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Via Facsimile/The Confirmation Via Mail

Your Fax No. (978) 341-0136

Total Pages including this page: 6

January 14, 2005

ORIGINAL

RE: Chinese Patent Application No. 00809527.2
Based on International Application No. PCT/US00/11821
Int'l Publication No.: WO 00/72119
Int'l Publication Date: November 30, 2000
Entitled: Methods and Apparatus for Protecting Information
Applicant(s): RABIN, Michael O. and SHASHA, Dennis E.
Inventor(s): RABIN, Michael O. and SHASHA, Dennis E.
Our Ref.: PPE/US02/0479/HBS
Your Ref.: 2645.1001-007 China

ALREADY DOCKETED

Dear Mr. Smith:

Enclosed please find English translation of the First Office Action for the above-mentioned patent application. A response to this Office Action is due on **April 25, 2005**. Please note that Two-month Extension of Time is available.

Please review the merit of this Office Action and provide us with your instructions in good time before the deadline. If you have any question, please do not hesitate to contact us.

Sincerely yours,

Baidi Gu

BG:cl
Enclosures: 5 pages

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UNITED STATES PATENT AND TRADEMARK OFFICE

00809527.2

**THE STATE INTELLECTUAL PROPERTY OFFICE
OF THE PEOPLE'S REPUBLIC OF CHINA**

APPLICATION NO.:	00809527.2	APPLICANT:	BRAIN, MICHAEL, O. AND SHASHA, DENNIS E.
FILING DATE:	May 2, 2000	DATE OF MAIL:	December 10, 2004
TITLE OF INVENTION:	METHOD AND APPARATUS FOR PROTECTING INFORMATION		

FIRST NOTIFICATION OF OFFICE ACTION

1. IN ACCORDANCE WITH THE REQUEST FOR SUBSTANTIVE EXAMINATION BY THE APPLICANT, THE EXAMINATION ON THE ABOVE-CITED PATENT APPLICATION HAS BEEN MADE ON THE BASIS OF THE PROVISION IN PARAGRAPH I, ARTICLE 35 OF THE CHINESE PATENT LAW.
- THE STATE INTELLECTUAL PROPERTY OFFICE ITSELF HAS DECIDED TO MAKE A SUBSTANTIVE EXAMINATION ON THE ABOVE-CITED PATENT APPLICATION ON THE BASIS OF THE PROVISION IN PARAGRAPH 2, ARTICLE 35 OF THE CHINESE PATENT LAW.

2. THE APPLICANT REQUESTED TO DESIGNATE THE FILING DATE OF:

May 5, 1999 in the *US* Patent Office of as the priority date;

in the *US* Patent Office of as the priority date;

- THE APPLICANT FILED THE COPIES OF PRIORITY DOCUMENTS CERTIFIED BY THE AGENCY THAT ACCEPTED THE APPLICATION IN THE FOREIGN COUNTRY.

3. THE APPLICANT FILED THE AMENDMENT ON

THE FOLLOWING AMENDED TEXT(S) IS NOT CONFORMITY WITH THE PROVISIONS OF ARTICLE 33 OF THE PRC PATENT LAW. THEREFORE, IT IS UNACCEPTABLE:

- Chinese translation of Annexes to the IPE Report.
- Chinese translation of the amendment under Article 19 of PCT.
- The amendment under Article 28 or 41 of PCT.
- The amendment under Rule 51 of the Implementing Regulations of PRC Patent Law.

THE AMENDMENT IS NOT ACCEPTED ON THE BASIS OF THE REASON IN DETAILS SHOWN BY THE ATTACHMENT SHEET.

4. THE EXAMINATION IS MADE ON THE BASIS OF THE FILING DOCUMENTS AS ORIGINALLY FILED.

- THE EXAMINATION IS MADE ON THE BASIS OF THE FOLLOWING DOCUMENTS:

THE ORIGINAL
APPLICATION DOCUMENTS

Include

Chinese translation of the specification pages 1-97,
claims, and drawings pages 1-18, submitted under
the original PCT application.

Chinese translation of the specification page _____,
claims 1-135, and drawings pages _____
submitted as an annex of IPER.

