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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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 ROTHWELL, FIGG, ERNST & MANBECK, P.C.
 607 14th Street, N.W.
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 WASHINGTON, DC 20005

EXAMINER

BASEHOAR, ADAM L

ART UNIT	PAPER NUMBER
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3992

MAIL DATE	DELIVERY MODE
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06/20/2013

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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(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

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EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/012,878.

PATENT NO. 7868912.

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)).

Order Granting / Denying Request For Ex Parte Reexamination	Control No. 90/012,878	Patent Under Reexamination 7868912
	Examiner ADAM BASEHOAR	Art Unit 3992

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

The request for *ex parte* reexamination filed 24 May 2013 has been considered and a determination has been made. An identification of the claims, the references relied upon, and the rationale supporting the determination are attached.

Attachments: a) PTO-892, b) PTO/SB/08, c) Other: _____

1. The request for *ex parte* reexamination is GRANTED.

RESPONSE TIMES ARE SET AS FOLLOWS:

For Patent Owner's Statement (Optional): TWO MONTHS from the mailing date of this communication (37 CFR 1.530 (b)). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).**

For Requester's Reply (optional): TWO MONTHS from the **date of service** of any timely filed Patent Owner's Statement (37 CFR 1.535). **NO EXTENSION OF THIS TIME PERIOD IS PERMITTED.** If Patent Owner does not file a timely statement under 37 CFR 1.530(b), then no reply by requester is permitted.

2. The request for *ex parte* reexamination is DENIED.

This decision is not appealable (35 U.S.C. 303(c)). Requester may seek review by petition to the Commissioner under 37 CFR 1.181 within ONE MONTH from the mailing date of this communication (37 CFR 1.515(c)). **EXTENSION OF TIME TO FILE SUCH A PETITION UNDER 37 CFR 1.181 ARE AVAILABLE ONLY BY PETITION TO SUSPEND OR WAIVE THE REGULATIONS UNDER 37 CFR 1.183.**

In due course, a refund under 37 CFR 1.26 (c) will be made to requester:

- a) by Treasury check or,
- b) by credit to Deposit Account No. _____, or
- c) by credit to a credit card account, unless otherwise notified (35 U.S.C. 303(c)).

/Adam L Basehoar/ Primary Examiner, Art Unit 3992		
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DECISION

1. A substantial new question of patentability affecting claims 1-22 of United States Patent Number 7,868,912 B2 (Venetianer et al.) is raised by the Request (hereafter the "Request") for *ex parte* reexamination filed 05/24/2013.

References Cited in the Request

2. A total of seven references in various combinations have been asserted in the Request as providing teachings relevant to the claims of the Venetianer '912 patent. The proposed references which make up the combinations are as follows:

Gilge - (German Patent Publication No. DE 101 53 484 A1, published 05/08/2003.

Reference to the Gilge Patent Publication will be made via its accompanying certified translation (See: Attachment C of the Request))

Lipton – ("ObjectVideo Forensics: Activity-Based Video Indexing and Retrieval For Physical Security Applications," Intelligent Distributed Surveillance Systems (IDSS-04), The IEE, Savoy Place, London, U.K., February 23, 2004)

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

Olson – ("Moving Object Detection and Event Recognition Algorithms for Smart Cameras," Proceedings of the 1997 Image Understanding Workshop, New Orleans, May 1997, pp. 159-175)

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

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

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JP '783 – (Japanese Published Application No. 1997-130783, published 05/16/1997. Reference to the JP '783 Published Application will be made via its accompanying certified translation (See: Attachment J of the Request)

Of the seven 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 Venetianer '912 patent. It is noted, as shown below, that the Gilge, Lipton, Courtney, and Olson references were cited in the 95/001,912 *inter partes* reexamination and were determined to establish a reasonable likelihood that Requestor will prevail (RLPs) with regard to certain claims of the Venetianer '912 patent. The 95/001,912 reexamination having been terminated before the established RLPs could be fully resolved.

Identification of Every Claim for Which Reexamination is Requested

3. The seven references cited above are discussed in the Request regarding claims 1-22 of the Venetianer '912 patent. Pages 9-12 and 15-59 of the Request details out proposed substantial new questions of patentability in light of the combination of the seven references cited above.

The Examiner notes that on pages 77-112 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 95/001,912 *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)).

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