

# **EXHIBIT 18**

EXPRESS MAIL LABEL NO. EM450788564US

UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Continuation Application of  
DeLuca, Michael J.

Dated: January 20, 1999

Attorney Docket Number: PT01678UP02

Title: Apparatus for Controlling Utilization of Software Added to a Portable  
Communication Device

Filed of even date herewith, said application being a continuation of serial  
number 08/672,004 filed June 24, 1996.

|                                                                                                                                                                                                                                                                                                                                           |                        |
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| I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL POST OFFICE TO ADDRESSEE LABEL NO. EM450788564US IN AN ENVELOPE ADDRESSED TO:<br>BOX ISSUE FEE DUE<br>COMMISSIONER OF PATENTS AND TRADEMARKS<br>WASHINGTON, D.C. 20231, ON: <u>January 20, 1999</u><br>Date of Deposit |                        |
| Cathy L. Tredinnick                                                                                                                                                                                                                                                                                                                       |                        |
| Name of Applicant, Assignee or Registered Representative                                                                                                                                                                                                                                                                                  |                        |
| <i>Cathy L. Tredinnick</i><br>SIGNATURE                                                                                                                                                                                                                                                                                                   | <u>1/20/99</u><br>DATE |

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

Pursuant to 37 CFR 1.115, please amend the application as follows:

IN THE ABSTRACT

On line 12, after "includes", please insert -- at least one of--.

IN THE CLAIMS

Please cancel Claims 22, 25, 26 and 29-34.

Please add the following new claims 35-43.

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1  
35. (New) An apparatus at a fixed portion of a communication system for authorizing utilization of software in a portable portion of the communication system, the apparatus comprising:

a processor;

a memory coupled to the processor for maintaining a list of authorized software corresponding to the portable portion;

a request receiver element coupled to the processor for receiving a request from the portable portion, the request including an address identifying the portable portion, and a software name;

a list checker element coupled to the processor for checking the list of authorized software corresponding to the portable portion identified by the address, to determine whether the software corresponding to the software name is authorized; and

an external authorization element coupled to the processor for transmitting the external authorization to the portable portion in response to the software being authorized for the portable portion.

2  
36. (New) The apparatus of claim 35 in which the request includes a secure checksum.

3  
37. (New) The apparatus of claim 36 in which the secure checksum is a secure cyclic redundancy check of the software for which the portable portion is requesting authorization.

4  
38. (New) The apparatus of claim 37, in which the apparatus uses a secure polynomial stored in the memory of the apparatus to calculate the secure cyclic redundancy check.

5  
39. (New) The apparatus of claim 35 in which the request includes a software size.

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~~6~~  
40. (New) A portable communication device in a communication system having a fixed portion, the portable communication device comprising:

a processor;

an authorization element coupled to the processor for obtaining usage authorization for utilizing software in the portable communication device, in which the authorization element generates an external authorization request, and in which the authorization element communicates with the fixed portion to obtain the usage authorization in response to the external authorization request, and in which the external authorization request includes a secure checksum; and

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

*(cont)*  
~~7~~ 41. (New) The portable communication device of claim ~~40~~<sup>6</sup> in which the secure checksum is a secure cyclic redundancy check of the software for which the portable communication device is requesting authorization.

~~8~~ 42. (New) The portable communication device of claim ~~41~~<sup>7</sup> in which the secure cyclic redundancy check is generated by the portable communication device by using a secure polynomial stored in the portable communication device.

~~9~~ 43. (New) A portable communication device in a communication system having a fixed portion, the portable communication device comprising:

a processor;

an authorization element coupled to the processor for obtaining usage authorization for utilizing software in the portable communication device, in which the authorization element generates an external authorization request, and in which the authorization element communicates with the fixed portion to obtain the usage authorization in response to the external authorization request, and in which the external authorization request includes at least one of: an address identifying the portable communication device, a software name and a size of the software; and


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

**REMARKS**

Pursuant to 37 CFR 1.115, the Applicant(s) respectfully request that the above amendment be entered.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 13-4778. Two duplicate copies of this sheet are enclosed.

Respectfully submitted,

By:   
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Please direct all correspondence to: Motorola, Inc., Intellectual Property Department, 1500 Gateway Blvd., Mail Stop 96, Boynton Beach, FL 33426-8292