5. Note attached NOTICE OF REFERENCES CITED (PTO-892).
6. Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute).
7. The drawing correction request filed on _____ is: approved disapproved.
8. Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the certified copies have
 - been received.
 - not been received.
 - been filed in Application No. _____.
 - been filed in reexamination Control No. _____.
 - been received by the International Bureau in PCT Application No. _____.

* Certified copies not received: _____.
9. Note attached Examiner's Amendment.
10. Note attached Interview Summary (PTO-474).
11. Other: _____.

All correspondence relating to this reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

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

cc: Requester (if third party requester)

EX PARTE NOTICE OF INTENT TO ISSUE A REEXAMINATION CERTIFICATE
(“NIRC”)

A substantial new question (SNQ) of patentability affecting claims 1-17 of U.S. Pat. No. 8,352,730 to Giobbi (“the ‘730 Patent”) was raised by the Request for *Ex Parte* reexamination filed June 8, 2022 (“Request”) by Samsung Electronics America, Inc. (“Requester”).

Prosecution History of the instant 90/015,052

Reexamination (“the ‘052 Reexam”)

A first Non-Final office action rejecting claims 1-17 was mailed September 12, 2024.

Patent Owner (“PO”) filed a response on October 9, 2024 (“Remarks”).

A second Non-Final office action was mailed November 25, 2024.

Patent Owner (“PO”) filed a response to the second Non-Final office action on January 27, 2025 (“Remarks II”).

A Final Office Action in response to Remarks II was mailed March 3, 2025.

PO submitted amendments on March 8, 2025 (“March 2025 Amendments”).

These amendments have been entered.

On March 27, 2025, the Patent Trial and Appeal Board (“PTAB”) issued an order staying the ‘052 Reexam pending termination or completion of the inter partes review trial for IPR2024-00232 (“Order Staying Reexam”).

The PTAB issued a judgment on April 28, 2025 in IPR2024-00232/IPR2024-01333 granting PO’s motion for adverse judgment and lifted the prior stay of this

proceeding (“April 28, 2025 Order”). The April 28, 2025 Order further indicated that their judgment constitutes a Final Written Decision under 35 U.S.C. § 318(a) and that Examiner assigned to 90/015,052 should consider whether estoppel under 37 C.F.R. § 42.73(d)(3)(i) would preclude Patent Owner from taking action inconsistent with this adverse judgment.

A Non-Final Office Action addressing amended claims 1-17 was mailed May 20, 2025. The previous rejection under Ludtke was withdrawn and a new rejection under Burger was applied.

PO submitted amendments on June 30, 2025 (“June 2025 Amendments”) canceling claims 1-17 and renumbering them as 18-34. These amendments have been entered.

A Non-Final Office Action addressing claims 18-34 in light of PO’s Remarks filed June 30, 2025 (“Remarks III”) and reapplying the rejections of Ludtke and Burger in light of several Patent Trial and Appeal Board (“PTAB”) proceedings identified in Tables 1 and 2 below.

PO filed Remarks and claim amendments September 29, 2025 (“Sept 2025 Amendments”). The Sept 2025 Amendments canceled claims 18-34, added claims 35-51, and amended the independent claims. The independent claims now recite,

“responsive to authentication of the one or more codes and the other data values by the agent, receiving an access message **by an application** from the agent allowing the user access to **the** application **and complete a transaction of the user accessing the application, wherein principal parties to the transaction are the user and the application.**”

Underlining and bolding have been added to show how the amended claims differ from the original patent claims of the ‘730 Patent.

Prior and Concurrent Proceedings and Litigation

The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving the '730 Patent throughout the course of this reexamination proceeding.

The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceedings throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282, and 2286.

Examiner is aware of the following related proceedings:

Table 1: Related IPRs for U.S. Pat. No. 8,352,730

Proceeding #	IPR	References	Claims	Status¹
1	IPR2024-01486	Burger Burger, Robinson	1, 2, 4-9, 11, 12, 14-17 3, 10, 13	Institution Denied. Discretionary denial.
2	IPR2024-01333 joined with IPR2024-00232	Ludtke Ludtke, Kon	1, 2, 4-6, 8, 9, 11, 12, 14-17 3, 10, 13	Terminated. Adverse judgement. IPR certificate issued 9/24/2025 canceling claims 1-17.
3	IPR2024-01326	Ludtke Ludtke, Kon	1, 2, 4-6, 8, 9, 11, 12, 14-17 3, 10, 13	Institution Denied. Petitioner asked to institute only if IPR '775 was denied. IPR '775 was instituted.
4	IPR2024-00775	Burger Burger, Robinson	1, 2, 4-9, 11, 12, 14-17 3, 10, 13	Terminated. Adverse judgement.
5	IPR2021-01444	Scott, Russell, Lapsley	1, 2, 4-9, 11	Institution Denied. Petitioner did not show reasonable likelihood of prevailing.

