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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/012,876	05/23/2013	7932923	4079-116	6419
6449	7590	04/30/2014	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
			04/30/2014	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)).

<b>Notice of Intent to Issue Ex Parte Reexamination Certificate</b>	<b>Control No.</b>	<b>Patent Under Reexamination</b>	
	90/012,876	7932923	
	<b>Examiner</b>	<b>Art Unit</b>	<b>AIA (First Inventor to File) Status</b>
	ADAM L. BASEHOAR	3992	No

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

1.  Prosecution on the merits is (or remains) closed in this *ex parte* reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. Cf. 37 CFR 1.313(a). A Certificate will be issued in view of
  - (a)  Patent owner's communication(s) filed: 16 April 2014.
  - (b)  Patent owner's failure to file an appropriate timely response to the Office action mailed: \_\_\_\_\_.
  - (c)  Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
  - (d)  The decision on appeal by the  Board of Patent Appeals and Interferences  Court dated \_\_\_\_\_
  - (e)  Other: \_\_\_\_\_.
2. The Reexamination Certificate will indicate the following:
  - (a) Change in the Specification:  Yes  No
  - (b) Change in the Drawing(s):  Yes  No
  - (c) Status of the Claim(s):
    - (1) Patent claim(s) confirmed: \_\_\_\_\_.
    - (2) Patent claim(s) amended (including dependent on amended claim(s)): 1-41
    - (3) Patent claim(s) canceled: \_\_\_\_\_.
    - (4) Newly presented claim(s) patentable: \_\_\_\_\_.
    - (5) Newly presented canceled claims: 42-81.
    - (6) Patent claim(s)  previously  currently disclaimed: \_\_\_\_\_
    - (7) Patent claim(s) not subject to reexamination: \_\_\_\_\_.
3.  A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on \_\_\_\_\_.
4.  Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."
5.  Note attached NOTICE OF REFERENCES CITED (PTO-892).
6.  Note attached LIST OF REFERENCES CITED (PTO/SB/08 or PTO/SB/08 substitute).
7.  The drawing correction request filed on \_\_\_\_\_ is:  approved  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
    - been received.
    - not been received.
    - been filed in Application No. \_\_\_\_\_.
    - been filed in reexamination Control No. \_\_\_\_\_.
    - been received by the International Bureau in PCT Application No. \_\_\_\_\_.

\* Certified copies not received: \_\_\_\_\_.
9.  Note attached Examiner's Amendment.
10.  Note attached Interview Summary (PTO-474).
11.  Other: \_\_\_\_\_.

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

/ADAM L BASEHOAR/  
Primary Examiner, Art Unit 3992

cc: Requester (if third party requester)

Art Unit: 3992

The present application is being examined under the pre-AIA first to invent provisions.

### DETAILED ACTION

1. This Office action addresses original claims 1-41 and newly presented claims 42-81 of United States Patent Number 7,932,923 B2 (Lipton et al), for which it has been determined in the Order Granting Ex Parte Reexamination (hereafter the “Order”) mailed 06/17/2013 that a substantial new question of patentability was raised in the Request for Ex Parte reexamination filed on 05/23/2013 (hereafter the “Request”).

2. This Office action is a response to the Patent Owner’s (PO) After Final Amendment and Reply (hereafter the “Reply”) filed 04/16/2014. PO’s Reply, along with its accompanying amendments, has been entered and made of record. By virtue of PO’s Reply: (1) the specification has been amended (see: Reply, p. 2); (2) original independent claims 1, 8, 9, 20, 22, 29, and 30 have been amended (see: Reply, pp. 3-6); and (3) newly presented claims 42-81 have been cancelled (see: Reply, p. 6).

Regarding PO’s amendment to the specification, said amendment is sufficient to properly correct the benefit claim (see: MPEP 211.03: “the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78, but not in the location of the application as required by 37 CFR 1.78 (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt...still required to submit the reference in compliance with 37 CFR 1.78 by filing an amendment to the first sentence(s) of the specification”) to satisfy the specific reference requirement found lacking and discussed in at least the Final Action (see: Final Action, pp. 5-6).

Art Unit: 3992

In view of PO's amendments to original independent claims 1, 8, 9, 20, 22, 29, and 30, as discussed below in the Statement of Reasons for Patentability and/or Confirmation section, the remaining corresponding rejections (i.e., rejections relating to original claims 1-41) related to the primary Day-I reference (see: Final Action, pp. 24, 25, and 29-31) have been withdrawn.

Therefore, amended original claims 1-41 are found patentable and/or confirmed.

### **STATEMENT OF REASONS FOR PATENTABILITY AND/OR CONFIRMATION**

3. Claims 1-41 are patentable and/or confirmed. The following is an Examiner's statement of reasons for patentability and/or confirmation of claims 1-41 found in this reexamination proceeding. Claims 1-41 are confirmed and/or patentable over the prior art that was explained in the Request and determined to raise a substantial new question of patentability in the Order granting reexamination and over the prior art that was applied and discussed by the Examiner in the present reexamination proceeding because of the following:

Independent claim 1 has been amended to incorporate the new limitation of, "applying the new user rule to only the plurality of detected attributes." (see: Lipton '923, column 14, lines 64-67: "only the video primitives are reviewed"). Said new limitation having previously been indicated as patentable/confirmable with regard to the limitations of independent claim 1 by virtue of the features presented in new independent claim 55 (see: Final Action, pp. 36-37). As similarly presented in the Final Action, the Examiner agrees with the PO (see: Zeger Declaration, Paragraphs 133-134) that the conceptual queries utilized in the video query system of Day-I are not applied to "only" the detected attributes, but require the use of object-oriented abstractions to interface with the VSDG model. As shown in the Lipton '923 patent, an event discriminator

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