

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	:	Customer Number:
	:	
Victor Larson	:	Confirmation Number: 3528
	:	
Serial No.: 11/679,416	:	Group Art Unit: 2453
	:	
Filed: February 27, 2007	:	Examiner: Krisna Lim
	:	
For:	:	Attorney Reference No:
	:	
METHOD FOR	:	077580-0015 (VRNK-1CP2DVCN)
ESTABLISHING SECURE	:	
COMMUNICATION LINK	:	
BETWEEN COMPUTERS	:	
OF VIRTUAL PRIVATE	:	
NETWORK	:	

**FILED VIA EFS-WEB**

**RESPONSE/AMENDMENT "B"**

Sir:

In response to the final Office Action dated April 8, 2010, it is respectfully requested that the time for response to the Office Action be extended for three (3) months to October 8, 2010, and reconsideration and further examination of the above-identified application are respectfully requested based on the following:

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of this paper.

**Remarks/Arguments** begin on page 7 of this paper.

**AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS:

1. (Cancelled)
2. (Currently Amended) A method of ~~communicating using a first device to communicate with~~ a second device having a secure name, the method comprising:
  - from the first device, sending a message to a secure name service, the message requesting ~~[[an]]~~ a network address associated with the secure name of the second device;
  - at the first device, receiving a message containing the network address associated with the secure name of the second device; and
  - from the first device, sending a message to the network address associated with the secure name of the second device using a secure communication link.
3. (Currently Amended) The method according to claim 2, wherein the secure name of the second device is a secure domain name~~further including supporting a plurality of services through the secure communication link.~~
4. (Previously Presented) The method according to claim 2, wherein the secure name indicates security.
5. (Currently Amended) The method according to claim 2, wherein receiving the message containing the network address associated with the secure name of the second device includes receiving the message in encrypted form.
6. (Previously Presented) The method according to claim 5, further including decrypting the message.
7. (Currently Amended) The method according to claim 2, wherein the second device is capable of supporting a secure communication link as well as a non-secure communication link, the method further including establishing a non-secure communication link with the second device when needed...

8. (Currently Amended) The method according to claim 2, wherein receiving a message containing the network address associated with the secure name of the device includes receiving the network address as an IP address associated with the secure name of the device.
9. (Previously Presented) The method according to claim 2, further including automatically initiating the secure communication link after it is enabled.
10. (Currently Amended) The method according to claim 2, wherein receiving a message containing the network address associated with the secure name of the device includes receiving the message at the first device through tunneling within the secure communication link.
11. (Currently Amended) The method according to claim 2, wherein receiving a message containing the network address associated with the secure name of the device includes receiving the message in the form of at least one tunneled packet.
12. (Previously Presented) The method according to claim 2, wherein the receiving and sending of messages includes receiving and sending the messages in accordance with any one of a plurality of communication protocols.
13. (Currently Amended) The method according to claim 2, wherein the receiving ~~an~~ and sending of messages through the secure communication link includes multiple sessions.
14. (Previously Presented) The method according to claim 2, further including supporting a plurality of services over the secure communication link.
15. (Previously Presented) The method according to claim 14, wherein the plurality of services comprises a plurality of communication protocols, a plurality of application programs, multiple sessions, or a combination thereof.
16. (Previously Presented) The method according to claim 15, wherein the plurality of application programs comprises video conferencing, e-mail, a word processing program, telephony or a combination thereof.
17. (Previously Presented) The method according to claim 15, wherein the plurality of services comprises audio, video or a combination thereof.

18. (Previously Presented) The method according to claim 2, wherein the secure communication link is an authenticated link.
19. (Currently Amended) The method according to claim 2, wherein the first device is a computer, and the steps are performed on the computer.
20. (Currently Amended) The method according to claim 2, wherein the first device is a client computer connected to a communication network, and the method is performed by the client computer on the communication network.
21. (Currently Amended) The method according to claim 2, further including providing an ~~unsecure~~ unsecured name associated with the device.
22. (Currently Amended) The method according to claim 2, wherein the secure name is registered prior to the step of sending a message to a secure name service.
23. (Currently Amended) The method according to claim 2, wherein the secure name of the second device is a secure, non-standard domain name.  
~~wherein sending a message to a name service comprises sending a first message from a first device to the name service, the first message requesting from the name service the address associated with the secure name of the device;~~  
~~wherein receiving a message comprises receiving at the first device a second message from the name service, the second message containing the address associated with the secure name of the device, and~~  
~~wherein sending a message to the address comprises sending a third message from the first device to the address associated with the secure name of the device using the secure communication link.~~
24. (Currently Amended) A method ~~for~~ of using a first device to securely communicate ~~communicating with a second device over~~ in a communication network, ~~the device having a secure name,~~ the method comprising:  
at the first device requesting and obtaining registration of a secure name of afor the first device, the secure name being associated with [[an]] a network address;

receiving at the network address associated with the secure name of the first device a message from a second device of the desire to securely communicate with the first device; and sending a message securely from the first device to the second device.