¹ As of October 23, 2025.

		Scott, Russell, Lapsley, Robinson	3, 10	
		Scott, Russell, Lapsley, Rhoads	6	
		Berardi, Rosen, Shreve, Kinoshita	1-2, 4-6, 8-9, and 11	

Table 2: Related IPRs for U.S. Pat. No. 8,886,954

Proceeding #	IPR	References	Claims	Status²
6	IPR2024-01485	Burger Burger, Robinson	1, 2, 4, 5, 7-13, 15, 16, 18-24, 26-29 3, 14, 17	Institution Denied. Discretionary denial.
7	IPR2024-00233 joined with IPR2024-01334	Ludtke Ludtke, Kon	1, 2, 4-7, 10, 12, 13, 15, 16, 18, 19, 22-27 3, 14, 17	FWD on 6/17/2025. Claims unpatentable. PO Notice of Appeal on 9/26/2025.
8	IPR2024-01327	Ludtke	1, 2, 4-7, 10, 12, 13, 15, 16, 18, 19, 22-27	Institution Denied. Discretionary denial.
9	IPR2024-00846	Burger Burger, Robinson Burger, Orsini	1, 2, 4, 5, 7-13, 15, 16, 18-24, 26-29 3, 14, 17 6, 25	FWD on 10/17/25. Claims unpatentable.

² As of October 23, 2025.

Claim Interpretation

I. Lexicographic Definitions

After careful review of the original specification and unless expressly noted otherwise by the Examiner, the Examiner cannot locate any lexicographic definitions in the original specification with the required clarity, deliberateness, and precision. Because the Examiner cannot locate any lexicographic definitions in the original specification with the required clarity, deliberateness, and precision, the Examiner concludes the Patent Owner is not their own lexicographer. See MPEP § 2111.01 IV.

II. 'Source' for the 'Broadest Reasonable Interpretation'

For terms not lexicographically defined by Patent Owner, the Examiner hereby adopts the following interpretation under the broadest reasonable interpretation standard. In other words, the Examiner has provided the following interpretation simply as express *notice* of how she is interpreting particular terms under the broadest reasonable interpretation standard. Additionally, this interpretation is only a guide to claim terminology since claim terms must be interpreted in context of the surrounding claim language.³ In accordance with *In re Morris*, 127 F.3d 1048, 1056 (Fed. Cir. 1997), the Examiner points to this other "source" to support her interpretation of the claims. Finally, the following list is not intended to be exhaustive in any way:

³ While most interpretations are cited because these terms are found in the claims, the Examiner may have provided additional interpretations to help interpret words, phrases, or concepts found in the interpretations themselves, the '730 Patent, or in the prior art.

Third-party trusted authority: “third party n. . . . 2. One other than the principals involved in a transaction.” THE AMERICAN HERITAGE COLLEGE DICTIONARY 1433 (4th ed. 2004).

Access message: a message/notification indicating the user is allowed access, or otherwise allowing access (See at least the ‘730 Patent at 5:23-26, “Authentication module 310 can send a message to application 330, or otherwise allow access to the application, responsive to a successful authentication by trusted key authority 320.”)

Application: “1. n. a casino machine, a keyless lock, a garage door opener, an ATM machine, a hard drive, computer software, a web site, a file.” (See independent claims 1, 8, 12, and 15. See at least the ‘730 Patent at 5:27-39, “Application 330 is a resource that can be accessed by a verified and authenticated user. Application 330 can be, for example, a casino machine, a keyless lock, a garage door opener, an ATM machine, a hard drive, computer software, a web site, a file, and the like. Application 330 can execute on the same system as authentication module 310 or on another system in communication with the system of the authentication module. In one embodiment, application module 330 allows access by a user after receiving a message from authentication module 310. At that point, application 330 can allow direct use by the user, or require that communications continue to pass through authentication module 310 for continued authentication.”)

