



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

95/001,912	02/29/2012	7868912	14342/10C	1028
------------	------------	---------	-----------	------

74712 7590 04/10/2012
Muir Patent Consulting, PLLC
9913 Georgetown Pike, Suite 200
P.O. Box 1213
Great Falls, VA 22066

EXAMINER

CAMPBELL, JOSHUA D

ART UNIT	PAPER NUMBER
----------	--------------

3992

MAIL DATE	DELIVERY MODE
-----------	---------------

04/10/2012

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.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patents and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DO NOT USE IN PALM PRINTER

THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS

Date: 4-10-12

Clifford A. Ulrich

KENYON & KENYON LLP

One Broadway

New York, NY 10004

**Transmittal of Communication to Third Party Requester
Inter Partes Reexamination**

REEXAMINATION CONTROL NO. : 95001912

PATENT NO. : 7868912

TECHNOLOGY CENTER : 3999

ART UNIT : 3992

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified Reexamination proceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the inter partes reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an ex parte reexamination has been merged with the inter partes reexamination, no responsive submission by any ex parte third party requester is permitted.

All correspondence relating to this inter partes reexamination proceeding should be directed to the Central Reexamination Unit at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

PTOL-2070(Rev.07-04)

ORDER GRANTING/DENYING REQUEST FOR INTER PARTES REEXAMINATION	Control No.	Patent Under Reexamination
	95/001,912	7868912
	Examiner	Art Unit
	JOSHUA CAMPBELL	3992

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. --

The request for *inter partes* reexamination has been considered. Identification of the claims, the references relied on, and the rationale supporting the determination are attached.

Attachment(s): PTO-892 PTO/SB/08 Other: _____

1. The request for *inter partes* reexamination is GRANTED.

An Office action is attached with this order.

An Office action will follow in due course.

2. The request for *inter partes* reexamination is DENIED.

This decision is not appealable. 35 U.S.C. 312(c). Requester may seek review of a denial by petition to the Director of the USPTO within ONE MONTH from the mailing date hereof. 37 CFR 1.927. EXTENSIONS OF TIME ONLY UNDER 37 CFR 1.183. In due course, a refund under 37 CFR 1.26(c) will be made to requester.

All correspondence relating to this *inter partes* reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Order.

Art Unit: 3992

DECISION

1) The present Request for *inter partes* reexamination, filed 2/29/2012, establishes a reasonable likelihood that the requestor will prevail with respect to claims 1-4 and 6-22 of United States Patent Number 7,868,912 (Venetianer).

References Cited in the Request

2) A total of eleven references have been asserted in the request as providing teachings relevant to the claims of the Venetianer patent. These references are listed on page iv of the request. The proposed references are as follows:

- a. **Gilge** – German Patent Publication No. DE 101 53 484
- b. **Lipton** – “ObjectVideo Forensics: Activity-Based Video Indexing and Retrieval For Physical Security Applications”
- c. **Courtney** – U.S. Patent No. 5,969,755
- d. **Black** – “Wide Area Surveillance with a Multi Camera Network”
- e. **Brodsky** – “Visual Surveillance in Retail Stores and in the Home”
- f. **Liu** – “A New Network-Based Intelligent Surveillance System”
- g. **Olson** – “Moving Object Detection and Event Recognition Algorithms for Smart Cameras”
- h. **Shotton** – “Object Tracking and Event Recognition in Biological Microscopy Videos”
- i. **Greenhill** – “VIGILANT: Content-Querying of Video Surveillance Systems”
- j. **Rottman** – German Patent Publication No. DE 198 48 49

Art Unit: 3992

k. **Brown** – U.S. Patent No. 7,447,331

Identification of Every Claim for Which Reexamination is Requested

3) The eleven references cited above are discussed in various combinations regarding claims 1-22 of the Venetianer patent. Pages 17-72 of the Request detail out explanations that seek to establish a reasonable likelihood that the requestor will prevail with respect to at least one of the patent claims in light of the combinations of the eleven references cited above. The explanations in the Request are addressed below.

Reasonable Likelihood to Prevail (RLP) on the Issue of Patentability

4) The claims for which reexamination is requested will be utilized to show whether the above-cited references, taken together with the explanation provided by requester, are found to establish, or not to establish, that there is a reasonable likelihood that the requester will prevail with respect to at least one of the patent claims.

Issue 1 – Gilge (anticipation)

5) The proposed rejection of claims 1-3 and 6-22, as set forth on pages 2-50 of the Appendix: '912 Patent Claim Charts is relied upon in the Request to show a reasonable likelihood that the requester will prevail with respect to at least one of the claims of the Venetianer patent.

Gilge appears to teach each and every limitation of claims 1-3 and 6-22 (see pages 2-50 of the Appendix: '912 Patent Claim Charts, hereby incorporated by reference). Hence, it is

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.