Chinese translation of claims 136-137, the
specification pages _____, and drawings
pages _____, submitted under Rule 51 of the
Implementing Regulations of PRC Patent Law

- THE FOLLOWING REFERENCE MATERIALS HAVE BEEN CITED IN THIS NOTIFICATION (THEIR SERIAL NUMBERS WILL BE REFEREED TO THE FOLLOWING PROCEDURE):

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SERIAL NUMBER	FILE NUMBER OR TITLE OF REFERENCE MATERIAL	PUBLICATION DATE (OR FILING DATE OF A CONFLICT PATENT APPLICATION)
1		
3		
4		

5. THE CONCLUSION OF THE EXAMINATION IS:

- In regard to the description:
 - The subject matter of the present application is not accepted on the basis of article 5 of the Patent Law of the People's Republic of China.
 - The subject matter of the present application is not accepted on the basis of paragraph 3, Article 26 of the Patent Law of the People's Republic of China.
 - The description is not in conformity with the provision of the Article 18 of the Implementing Regulations of the Patent Law of the People's Republic of China.
- In regard to the Claims:
 - Claims ___ do not have the novelty as stipulated in paragraph 2, Article 22 of the Patent Law of the People's Republic of China.
 - Claims 53-56, 108-110 are not in conformity with the provision of Article 25 of the Patent Law of the People's Republic of China.
 - Claims 1-52, 57-107, 110-137 are not in conformity with the provision of Article 31 of the Patent Law of the People's Republic of China.
 - Claims 57, 91, 132 are not in conformity with the provision of Paragraph 1, Rule 2 of the Implementing Regulations of the Patent Law of the People's Republic of China.
 - Claim ___ is not in conformity with the provision of Rule 20 to 23 of the Implementing Regulations of the Chinese Patent Law.

THE EXPLANATION OF THE CONCLUSION IS GIVEN IN THE ATTACHMENT SHEET IN DETAILS.

6. ON THE BASIS OF THE ABOVE CONCLUSION, IT IS CONSIDERED THAT

- the applicant should amend the application on the basis of the requirement in the attachment sheet.
- the applicant should present the reason on which the application can be accepted and amend the part that is indicated not to be in conformity with the requirement, otherwise the application will be rejected.
- no subject matter in the application is allowable, the application will be rejected if the applicant does not make a full statement or fails to make a statement.

7. THE APPLICANT IS DRAWN ATTENTION TO THAT

- (1) in accordance with the provisions of Article 37 of the Chinese Patent Law, the applicant shall submit the observations within **FOUR** months from the date of receiving this notification. If the applicant, without any justified reason, fails to reply within the time limit, the application shall be deemed to have been withdrawn.
- (2) the applicant shall make amendments to what is not in conformity with the provisions in the text of this notification. The amendment shall be furnished in duplicate. The formality of the amendment should be in conformity with the relative provisions of the Guideline for Examination.
- (3) any response and/or amendment must be mailed or hand delivered to the Receiving Department of the Patent Office in the People's Republic of China. Any documents that are not sent to the Receiving Department do not have legal force.
- (4) the applicant and/or his attorney could not go the Patent office in the People's Republic of China to meet the examiner if no appointment is made in advance.

8. THE TEXT OF THE NOTIFICATION EMBRACES PAGE(S), ALONG WITH THE ENCLOSURES HEREIN

- copy of Cited references are enclosed in pages copies.

EXAMINATION DEPARTMENT .

NAME OF EXAMINER

STAMP

Text of First Office Action

There are 17 Independent Claims in the present application:

Independent Claim 1 defines a system for supervising usage of software.

Independent Claim 53 defines a tag table data structure encoded on a user device's readable medium.

Independent Claims 57 and 132 define a software vendor.

Independent Claim 62 defines a user device.

Independent Claims 74 and 81 define a guardian center.

Independent Claim 91 defines a tag server.

Independent Claims 93, 103, and 135 define a method for supervising usage of software.

Independent Claim 106 defines a method for uniquely identifying instances of software.

Independent Claim 108 defines a computer readable medium encoded with instructions.

Independent Claims 109 and 110 define a propagated signal transmitted via a carrier over a communications medium.

Independent Claim 111 defines a method for ensuring that a software instance has not been altered.

Independent Claim 119 defines a system for supervising usage of software.

1. The subject matters of Independent Claims 53, 108, 109, and 110 and all Dependent Claims thereon are unpatentable according to the provision of Chinese Patent Law.

Claim 53 defines a tag table data structure. A data structure is combined data constructed by a number of data components in certain structural mode and function or computing on the data. The resolved problem is not a technical problem, and no technical means and result is involved. The technical solution is not applying nature rules and laws. Therefore, the subject matter of Claim 53 belongs to the unpatentable item of rules or methods of mental activity of Item 2 Section 1 Article 25 of Chinese Patent Law.

Claim 108 defines a computer readable medium encoded with instructions. In substance, Claim 108 seeks protection for the program saved in said medium. The physical features of the medium per se do not have any changes. A program is not a technical solution that uses the nature rules, thereby the subject matter of Claim 108 belongs to the unpatentable item of rules or methods of mental activity of Item 2 Section 1 Article 25 of Chinese Patent Law.