Computer software: “n. computer programs; instructions that make hardware work...” Microsoft Press Computer Dictionary, 5th Edition, Microsoft Press, Redmond, WA, 2002.

File: “n. A complete, named collection of information, such as a program, a set of data used by a program, or a user-created document...” Microsoft Press Computer Dictionary, 5th Edition, Microsoft Press, Redmond, WA, 2002.

Transaction: “n. (1) An event that requires data contained in a master file to be processed... (2) A data element, control element, signal, event, or change of state that causes, triggers, or initiates an action or sequence of actions (3) (supervisory control, data acquisition, and automatic control) That sequence of messages between master and remote stations required to perform a specific function (for example, acquire specific data or control a selected device).” IEEE 100 The Authoritative Dictionary of IEEE Standards Terms, Seventh Edition, IEEE Press, NY, NY, 2000.

EXAMINER’S AMENDMENT

Authorization for this examiner’s amendment was given in an interview with James Zak (Reg. No. 60,190) on October 27, 2025. The application has been amended as follows:

Claim 46:

Replace claim 46 with the following claim:

(New) 46. A method for authenticating a verified user using a computer processor configured to execute method steps, comprising:

receiving one or more codes from a plurality of codes and other data values including a device ID code, wherein the plurality of codes and the other data values comprise the device ID code uniquely identifying an integrated device and a secret decryption value associated with a biometrically verified user, the device ID code being

registered with an agent that is a third-party trusted authority possessing a list of device ID codes uniquely identifying legitimate integrated devices;

requesting authentication of the one or more codes and the other data values by the agent, wherein the authentication determines whether the one or more codes and the other data values are legitimate;

receiving an access message by an application from the agent; and

in response to a positive access message, allowing the biometrically verified user access to the application and complete a transaction of the user accessing the application, wherein principal parties to the transaction are the user and the application, and wherein the application is selected from a group consisting of a casino machine, a keyless lock, a garage door opener, an ATM machine, a hard drive, computer software, a web site and a file.

Claim 47:

Replace claim 47 with the following claim:

(New) 47. The method of claim 46, further comprising:
registering a date of birth or age with the agent.

Claim 49:

Replace claim 49 with the following claim:

(New) 49. A system comprising:
a biometric key stores biometric data of a user and a plurality of codes and other data values comprising a device ID code uniquely identifying the biometric key and a

secret decryption value in a tamper proof format written to a storage element on the biometric key that is unable to be subsequently altered, and if scan data can be verified as being from the user by comparing the scan data to the biometric data, wirelessly sending, one or more codes from the plurality of codes and other data values wherein the one or more codes and the other data values include the device ID code, and the biometric data is selected from a group consisting of a palm print, a retinal scan, an iris scan, a hand geometry, a facial recognition, a signature recognition and a voice recognition; and

an authentication unit receives the plurality of codes and the other data values and sends the plurality of codes and the other data values to an agent for authentication to determine whether the one or more codes and the other data values are legitimate, wherein the agent is a third-party trusted authority possessing a list of device ID codes uniquely identifying legitimate integrated devices, and responsive to the device ID code being authenticated, the authentication unit receiving an access message by an application from the agent allowing the user to access the application and complete a transaction of the user accessing the application, wherein principal parties to the transaction are the user and the application, and wherein the application is selected from a group consisting of a casino machine, a keyless lock, a garage door opener, an ATM machine, a hard drive, computer software, a web site and a file.

STATEMENT OF REASONS FOR CONFIRMATION/PATENTABILITY

Claims 35-51 are found patentable in light of the Sept 2025 Amendments.

Per independent claims 35, 42, 46, and 49, the prior art of record does not disclose or suggest, *inter alia*, responsive to authentication of the one or more codes and the other data values by the agent, receiving an access message by an application from the agent allowing the user access to the application and complete a transaction of the user accessing the application, wherein principal parties to the transaction are the user and the application, wherein the application is selected from a group consisting of a casino machine, a keyless lock, a garage door opener, an ATM machine, a hard drive, computer software, a web site and a file.

