

EXHIBIT B

(“Notice of Intent to Issue Ex Parte Reexamination Certificate” issued by the Patent Office on March 14, 2012)

This PDF file is Searchable.

Please note that it is originally a non-searchable PDF file consists of pages of images only. Plaintiff transforms the PDF image file into searchable PDF file by the “OCR Text Recognition” function of Adobe Acrobat 9 Pro Extended.

When opening the file with PDF reader, the original images will be displayed, not the OCR generated texts.

As the “search” function of the PDF reader is actually basing on the OCR generated texts which are hidden and not visually displayed, and also for the sake that, the OCR generated texts may not be all correct, therefore Plaintiff cannot guarantee a search can generate a correct result.

Hopefully, this searchable PDF file would be more useful than the original.



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.
90/008,772	07/24/2007	6665797		9520

7590 03/14/2012

HO KEUNG TSE
P.O. BOX 80306
CHEUNG SHA WAN POST OFFICE
HONG KONG,
HONG KONG

EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 03/14/2012

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



DO NOT USE IN PALM PRINTER

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

MORRISON & FOERSTER LLP
555 West Fifth Street
Los Angeles, CA 90013

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/008,772.

PATENT NO. 6665797.

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. 90/008,772	Patent Under Reexamination 6665797
	Examiner MATTHEW HENEGHAN	Art Unit 3992

-- 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: 03 February 2012.
- (b) Patent owner's late response filed: _____.
- (c) Patent owner's failure to file an appropriate response to the Office action mailed: _____.
- (d) Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
- (e) Other: _____.
- Status of *Ex Parte* Reexamination:
- (f) Change in the Specification: Yes No
- (g) Change in the Drawing(s): Yes No
- (h) Status of the Claim(s):
- (1) Patent claim(s) confirmed: _____.
- (2) Patent claim(s) amended (including dependent on amended claim(s)): 1-5, 16 and 21
- (3) Patent claim(s) canceled: 11, 12, 14, 15, 18, 19 and 22.
- (4) Newly presented claim(s) patentable: 23 and 27-29.
- (5) Newly presented canceled claims: 24-26.
- (6) Patent claim(s) previously currently disclaimed: _____
- (7) Patent claim(s) not subject to reexamination: 6-10, 13, 17 and 20.
2. 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."
3. Note attached NOTICE OF REFERENCES CITED (PTO-892).
4. Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute).
5. The drawing correction request filed on _____ is: approved disapproved.
6. 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: _____.
7. Note attached Examiner's Amendment.
8. Note attached Interview Summary (PTO-474).
9. Other: _____.

cc: Requester (if third party requester)

DETAILED ACTION

The proposed amendment filed on 31 January 2012 has not been entered at the request of the Patent Owner (see Remarks, filed 3 February 2012) because it does not fully address the issues raised in the *Ex Parte Quayle* Action mailed 26 January 2012.

The proposed amendment filed on 3 February 2012 is not entered. Specifically, the proposed amendments to claims 13 and 17 cannot be entered because the claims are not subject to this reexamination proceeding. It is important to note that, upon the conclusion of this reexamination proceeding, claims 13 and 17 shall continue to have exactly the same scope as they had previously had before the proceeding. They shall continue to be in force and incorporate as their respective base claims those claims were originally issued in the patent, even though those base claims have now been cancelled. See MPEP 2260.01. The proposed amendment to claim 27 appears to have been cut off in transmission and is being corrected via Examiner's Amendment.

Claims 14, 15, 18, 19, 22, and 24-26 have been previously cancelled via Examiner's Amendment, which is restated below. Claims 11 and 12 are additionally cancelled; claim 27 is amended; and claims 28 and 29 are additionally added via Examiner's Amendment. Certain previous amendments to the specification are also now cancelled via Examiner's Amendment.

Claims 1-5, 16, 21, 23, and 27-29 are subject to reexamination. Claims 6-10, 13, 17, and 20 are not being treated further on the merits.

A review of the File Wrapper has shown that the signed Form 1449 from the IDS filed on 13 February 2008 was never sent by the Office, also the IDS had been considered. A signed Form 1449 is attached to this action.

STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION

Claim 1-5, 16, 21, 23, and 27-29 are patentable.

The following is an examiner's statement of reasons for patentability and/or confirmation of the claims found patentable in this reexamination proceeding:

Claim 16, as amended by the Patent Holder, is fully supported by the Application No. 08/587,448, to which the Patent claims priority as a continuation-in-part, because it no longer recites a multi-processing apparatus arrangement. Since the art previously cited to reject that claim, Munyan, does not have a filing date that predates the '448 application, Munyan can no longer be used as a prior art reference under 35 U.S.C. 102(e). The other art cited by the Requester regarding that claim, Shear, does not teach to step (b) of the claim, in that the determination being made regarding the read/write heads in Shear is not being done in response to the password input.