Claims 109 and 110 define a propagated signal transmitted via a carrier over a communications medium. A propagated signal is not a technical solution that applies nature rules. The subject matter of Claims 109 and 110 belongs to the unpatentable item of rules or methods of mental activity of Item 2 Section 1 Article 25 of Chinese Patent Law, therefore is not patentable.

2. Claims 57 and 132 define a software vendor, they are product claims, which shall be defined with structural features. Claims 57 and 132 merely recite the functions that a software vendor may achieve, therefore fail to define a technical solution. Accordingly, Claims 57 and 132 are not in conformity with the provision of the Implementing Regulations of Chinese Patent Law.

Claim 91 defines a tag server, it is a product claim, which shall be defined with structural features. Claim 91 merely recites the functions that a tag server may achieve, therefore

fails to define a technical solution. Accordingly, Claim 91 is not in conformity with the provision of the Implementing Regulations of Chinese Patent Law.

3. The patentable subject matters of the rest of Claims of the present application lack of unity, therefore, the rest of Claims are not in conformity with the provision of Article 31 of Chinese Patent Law.

The rest of Claims can be divided into 7 groups: Independent Claim 1; Independent Claim 62; Independent Claims 74 and 81; Independent Claims 93, 103, and 135; Independent Claim 106; Independent Claim 111; Independent Claim 119.

Independent Claim 1 defines a system for supervising usage of software. The technical solutions of Independent Claims 74 and 81, Independent Claims 93, 103, and 135, Independent Claim 106, Independent Claim 111, and Independent Claim 119 and the technical solutions of Claim 1 do not share common or corresponding specific technical features, thereby there is no unity for these claims. Therefore, these Claims are not in conformity with the provision of Article 31 of Chinese Patent Law.

Independent Claim 62 defines a user device. The technical solutions of Independent Claims 74 and 81, Independent Claims 93, 103, and 135, Independent Claim 106, Independent Claim 111, and Independent Claim 119 and the technical solutions of Claim 62 do not share common or corresponding specific technical features, thereby there is no unity for these claims. Therefore, these Claims are not in conformity with the provision of Article 31 of Chinese Patent Law.

Independent Claims 74 and 81 define a guardian center. The technical solutions of Independent Claim 1, Independent Claim 62, Independent Claims 93, 103, and 135, Independent Claim 106, Independent Claim 111, and Independent Claim 119 and the technical solutions of Claims 74 and 81 do not share common or corresponding specific technical features, thereby there is no unity for these claims. Therefore, these Claims are not in conformity with the provision of Article 31 of Chinese Patent Law.

The technical solutions of Independent Claims 93, 103, and 135 do not share common or corresponding specific technical features although all these claims define a method for supervising usage of software, therefore these claims lack of unity and are not in conformity with the provision of Article 31 of Chinese Patent Law. Independent Claims 93, 103, and 135 and Independent Claim 1, Independent Claim 62, Independent Claims 74 and 81, Independent Claim 106, and Independent Claim 111 do not share common or corresponding specific technical features, therefore these claims lack of unity and are not in conformity with the provision of Article 31 of Chinese Patent Law.

Independent Claim 106 defines a method for uniquely identifying instances of software. The technical solutions of Independent Claim 1, Independent Claim 62, Independent Claims 74 and 81, Independent Claims 93, 103, and 135, and Independent Claim 119 and the technical solutions of Independent Claim 106 do not share common or corresponding specific technical features, thereby there is no unity for these claims. Therefore, these Claims are not in conformity with the provision of Article 31 of Chinese Patent Law.

Independent Claim 111 defines a method for ensuring that a software instance has not been altered. The technical solutions of Independent Claim 1, Independent Claim 62, Independent Claims 74 and 81, Independent Claims 93, 103, and 135, and Independent Claim 119 and the technical solutions of Independent Claim 111 do not share common or corresponding specific technical features, thereby there is no unity for these claims.

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Therefore, these Claims are not in conformity with the provision of Article 31 of Chinese Patent Law.

Independent Claim 119 defines a system for supervising usage of software. The technical solutions of Independent Claim 62, Independent Claims 74 and 81, Independent Claims 93, 103, and 135, and Independent Claim 106, and Independent Claim 111 and the technical solutions of Independent Claim 119 do not share common or corresponding specific technical features, thereby there is no unity for these claims. Therefore, these Claims are not in conformity with the provision of Article 31 of Chinese Patent Law.

For the reasons above, the present application is not allowable based on the instant version of the application. Applicant shall select claims that have unity and delete other claims, Examiner will conduct further examination on the basis of the selection that Applicant makes and issue the remarks on novelty, inventiveness, as well as other defects. Otherwise, the present application will be rejected.