25. (Currently Amended) The method according to claim 24, wherein requesting and obtaining registration of a secure name ~~of a for the~~ first device comprises ~~requesting from using~~ the first device to obtain a registration of the secure name ~~of the for the~~ first device, and wherein sending a message securely comprises sending the message from the first device to the second device using a secure communication link.

26. (Currently Amended) A method ~~for communicating of using a first device to~~ communicate with a second device ~~in over~~ a communication network, ~~the device associated with a secure name and an unsecured name~~, the method comprising:

from the first device requesting and obtaining registration of an unsecured name associated with at the first device;

from the first device requesting and obtaining registration of a secure name associated with the first device, wherein ~~[[an]]~~ a unique network address corresponds to the secure name associated with the first device;

receiving at the unique network address associated with the secure name a message from a second device requesting the desire to securely communicate with the first device; and

from the first device sending a message securely from the first device to the second device.

27. (Currently Amended) The method according to claim 26, wherein requesting and obtaining registration of an unsecured name associated with at the first device comprises ~~requesting from using~~ the first device to obtain a registration of the unsecured name associated with the first device, and

wherein requesting and obtaining registration of a secure name associated with the first device comprises ~~requesting from using~~ the first device to obtain a registration of the secure name associated with the first device.

28. (Currently Amended) A non-transitory machine-readable medium comprising instructions for:

sending a message to a secure name service, the message requesting ~~[[an]]~~ a network address associated with a secure name of a device;

receiving a message containing the network address associated with the secure name of the device; and

sending a message to the network address associated with the secure name of the device using a secure communication link.

29. (Currently Amended) A non-transitory machine-readable medium comprising instructions for a method ~~for~~ of communicating with a device having a secure name, the method comprising:

receiving at ~~[[an]]~~ a network address associated with a secure name of a first device a message from a second device requesting the desired to securely communicate with the first device, wherein the secure name of the first device is registered; and

sending a message securely from the first device to the second device.

30. (Currently Amended) A non-transitory machine-readable medium comprising instructions for a method ~~for~~ of communicating with a first device associated with a secure name and an unsecured name, the method comprising:

receiving, at ~~[[an]]~~ a network address corresponding to a ~~the~~ secure name associated with ~~at~~ the first device, a message from a second device of the desired to securely communicate with the first device, ~~wherein an unsecured name is associated with the first device, and the secure name and the unsecured name are registered;~~ and

sending a message ~~securely over a secure communication link~~ from the first device to the second device.

**REMARKS/ARGUMENTS**

Claims 2-30 remain in the application, of which claims 2, 24, 26, 28, 29, and 30 are the independent claims. Claims 2, 3, 5, 7, 8, 10, 11, 13, 19-30 have been amended to more clearly define the invention. The changes to the claims are fully supported by the original disclosure. No new matter has been introduced into the claims. Reconsideration and further examination are respectfully requested.

The changes to the application are fully supported by the original disclosure, including, for example, original paragraphs [0313] to [0331].

***Objection to the Specification***

The Specification has been objected to for failing to provide support for “machine readable medium,” as recited in claims 28-30, because “machine readable medium” may be defined to broadly include non-statutory subject matter. The Office Action notes that adding “non-transitory” to claims 28-30 does not raise the issue of new subject matter. Because claims 28-30 have been amended to recite “non-transitory,” the Applicant respectfully submits that this objection is moot.

***Rejection under 35 U.S.C. § 112, second paragraph***

Claims 2-30 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.. The rejection is respectfully traversed, and reconsideration and withdrawal of the § 112 rejection is respectfully requested.

Regarding claim 2, the Office Action states that it is unclear from where a message is sent. It states that is also unclear what kind of “name service” is being claimed (*i.e.*, a secure

domain name service? A domain name service?). It further states that it is also unclear what kind of address is being claimed (*i.e.*, an address for a secure computer network?). It further states that it is also unclear where a message is being received.

As amended, claim 2 recites as follows:

A method of using a first device to communicate with a second device having a secure name, the method comprising:  
from the first device, sending a message to a secure name service, the message requesting a network address associated with the secure name of the second device;  
at the first device, receiving a message containing the network address associated with the secure name of the second device; and  
from the first device, sending a message to the network address associated with the secure name of the second device using a secure communication link.

The Applicant responds to the rejections of claim 2 as follows. First, the Applicant has amended claim 2 to clarify that it is the first device that is “sending a message” and “receiving a message” to so that it can send a message over “a secure communication link.”

Second, the Applicant has amended “name service” to read “secure name service.” This secure name service is a service for resolving secure names into network addresses. This secure name service offers functionality that cannot be accomplished by a standard domain name service.

