



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.
90/012,876	05/23/2013	7932923	1092/0101PUS1	6419
6449	7590	06/17/2013	EXAMINER	
ROTHWELL, FIGG, ERNST & MANBECK, P.C. 607 14th Street, N.W. SUITE 800 WASHINGTON, DC 20005			BASEHOAR, ADAM L	
			ART UNIT	PAPER NUMBER
			3992	
			MAIL DATE	DELIVERY MODE
			06/17/2013	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.



**DO NOT USE IN PALM PRINTER**

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

MUNCY, GEISSLER, OLDS & LOWE, PLLC

4000 LEGATO ROAD

SUITE 310

FAIRFAX, VA 22033

**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)).

<b>Order Granting / Denying Request For Ex Parte Reexamination</b>	<b>Control No.</b> 90/012,876	<b>Patent Under Reexamination</b> 7932923
	<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--**

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		
--	--	--

## 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)

Art Unit: 3992

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.

# 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.