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EXAMINER

BASEHOAR, ADAM L

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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. 90/012,876.

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)).

Order Granting / Denying Request For Ex Parte Reexamination	Control No. 90/012,876	Patent Under Reexamination 7932923
	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 23 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 1-41 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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