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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
16/597,773	10/09/2019	Scott MacDonald WARD	5061-0041CON	8373

39083 7590 12/22/2020

KENEALY VAIDYA LLP
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EXAMINER	
HENNING, MATTHEW T	

ART UNIT	PAPER NUMBER
2491	

NOTIFICATION DATE	DELIVERY MODE
12/22/2020	ELECTRONIC

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.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

avaidya@kviplaw.com
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Applicant-Initiated Interview Summary	Application No. 16/597,773	Applicant(s) WARD et al.		
	Examiner MATTHEW T HENNING	Art Unit 2491	AIA (First Inventor to File) Status No	Page 1 of 2

All Participants (applicant, applicants representative, PTO personnel)	Title	Type
MATTHEW T HENNING	Primary Examiner	Telephonic
Eric Morehouse	Attorney of Record	
Erik Lund	Agent of Record	
Scott Ward	Inventor	
Sander Van Rijnswou	Inventor's Attorney	

Date of Interview: 17 December 2020

Issues Discussed:

35 U.S.C. 103

Briefly discussed the current rejection. The applicant indicated that he does not believe the relied upon prior art teaches encrypted the private key for storage in the trusted device, where the key used to encrypt the private key is not accessible to the operating system, user, or user operated software. Further discussion led to proposed amendments.

Proposed Amendment(s)

The examiner questioned the applicants' representatives regarding what exactly is the claimed " authentication data", to which the applicants' representative indicated that it is the private key used to generate the signature. The examiner explained that this is not claimed, and that doing so would likely overcome the current rejections. The examiner indicated that this would required further consideration and search as this idea has not been presented in the claims, and the examiner does not want to make a hasty decision.

The examiner also indicated that in the context of the claims as they currently stand, adding to the claims the idea of receiving a transaction ID, generating the digital signature using the transaction ID, and then having the signature embedded into the requested digital file, would overcome the current prior art. This also would required further search and consideration, but would be a very large step forward.

The examiner also indicated that incorporated claim 11 into independent claim 1 would make claim 1 allowable. The examiner indicated that if the other independent claims are made to encompass the same scope as then allowable claim 1, they too would be allowable.

Other

The Inventor gave a brief overview of the application, and the state of the art at the time of filing, including why the application was important at that time. This included discussion of TPMs, and adding encryption keys to TPMs after production.

At the conclusion of the interview, while no official agreements were reached, the examiner indicated that prior to filing of any amendments, the examiner is more than happy to review them to ensure that they will overcome the current rejections. The examiner indicated that this may not lead to immediate allowance, but at the least we can ensure that any filed amendments do overcome the currently relied upon prior art, and move prosecution forward.

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☑ Attachment

/MATTHEW T HENNING/ Primary Examiner, Art Unit 2491	

Applicant is reminded that a complete written statement as to the substance of the interview must be made of record in the application file. It is the applicants responsibility to provide the written statement, unless the interview was initiated by the Examiner and the Examiner has indicated that a written summary will be provided. See MPEP 713.04
Please further see:
MPEP 713.04
Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews, paragraph (b)
37 CFR § 1.2 Business to be transacted in writing

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview.

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

FOR DISCUSSION PURPOSES ONLY
CONFIDENTIAL COMMUNICATION

Agenda for Telephonic Examiner Interview
December 17, 2020
9:00am EDT
Primary Examiner Matthew T. Henning
Eric D. Morehouse (Reg. No. 38,565)
Erik N. Lund (Reg. No. 77,473)
Application No.: 16/597,773
Atty. Docket No.: 5061-0041CON

I. Discuss rejection of claim 1 under 35 U.S.C. § 103

A. Applicant discloses the *authentication data are encrypted* when stored in memory of the electronic device. *See* para. 0077-0078, 0087-0089.

B. Applicant discloses authentication data are decrypted in a secure processing environment *inaccessible to the user and any user-operated software*. *See* para. 0077, 0087.

II. Proposed Amendment

1. (Proposed) A method for performing an electronic transaction between a first transaction party and a second transaction party using an electronic device operated by the first transaction party, the electronic device having an operating system creating a run-time environment for user applications, the method comprising:

providing authentication data in a memory of said electronic device, said memory being a secure part of a Basic In Out System or any other secure location in said electronic device, which authentication data are inaccessible to a user of said electronic device, wherein the authentication data are encrypted when the authentication data are stored in said memory, a decryption key for decrypting the authentication data being incorporated in the electronic device, said decryption key being inaccessible to said user, to any user-operated software and to said operating system, wherein said memory is inaccessible to said operating system of said electronic device, thereby rendering the authentication data inaccessible to said user, wherein the authentication data are decrypted in a secure processing environment inaccessible to said user and to any user-operated software;

providing authentication software in said electronic device, the authentication data being accessible to said authentication software, wherein authentication software is stored in said secure memory inaccessible to said operating system;

activating the authentication software to generate a digital signature from the authentication data, wherein the authentication software is run in a secure processing environment inaccessible to said operating system;

providing the digital signature to the second transaction party.