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EXAMINER

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PAPER

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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**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)).

The present application is being examined under the pre-AIA first to invent provisions.

### DETAILED ACTION

1. This Office action addresses original claims 1-41 and newly presented claims 42-81 of United States Patent Number 7,932,923 B2 (Lipton et al), for which it has been determined in the Order Granting Ex Parte Reexamination (hereafter the “Order”) mailed 06/17/2013 that a substantial new question of patentability was raised in the Request for *Ex Parte* reexamination filed on 05/23/2013 (hereafter the “Request”). A Non-Final Action was mailed 08/30/2013 rejecting all original claims 1-41.
2. This is a Final Action in response to the Patent Owner’s (PO) response (“Amendment and Reply”) filed 10/30/2013. By virtue of an amendment in said PO Amendment and Reply, new claims 42-81 have been added. Said amendment has been entered and made of record. Thus, claims 1-81 are now currently pending and subject to this reexamination.
3. Patent Owner’s Amendment and Replay filed 10/30/2013 further includes accompanying 37 C.F.R. 1.132 Declarations by Dr. Kenneth A. Zeger (hereafter the “Zeger Declaration”), Christopher Capuano (hereafter the “Capuano Declaration”), and Peter L. Venetianer (hereafter the “Venetianer Declaration”). Said Declarations, including their related Exhibits, have been fully considered and made of record as discussed below.

***Reexamination***

4. The Patent Owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 7,932,923 B2 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

***Information Disclosure Statement***

5. Regarding Information Disclosure Statement (IDS) submissions, MPEP 2256 recites the following: “Where patents, publications, and other such items of information are submitted by a party (patent owner or requester) in compliance with the requirements of the rules, the requisite degree of consideration to be given to such information will be normally limited by the degree to which the party filing the information citation has explained the content and relevance of the information. The initials of the examiner placed adjacent to the citations on the form PTO/SB/08A and 08B or its equivalent, without an indication to the contrary in the record, do not signify that the information has been considered by the examiner any further than to the extent noted above.”

Accordingly, the IDS submission filed by Patent Owner on 10/29/2013 has been considered by the Examiner only with the scope required by MPEP 2256, unless otherwise noted.

*References Discussed in This Final Action*

- **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)

*Response to Arguments*

6. As noted above, the Patent Owner’s Amendment and Reply, the Zeger Declaration, the Capuano Declaration, and the Venetianer Declaration, each filed on 10/30/2013, have been fully considered and are discussed below with regard to the rejections as set forth in the Non-Final Action mailed 08/30/2013. The Examiner notes that the Remarks in PO’s Amendment and Reply appear to be substantially similar (see: Amendment and Reply, p. 40: “Each rejection is addressed by Dr. Zeger and summarized below”) and/or mirror the arguments presented in the

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