The claims have been amended to require 1) the user to complete a transaction of the user accessing the application and 2) principal parties to the transaction be the user and the application. To date, nowhere in the record of the related proceedings have the newly added limitations been addressed. Rather, prior to the Sept 2025 Amendments, the claim construction had supported a broadest reasonable interpretation that encompassed several possibilities for the parties⁴.

The closest prior art of record are U.S. Pat. No. 7,188,110 to Ludtke et al. (“Ludtke”) and U.S. Pat. Pub. 2005/0050367 to Burger et al. (“Burger”).

⁴ IPR2024-00846 Final Written Decision, Oct 17, 2025, p. 10, “In our Final Written Decision in IPR2024-00233 (Paper 35, “’233 FWD”), we “maintain[ed] our construction of ‘a third party that operates a trusted authority,’ namely, ‘a trusted authority that is an entity separate from the parties to a transaction,’” and made clear that “[s]uch a transaction is not limited to those in which the application being accessed is a party.” ’233 FWD, 15. In reaching this conclusion, we found that “the plain language of claim 1 does not limit the parties to a transaction between the user and an application, or require that one of the parties to a transaction be the application ultimately accessed.” *Id.* at 11.”

Ludtke discloses “[a] method of identifying an authorized user with a biometric device and enabling the authorized user to access private information over a voice network.” (abstract) The TPCH acts as a third-party between a vendor and user for purchases of electronic content such as software and digital files. (7:42-56) The TPCH confirms the transaction and provides the confirmation to the vendor and the user (1520 in Fig. 15).

Burger discloses authorizing (through biometric data) a user of a Pocket Vault (i.e., a portable electronic authorization device) in order for the user to perform transactions using the Pocket Vault. (¶¶113-114) A network server acts as a third-party and facilitates transactions between the user of the Pocket Vault and advertisers, non-financial media issuers, and financial media issuers. (¶¶127-128; Fig. 1) Transaction approval messages may be sent to the pocket vault and/or interface unit. (¶¶439-440)

However, neither Ludtke nor Burger discloses receiving an access message by an application from the agent allowing the user access to the application and complete a transaction of the user accessing the application, wherein the principal parties to the transaction are the user and the application.

Any comments considered necessary by PATENT OWNER regarding the above statement must be submitted promptly to avoid processing delays. Such submission by the patent owner should be labeled: "Comments on Statement of Reasons for Patentability and/or Confirmation" and will be placed in the reexamination file.

Amendment in Reexamination Proceedings

Patent owner is notified that any proposed amendment to the specification and/or claims in this reexamination proceeding must comply with 37 CFR 1.530(d)-(j), must be formally presented pursuant to 37 CFR §1.52(a) and (b), and must contain any fees required by 37 CFR § 1.20(c). See MPEP §2250(IV) for examples to assist in the preparation of proper proposed amendments in reexamination proceedings.

Service of Papers

After the filing of a request for reexamination by a third party requester, any document filed by either the patent owner or the third party requester must be served on the other party (or parties where two or more third party requester proceedings are merged) in the reexamination proceeding in the manner provided in 37 CFR 1.248. See 37 CFR 1.550.

Future Correspondence

If attempts to reach Examiner C. Michelle Tarae by telephone at 571-272-6727 are unsuccessful, the examiner's supervisor, Andrew J. Fischer, can be reached on 571-272-6779.

Information regarding the status of published reexamination applications may be obtained from Patent Center. Unpublished application information in Patent Center is available to registered users. To file and manage patent submissions in Patent Center, visit: <https://patentcenter.uspto.gov>. Visit <https://www.uspto.gov/patents/apply/patent->

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For additional questions, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000. For general inquiries, the CRU main number is 571-272-7705.

All correspondence relating to this *ex parte* reexamination proceeding may be submitted via:

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For Patent Center transmissions, 37 CFR 1.8(a)(1)(i)(C) and (ii) states that correspondence (except for a request for reexamination and a corrected or replacement request for reexamination) will be considered timely filed if (a) it is transmitted via the Office's electronic filing system in accordance with 37 CFR 1.6(a)(4) , and (b) includes a certificate of transmission for each piece of correspondence stating the date of transmission, which is prior to the expiration of the set period of time in the Office action.

Signed:

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

Conferees:

/JOHN M HOTALING II/
Reexamination Specialist, Art Unit 3992

/ANDREW J. FISCHER/
Supervisory Patent Reexamination Specialist, Art Unit
3992