EXHIBIT 14

ATTORNEY DOCKET NO. PT01678UP01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: DeLuca, et al.   Case No.: PT01678UP01

Application No.: 08/672,004   Group Art Unit: 2735

Filed: June 24, 1996   Examiner: E. Merz

For: Method and Apparatus for Controlling Utilization of a Process Added
to a Portable Communication Device

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated May 20, 1998, please amend
the application as follows:

IN THE CLAIMS

Please cancel claims 21, 23, 24, 27 and 28 without prejudice.

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Please amend claim 29 as follows:

4. 29. (Amended) [The portable communication device of claim 27] A portable communication device in a communication system having a fixed portion, the portable communication device comprising:

a processor;

a memory coupled to the processor for storing an authorization record; and

an authorization element coupled to the processor for obtaining usage authorization for utilizing software in the portable communication device, wherein the authorization element includes:

a determination element for making a determination of whether an internal usage authorization exists for utilizing the software, the determination made from the authorization record,

an authorizer element coupled to the determination element for generating an external authorization request in response to internal usage authorization being absent in the authorization record, and for communicating with the fixed portion to obtain usage authorization in response to the external authorization request, and in which the external authorization request includes at least a software name, a secure checksum and an address identifying the portable communication device,

a second authorization element coupled to the authorizer element for allowing utilization of the software, in response to usage authorization being obtained from the fixed portion, and

a disallower element coupled to the processor for disallowing utilization of the software, in response to usage authorization being unobtained from the fixed portion.

Claim 31, line 3, replace "polynomial generator" with -secure ploynomial-.

Remarks

The rejection of claims 21, 23, 24, 27 and 28 has been rendered moot in light of the cancellation of those claims. Claim 29 has been made independent, incorporating all the limitations of the base claim, claim 27. Reconsideration of the rejection of claims 22, 25, 26, 29, 30 and 31 under 35 U.S.C. §103(a) as being unpatentable over McGregor et al., (5,577,100), is respectfully requested in light of the amendment to claims 29 and 31, and for the following reasons.

The mobile phone system of McGregor et al., lacks "a request receiver element coupled to the processor for receiving a request from the portable portion, the request comprising at least a software name, a secure checksum and an address identifying the portable portion", as recited in the third element of claim 22 at lines 7 - 9. In particular, neither the mobile phone 30 of McGregor nor the mobile phone 30a of McGregor makes a request of the central processing unit 14 of McGregor comprising a secure checksum. Furthermore, McGregor fails to disclose a request comprising "a size of the software, and in which the secure checksum is a secure cyclic redundancy check of the software for which the portable portion is requesting authorization", as recited in claim 25. Also, McGregor does not teach an apparatus 112 at a fixed portion 102 of a communication system that "uses a secure polynomial stored in the memory (228) of the apparatus (112) to calculate the secure cyclic redundancy check", as recited in claim 26. In particular, the central processing unit 14 of McGregor does not use a secure polynomial to calculate a secure cyclic redundancy check. In fact, McGregor does not teach anything about calculating a secure cyclic redundancy check. Finally, the mobile phones of McGregor do not generate a secure cyclic redundancy check by using a polynomial generator stored in the memory of the mobile phone. In particular, McGregor does not teach that which is claimed in claim 31, "in which the secure cyclic redundancy check is generated by the portable communication device (112) by using a secure polynomial (311) stored in the memory (310) of the portable communication device".
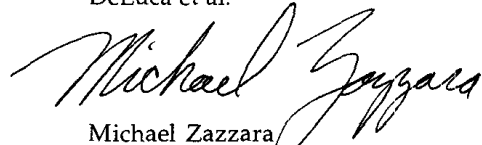
Accordingly, it is believed that the rejection of claims 22, 25, 26, 29, 30 and 31 under 35 U.S.C. §103 has been overcome by the remarks.

The remaining cited references have been reviewed and are not believed to affect the patentability of the claims as amended.

The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to deposit account # 13-4778.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the rejections is requested. However, should the Examiner disagree with applicant's attorney in any respect, it is respectfully requested that the Examiner telephone applicant's attorney in an effort to resolve such differences.

Respectfully submitted,
DeLuca et al.

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