



January 27, 2026

RE: Attorney Docket No. MPROJECT-10
Patent Assessment for Human Authorization Plane (HAP)

Dear Scott:

You have asked me to create a written patent assessment for the HAP technology, including my view on the overall patentability of HAP, the primary points of novelty and differentiation versus existing authentication and authorization systems, why the system is non-obvious, and any high-level commentary I'm comfortable providing on scope, defensibility, or likelihood of allowance. I will take each of these issues in turn.

First, based on the report prepared by my search firm and my review of all prior art documents cited therein, I give HAP my highest patentability rating – a 75-80% chance that we will procure an issued patent. I typically have success beyond this rating, but the USPTO can be unpredictable, and so I cap my likelihood of procuring an issued patent figure at 75-80%.

Second, the reason for my high rating has to do with HAP's core point of novelty – the generation, emission, and consumption of a real-time digital authorization artifact. This artifact allows for authorization to be portable, which in turn allows the drawbacks of known password and session-based systems (e.g., phishing, credential theft, replay attacks, session hijacking, SIM-swap vulnerabilities, and deficiencies in terms of proving human presence) to be obviated. This exact point of distinction is what I found missing in every single prior art reference in the search report. That is, in all of the references we uncovered, there was a required integration (e.g., not an architectural separation) of a human authorization event with some sort of decision making, credential issuance and verification, granting of access, authorization and execution of payments, and/or other downstream processes. The portability of HAP's artifact is unique in this regard.

Third, to make a case for obviousness, a patent examiner will have to find a strong base reference. It is of course possible that the patent examiner will find something that my search firm did not, but based on their results, none of the prior art shows this portability element with respect to a human authorizing event. In my experience, we will likely face an obviousness rejection in our first office action, even though I feel very confident in the defensibility of claim

1 as it is written now. This is mostly unavoidable, and as a drafter, it happens to be something I aim for. If we procure an allowance of claim 1 in our first shot, we aimed too small and will get a patent without knowing the outer bounds of the inventions true scope.

Here however, because of the strength of the distinctions between HAP and the art we uncovered, the move down the road will be to fight for claim 1 rather than compromise with one of our dependents. Of course, if the patent examiner does uncover a reference showing portability, which at this stage we have no reason to suspect he or she will, we will have to adjust our strategy. However even if we do rely on one of our dependent claims, there are 32 dependent claims in the current patent application that is being prepared, and each of these claims provides additional, and still very defensible aspects of novelty (e.g., invocation of an AI system as the action, the event comprising a biometric participation as well device-boundedness, initiation of a prompt by the requester system, etc.).

Finally, in terms of scope, defensibility, and likelihood of allowance, I feel as confident as I can as a patent attorney that we will procure some sort of patent (no promises of course). Whether we procure truly broad coverage is the more important question. This may require a fight and it may require an appeal. We may of course be surprised and the patent examiner may agree that portability is not found in the art. We just don't know at this stage, but will instead have to wait and see which patent examiner we get, how difficult he or she is, and what type of prior art rejects get made. We may also be delt an examiner who makes 35 USC 101 an issue. In this case, I think he or she would have a weak position, and I think we would overcome it, but it is a possibility. Beyond speculating over 101/013, at a high level – I feel confident in HAP's viability. I have a healthy amount of confidence in my search firm, and I did not see anything in the prior art references which they uncovered that undermine the core point of novelty of HAP.

Please let me know if you would like me to expand on this assessment.

Best,

John P. Powers, Esq.
Owner, The Powers IP Law Firm