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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/012,878	05/24/2013	7868912	1092/0102PUS1	3806

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ROTHWELL, FIGG, ERNST & MANBECK, P.C.  
607 14th Street, N.W.  
SUITE 800  
WASHINGTON, DC 20005

EXAMINER

BASEHOAR, ADAM L

ART UNIT	PAPER NUMBER
3992	

3992

MAIL DATE	DELIVERY MODE
08/30/2013	PAPER

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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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(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)).

<b>Office Action in Ex Parte Reexamination</b>	<b>Control No.</b> 90/012,878	<b>Patent Under Reexamination</b> 7868912
	<b>Examiner</b> ADAM BASEHOAR	<b>Art Unit</b> 3992

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

- a  Responsive to the communication(s) filed on 24 May 2013.      b  This action is made FINAL.  
c  A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 2 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). **EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c)**. If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1.  Notice of References Cited by Examiner, PTO-892.      3.  Interview Summary, PTO-474.  
2.  Information Disclosure Statement, PTO/SB/08.      4.  \_\_\_\_\_.

Part II SUMMARY OF ACTION

- 1a.  Claims 1-22 are subject to reexamination.  
1b.  Claims \_\_\_\_\_ are not subject to reexamination.  
2.  Claims \_\_\_\_\_ have been canceled in the present reexamination proceeding.  
3.  Claims \_\_\_\_\_ are patentable and/or confirmed.  
4.  Claims 1-22 are rejected.  
5.  Claims \_\_\_\_\_ are objected to.  
6.  The drawings, filed on \_\_\_\_\_ are acceptable.  
7.  The proposed drawing correction, filed on \_\_\_\_\_ has been (7a)  approved (7b)  disapproved.  
8.  Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some\* c)  None of the certified copies have  
1  been received.  
2  not been received.  
3  been filed in Application No. \_\_\_\_\_.  
4  been filed in reexamination Control No. \_\_\_\_\_.  
5  been received by the International Bureau in PCT application No. \_\_\_\_\_.  
\* See the attached detailed Office action for a list of the certified copies not received.  
9.  Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.  
10.  Other: \_\_\_\_\_

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### DETAILED ACTION

1. This Office action addresses claims 1-22 of United States Patent Number 7,868,912 B2 (Venetianer et al), for which it has been determined in the Order Granting Ex Parte Reexamination (hereafter the "Order") mailed 06/20/2013 that a substantial new question of patentability was raised in the Request for *Ex Parte* reexamination filed on 05/24/2013 (hereafter the "Request"). This is a Non-Final Action.

#### *Reexamination*

2. 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. 7,868,912 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.

3. Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)). Extension of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

Art Unit: 3992

4. In order to ensure full consideration of any amendments, affidavits or declarations, or other documents as evidence of patentability, such documents must be submitted in response to this Office action. Submissions after the next Office action, which is intended to be a final action, will be governed by the requirements of 37 CFR 1.116, after final rejection and 37 CFR 41.33 after appeal, which will be strictly enforced.

*References Submitted by Requester*

5. The following seven references have been cited as establishing a substantial new question of patentability. See Order, mailed 06/20/2013.

- **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)

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