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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/012,876	05/23/2013	7932923	1092/0101PUS1	6419
6449	7590	06/17/2013	EXAMINER	
ROTHWELL, FIGG, ERNST & MANBECK, P.C. 607 14th Street, N.W. SUITE 800 WASHINGTON, DC 20005			BASEHOAR, ADAM L	
			ART UNIT	PAPER NUMBER
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**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.



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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

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**EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM**

REEXAMINATION CONTROL NO. 90/012,876.

PATENT NO. 7932923.

ART UNIT 3992.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).



### DECISION

1. A substantial new question of patentability affecting claims 1-41 of United States Patent Number 7,932,923 B2 (Lipton et al.) is raised by the Request (hereafter the "Request") for *ex parte* reexamination filed 05/23/2013.

### References Cited in the Request

2. A total of six references in various combinations have been asserted in the Request as providing teachings relevant to the claims of the Lipton '923 patent. The proposed references which make up the combinations are as follows:

**Courtney '584** - (European Patent Application No. EP 0 967 584 A2, published 12/29/1999)

**Courtney '755** - (U.S. Patent No. 5,969,755, published 10/19/1999)

**Brill** - (U.S. Patent No. 6,628,835, published 09/30/2003)

**Day-I** - ("Object Oriented Conceptual Modeling of Video Data," Proceedings on the Eleventh International Conference on Data Engineering, IEEE, March 1995, pp. 401-408)

**Day-II** - ("Spatio-Temporal Modeling of Video Data for On-Line Object Oriented Query Processing," Proceedings of the International Conference on Multimedia Computing and Systems, IEEE, May 1995. p. 98-105)

**Shotton** - ("Object Tracking and Event Recognition in Biological Microscopy Videos," Fifth International Conference on Pattern Recognition (ICPR 2000), September 2000)

Of the six references in the currently filed Request, none of the references were previously discussed by the examiner nor applied to any of the claims in the original prosecution history of the Lipton '923 patent. It is noted, as shown below, that the Courtney '584, Courtney '755, Brill, and Shotton references were cited in the 95/001,914 *inter partes* reexamination and were determined to establish a reasonable likelihood that Requestor will prevail (RLP) with regard to certain claims of the Lipton '923 patent. The 95/001,914 reexamination having been terminated before the established RLPs could be fully resolved.

### **Identification of Every Claim for Which Reexamination is Requested**

3. The six references cited above are discussed in the Request regarding claims 1-41 of the Lipton '923 patent. Pages 17-21 and 23-60 of the Request detail out proposed substantial new questions of patentability in light of the combination of the six references cited above.

The Examiner notes that on pages 61-91 of the Request, Third Party Requestor (3PR) raises issues related to Patent Owner's (PO) remarks and newly presented claim amendments maturing from the related 95/001,914 *inter partes* reexamination proceeding. The Examiner notes that such issues are improper for reexamination and are not considered or commented upon herein (See 37 CFR 1.552(c)).

### **Prosecution History**

4. The Lipton '923 patent was originally assigned serial number 12/569,116 and was filed 09/29/2009 with 26 claims. A preliminary amendment was filed 12/30/2009 canceling claims 1-26 and adding new claims 27-58.

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