

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Owner: MobileMedia Ideas LLC

Patent No.: 6,427,078

Control No.: 90/012,637

Reexam Request Date: Sept. 14, 2012

Title: Device for Personal
Communications, Data Collection and
Data Processing, and a Circuit Card

Conf. No.: 1757

Group Art Unit: 3992

Examiner: Luke S. WASSUM

Mail Stop *Ex Parte* Reexam
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO OFFICE ACTION

Madam:

This is a response to the Office Action dated April 16, 2013. Although no fee is believed due in connection with this paper, the Commissioner is authorized to charge any fees that may be required in connection with this paper to Deposit Account No. 50-3081.

Remarks and Arguments begin on page 2 of this paper.

E-Watch, Inc.
EXH. 2003
Petitioner – HTC Corporation et. al
Patent Owner – E-Watch, Inc.
IPR2014-00987

REMARKS

The Patent Owner respectfully requests reconsideration of the rejection in view of the remarks below.

Status of the Claims

Claims 1-3, 5, 6, 18, 34, 73, and 77-79 are subject to reexamination. Of those claims, only claims 1 and 73 are independent.

The Office Action

In the Office Action, independent claim 1 was rejected under 35 U.S.C. § 103 as obvious over *Maekawa* (US Patent 5,490,202) in view of *Hassan* (US Patent 5,550,646) and *Hoda* (US Patent 6,094,282). Claim 1 was also rejected under 35 U.S.C. § 103 as obvious over *Maekawa* in view of *Hassan* and *Stempeck* (US Patent 4,571,627). Claim 1 was also rejected under 35 U.S.C. § 103 as obvious over *Maekawa* in view of *Hassan* and *Yomogizawa* (US Patent 5,172,151). Claim 1 was also rejected under 35 U.S.C. § 103 as obvious over *Maekawa* in view of *Hassan* and *Yuyama* (US Patent 5,612,732).

Independent claim 73 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Hassan* in view of *Hoda*. Claim 73 was also rejected under 35 U.S.C. 103(a) as being unpatentable over *Hassan* in view of *Stempeck*. Claim 73 was also rejected under 35 U.S.C. 103(a) as being unpatentable over *Hassan* in view of *Yomogizawa*. Claim 73 was also rejected under 35 U.S.C. 103(a) as being unpatentable over *Hassan* in view of *Yuyama*.¹

¹ At pages 74-75, the Office Action also included a conditional and modified adoption of some of the Requester's proposed rejections "to the extent that the 'transmission' [sic: transmitting]

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The Patent Owner respectfully traverses all these rejections. There are no amendments to the claims under reexamination and the arguments presented below do not, and are not intended to, change the scope of any claim.

Argument

As is explained in detail below, there are five structural limitations set forth in claims 1 and 73 which are not disclosed in *Hassan*. These deficiencies in the disclosure of *Hassan* are not made up for by the other references cited in the Office Action. Many of the positions set forth herein are supported by the Declaration of Dr. Vijay Madiseti under 37 C.F.R. § 1.132 (hereinafter “Madiseti Decl.”), which is submitted herewith.

A. Summary Statement of Reasons for Allowance

Claims 1 and 73 call for two processing elements for processing image information. These are (1) the “microprocessor” of which the “portable cellular mobile phone” is comprised, and (2) the “means for processing” of which the “camera unit” is comprised. Claims 1 and 73 also call for a specific division of processing image information between the two processing elements. The “means for processing” is for “processing . . . image information . . . for later recall and processing.” The “microprocessor” is adapted “to process image information received

limitation could be interpreted as being limited to the transmission of images of 'physical messages', as argued by the Requester.” That interpretation of the transmitting limitation is incorrect for the reasons explained in the Amendment after Final Rejection dated April 23, 2012, at pages 12-23, in prior reexamination Control Nos. 90/011,736 and 90/011,883, and those reasons are incorporated herein by reference. Furthermore, that interpretation could not possibly be correct because the Examiner ultimately entered new claims 77-79 in those prior reexaminations.

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by the camera unit,” and the “microprocessor” has a “means . . . for transmitting” coupled to it for “transmitting image information processed by said microprocessor to another location using a radio frequency channel.”

In contrast, *Hassan* (the primary reference) teaches a single processing element 205 that handles all image processing functions. *Hassan* does not disclose two processing elements for processing image information with the claimed particular division of processing image information between them. For this reason, claims 1 and 73 are patentable over *Hassan*.

There are four other reasons as to why claims 1 and 73 are patentable over *Hassan*. *Hassan* is directed to an image capture device for capturing an image and then generating a digital representation of the image which is applied to a fax modem for transmission to a remote fax machine by a telephone communication link. (Abstract) In one embodiment of *Hassan*, the telephone communication link is implemented “using a conventional RJ11 jack.” (Col. 2, lines 1-3.) *Hassan* also discloses that “Alternatively, the image capture device may . . . include a built in cellular telephone” (col. 2, lines 4-5), and in this alternative embodiment, the cellular telephone is used to transmit the fax instead of the wired connection. However, *Hassan* discloses very few details about that “built in cellular telephone,” what it does, or what components are contained therein. In particular, *Hassan* discloses nothing about whether the processing or displaying of image information obtained by the “image capture device” is performed using any component in the “built in cellular telephone” or whether the “image capture device” is controlled or operated by any component in the “built in cellular telephone.”

Therefore, in contrast to claims 1 and 73, *Hassan* does not disclose a “microprocessor” of the portable cellular mobile phone adapted “to process image information received by the camera

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unit.” In contrast to claims 1 and 73, *Hassan* also does not disclose that a “user interface” of the portable cellular mobile phone is “for enabling a user to input signals to operate the camera unit.” In addition, in contrast to claims 1 and 73, *Hassan* does not disclose that a “display” of the portable mobile cellular phone is for “presenting image information obtained by the camera unit.” Finally, in contrast to claims 1 and 73, *Hassan* does not disclose a “microprocessor” of the portable cellular mobile phone that is “adapted to control operation of the camera unit in response to input signals from the user interface.”

For these reasons, claims 1 and 73 are patentable over the art of record.

B. Introduction

Claim 73 is directed to a portable cellular mobile phone comprising: (1) a built in camera unit for obtaining image information; (2) a user interface for enabling a user to input signals to operate the camera unit; (3) a display for presenting image information obtained by the camera unit; (4) a microprocessor adapted to control the operations of the camera unit in response to input signals from the user interface, and to process image information received by the camera unit; and (5) means, coupled to said microprocessor, for transmitting image information processed by said microprocessor to another location using a radio frequency channel. Claim 73 also specifies what the camera unit comprises, i.e., “optics,” “an image sensor,” and “means for processing . . . image information . . . for later recall and processing.”

Claim 73 has been rejected over *Hassan* in view of various secondary references that are relied on only for the “display” limitation. As is explained in detail below, at least five structural

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