Claims 1-5, 16, 21, 23, and 27 are patentable for the reasons stated in the BPAI decisions.

Art Unit: 3992

Claims 28 and 29 are patentable for the reasons stated in the BPAI decisions with respect to claims 11 and 12, respectively.

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.

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 Patent No. 6,665,797 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 proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

Art Unit: 3992

Conclusion

All correspondence relating to this *ex parte* reexamination proceeding should be directed:

By Mail to: Mail Stop *Ex Parte* Reexam
Central Reexamination Unit
Commissioner for Patents
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX to: (571) 273-9900
Central Reexamination Unit

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Registered users of EFS-Web may alternatively submit such correspondence via the electronic filing system EFS-Web, at <https://efs.uspto.gov/efile/myportal/efs-registered>. EFS-Web offers the benefit of quick submission to the particular area of the Office that needs to act on the correspondence. Also, EFS-Web submissions are "soft scanned" (i.e., electronically uploaded) directly into the official file for the reexamination proceeding, which offers parties the opportunity to review the content of their submissions after the "soft scanning" process is complete.

Any inquiry concerning this communication should be directed to Examiner Matthew Heneghan at telephone number (571)272-3834.

/Matthew Heneghan/
Primary Examiner, Art Unit 3992

Conferees:

/Minh Dieu Nguyen/
Primary Examiner, Art Unit 3992

/Daniel J Ryman/
Supervisory Patent Examiner, Art Unit 3992

Art Unit: 3992

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. The changes made by this examiner's amendment will be reflected in the reexamination certificate to issue after the resolution of the outstanding issues.

The proposed amendments to the specification after col. 5, lines 37-39 and after col. 3, line 27 are cancelled.

Claims 11, 12, 14, 15, 18, 19, 22, and 24-26 are cancelled.

27 (New). A method for protecting software which being made available to a person in the form of protected file(s) from unauthorised use, by restricting the use thereof to be under control of said person, comprising a sub-method; said sub-method comprising the steps of:

(a) establishing a communication between a processing apparatus, say, first processing apparatus and a remote electronic transaction system;

(b) verifying said person having a valid account, by said remote electronic transaction system, basing on authenticated information related to said person, said authenticated information being information communicated to said remote electronic transaction system from said processing apparatus and then authenticated by said remote electronic transaction system;

Art Unit: 3992

(c) using a positive result of said verification as a pre-condition for permitting use of said software on said first processing apparatus;

wherein said sub-method a cost is being charged from said account; and thereafter, said sub-method being capable of being used on a processing apparatus, say, second processing apparatus, without said cost.

wherein said use of said software being permitted independently of, at a site said person using, said software, any hardware specific for protecting said software from unauthorized use.

28.(New). A method for protecting publicly distributed software, from unauthorised use, comprising the steps of:

obtaining first information from a user of a processing apparatus having an identity software;

using said first information received being correct as a pre-condition for causing said processing apparatus to provide user access to said software desired to be protected;

wherein:

said identity software being for providing a second information specific to rightful user(s) of said software desired to be protected, if said correct first information is being obtained from a user thereof; and said second information being capable of being used in

Art Unit: 3992

enabling electronic commerce operation(s) for which said rightful user(s) has to be responsible;

said access to said software desired to be protected is being provided without causing a said operation being performed ;

and said software desired to be protected is being made available to said rightful user(s) in the form of protected file(s) and is being received by said rightful user(s), through a communication network.

29. (New). A method for protecting software from unauthorised use, as claimed in claim 28, wherein said operation being for making payment from an account of said rightful user(s);

and said responsibility of said rightful user(s) as recited in claim 28 is referring to said payment said rightful user(s) has to be responsible for ;

and said first information being a password;

and said access being an access to the use of said software desired to be protected;

and said software desired to be protected being supplied to said rightful user(s), before said receiving step;

and said access being provided independently of, at a site said access being obtained by human user(s), any hardware specific for protecting said software desired to be protected from unauthorized use;

Art Unit: 3992

and in additional to said processing apparatus, said method also being capable of being used on at least one more processing apparatus.