Third, the Applicant has amended “address” to read “network address.” This network address is one that is associated with a device connected to a communications network. It is not limited to an address of a secure computer network, as suggested in the Office Action. A network address can be associated with any device registered on a network, including, but not limited to, web servers, mobile handsets, and/or computers.

The Applicant respectfully submits that, as amended, these limitations in claim 2 are not unclear. The Applicant further submits that claims 3-23, which depend on claim 2, are not



unclear for similar reasons. Accordingly the Applicant respectfully requests withdrawal of these rejections and reconsideration of claims 2-23.

Regarding claim 24, the Office Action states that “secure name” is unclear, and questions whether this is a secure domain name. It further states that it is unclear what kind of address is being claimed. It further states that it is unclear what kind of the first device and second device are being claimed, and whether they are the same or different.

As amended, claim 24 recites as follows:

A method of using a first device to securely communicate with a second device over a communication network, the method comprising:  
at the first device requesting and obtaining registration of a secure name for the first device, the secure name being associated with a network address;  
receiving at the network address associated with the secure name of the first device a message from a second device of the desire to securely communicate with the first device; and  
sending a message securely from the first device to the second device.

The Applicant responds to the rejection of claim 24 as follows. First, the Applicant submits that a “secure name” is a name associated with a network address of a first device. The name can be registered such that a second device can obtain the network address associated with the first device from a secure name registry and send a message to the first device. The first device can then send a secure message to the second device. The claimed “secure name” includes, but is not limited to, a secure domain name. For example, a “secure name” can be a secure non-standard domain name, such as a secure non-standard top-level domain name (*e.g.*, .scom) or a telephone number.

Second, the Applicant has amended “address” to read “network address.” This network address is one that is associated with a device on a communications network. It is not limited to an address of a secure computer network, as suggested in the Office Action. A network address

can be associated with any device registered on a network, including, but not limited to, web servers, mobile handsets, and computers.

Third, the Applicant submits that the first device and second device are different to the extent that they are associated with two different network addresses. These devices can include, but are not limited to, web servers, mobile handsets, and/or computers.

The Applicant respectfully submits that, as amended, these limitations in claim 24 are not unclear. The Applicant further submits that claim 25, which depends on claim 24, is not unclear for similar reasons.

Regarding claims 26-30, the Office Action states that they are also unclear because they recite similar language to claim 24. For at least the reasons stated above, the Applicant respectfully submits that claims 26-30, as amended, are similarly not unclear.

In sum, the Applicant respectfully submits that, in view of the foregoing amendments and remarks, the rejections under 35 U.S.C. § 112, second paragraph have been traversed. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of these rejections.

***Rejection under 35 U.S.C. § 101***

Claims 28-30 have been rejected under 35 U.S.C. § 101 for claiming non-statutory subject matter. The Office Action states that claims drawn to a “machine-readable medium” includes both non-transitory tangible media and transitory propagating signals. It states that transitory embodiments are not directed to statutory subject matter.

Although the Applicant respectfully disagrees with this interpretation of “machine-readable medium,” the Applicant has nevertheless amended claims 28-30 to make explicit that they are drawn to statutory subject matter, namely “non-transitory machine-readable medi[a].”

Serial No. 11/679,416  
Amendment B

Accordingly, the Applicant respectfully requests reconsideration and withdrawal of these rejections.

***Non-Statutory Obviousness-Type Double Patenting Rejections***

Claims 2, 24, 26, and 28-30 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 7,188,180. The Applicant submits herewith a terminal disclaimer to overcome this rejection. Accordingly, the Applicant respectfully submits that this rejection has been overcome, and requests withdrawal of the rejection accordingly.

Claims 2, 24, 26, and 28-30 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending U.S. Patent Application Serial No. 11/839,987. The Applicant submits herewith a terminal disclaimer to overcome this rejection. Accordingly, the Applicant respectfully submits that these rejections are traversed and requests withdrawal of the rejections accordingly.

The absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be other reasons for patentability of any or all claims that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede, or an actual concession of, any issue with regard to any claim, or any cited art, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation.

**CONCLUSION**

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience. Should the Examiner have any questions, please call the undersigned at the phone number listed below.

Authorization is hereby given to charge our deposit account, No. 50-1133, for an Extension of Time (three-months) Under 37 CFR 1.136, and for any other fees that may be required for the prosecution of the subject application.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: October 8, 2010

/Toby H. Kusmer/  
Toby Kusmer, Reg. No.: 26,418  
McDERMOTT WILL & EMERY LLP  
28 State Street  
Boston, Massachusetts 02109  
Telephone: (617) 535-4065  
Facsimile: (617) 535-3800  
e-mail: tkusmer@mwe.com

BST99 1659565-2.077580.0015