/M. H./

Primary Examiner, Art Unit 3992

ALTERNATIVE TO PTO/SB/08a/b (07-05)

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY THIRD PARTY REQUESTERS <i>(Use as many sheets as necessary)</i>		<i>Complete if Known</i>			
		Patent Number	6,665,797 B1		
		Issue Date	December 16, 2003		
		First Named Inventor	Ho Keung TSE		
		Art Unit	3992		
		Examiner Name	Albert Paladini		
Sheet	1	of	1	Attorney Docket Number	106842800800

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)				
	1.	5,509,070		04/16/1996	Schull	
	2.	5,636,276		06/03/1997	Brugger	

*EXAMINER: Initial if information 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. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	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

*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.

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

Examiner Signature	/Matthew Heneghan/	Date Considered	02/29/2012
--------------------	--------------------	-----------------	------------

la- 963821

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /MH/



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



Bib Data Sheet

CONFIRMATION NO. 9520

SERIAL NUMBER 90/008,772	FILING OR 371(c) DATE 07/24/2007 RULE	CLASS 713	GROUP ART UNIT 3992	ATTORNEY DOCKET NO.
------------------------------------	---	---------------------	-------------------------------	----------------------------

APPLICANTS
 6665797, NORTH POINT POST OFFICE, HONG KONG;
 TSE HO KEUNG(OWNER), NORTH POINT POST OFFICE, HONG KONG;
 MORRISON & FOERTSTER LLP(3RD PTY REQ), LOS ANGELES, CA;
 MORRISON & FOESTER LLP, LOS ANGELES, CA

**** CONTINUING DATA *******
 This application is a REX of 09/112,276 07/09/1998 PAT 6,665,797
 which is a CIP of 08/587,448 12/01/1995 ABN

**** FOREIGN APPLICATIONS *******

Foreign Priority claimed <input type="checkbox"/> yes <input checked="" type="checkbox"/> no	STATE OR COUNTRY HONG KONG	SHEETS DRAWING	TOTAL CLAIMS 22 19	INDEPENDENT CLAIMS 9
35 USC 119 (a-d) conditions met <input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> Met after Allowance	Verified and Acknowledged <i>A. H. H. C.</i> Examiner's Signature	<i>2/9/12</i> Initials		

ADDRESS

HO KEUNG TSE P.O. BOX 70492 KLN CENTRAL POST OFFICE HK, HONG KONG	AIR MAIL Ho KEUNG TSE P.O. Box 80306 CHEUNG SHA WAN POST OFFICE HONG KONG, HONG KONG
--	--

TITLE
 PROTECTION OF SOFTWARE AGAIN AGAINST UNAUTHORIZED USE

FILING FEE RECEIVED 2520	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees
		<input type="checkbox"/> 1.16 Fees (Filing)
		<input type="checkbox"/> 1.17 Fees (Processing Ext. of time)
		<input type="checkbox"/> 1.18 Fees (Issue)
		<input type="checkbox"/> Other _____
		<input type="checkbox"/> Credit

Search Notes 	Application/Control No. 90008772	Applicant(s)/Patent Under Reexamination 6665797
	Examiner MATTHEW HENEGHAN	Art Unit 3992

SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
Reviewed prosecution history of US Patent 6665797	10/9/07	AWP
New Litigation Search	10/28/08	MH
EAST, class+keywod search, see notesr	2/24/09	MH
Updated Litigation Search	6/22/09	MH
Review of Litigation Search for 90/010,943	6/10/10	MH
Review for Quayle Action	1/23/12	MH
Review for NIRC	2/7/12	MH

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

--	--

Reexamination 	Application/Control No. 90/008,772	Applicant(s)/Patent Under Reexamination 6665797
	Certificate Date	Certificate Number C1

Requester Correspondence Address: <input type="checkbox"/> Patent Owner <input checked="" type="checkbox"/> Third Party
MORRISON & FOERSTER LLP 555 West Fifth Street Los Angeles, CA 90013

LITIGATION REVIEW <input checked="" type="checkbox"/>	/MH/ <small>(examiner initials)</small>	2/9/12 <small>(date)</small>
Case Name	Director Initials	
3:12cv21, Keung Tse, HO v. Apple, Inc et al, U.S. District - Wisconsin Western (OPEN)	DJR for SY	
2:09cv380, Keung Tse v. Ebay, Inc et al, U.S. District - Texas Eastern (OPEN)	DJR for SY	
4:06cv6573, Ho Keung Tse v. Apple inc, et al, U.S. District - California Northern (STAYED)	DJR for SY	
1:11cv1127,3:11cv1812,5:06cv6573,1:05cv2149 (CLOSED)	DJR for SY	

COPENDING OFFICE PROCEEDINGS	
TYPE OF PROCEEDING	NUMBER
1. None.	
2.	
3.	
4.	

