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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/014,056	12/15/2017	6959293		1361

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Image Processing Technologies LLC
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Suffern, NY 10901

EXAMINER

BANANKHAH, MAJID A

ART UNIT	PAPER NUMBER
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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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EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/014,056.

PATENT NO. _.

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)).

Office Action in Ex Parte Reexamination	Control No. 90/014,056	Patent Under Reexamination 6959293	
	Examiner MAJID A. BANANKHAH	Art Unit 3992	AIA (First Inventor to File) Status No

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

- a. Responsive to the communication(s) filed on 01/03/2018.
 A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.
- 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. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 3. <input type="checkbox"/> Interview Summary, PTO-474. |
| 2. <input type="checkbox"/> Information Disclosure Statement, PTO/SB/08. | 4. <input type="checkbox"/> _____. |

Part II SUMMARY OF ACTION

- 1a. Claims 1 are subject to reexamination.
- 1b. Claims 2-29 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 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: _____

Art Unit: 3992

DETAILED EX PARTE REEXAMINATION OFFICE ACTION

I. INTRODUCTION

This first Office action on the merit is in response to the *ex parte* Request (12/15/2017) for reexamination of US 6,959,293 patent to Pirim (hereafter “‘293”) by a third party requester.

A. Status of Claims

Requested claim 1 is rejected.

B. References Cited in this Office Action

Requested claim 1 of the ‘293 patent is obvious under 35 USC 103, in light of the following references.

1. International Patent Publication WO 99/36893 (“Prim PCX”), published July 22, 1999
2. Siegel, Howard J., et al., “PASM: A Partitionable SIMD/MIMD System for Image Processing and Pattern Recognition,” IEEE Transactions on Computers, Vol. C-30, No. 12 (December 1981) (“Siegel”)
3. U.S. Patent No. 6,118,895 (“Hirota”), filed March 5, 1996, issued September 12, 2000

C. Reexam Prosecution History

In the order granting *ex parte* reexamination dated 01/26/2018, it was agreed that the references identified *above* alone or in combination, raises a substantial new question of patentability against claim 1 of the ‘293 patent. The following is the summary of the rejection of the requested claim in view of the prior art cited.

II. CLAIM INTERPRETATION

A. *Broadest Reasonable Interpretation*

During reexamination, claims are given the broadest reasonable interpretation consistent with the specification and limitations in the specification are not read into the claims. See MPEP §2258(I)(G). Under a broadest reasonable interpretation, words of the claim must be given their plain meaning, unless such meaning is inconsistent with the specification. See MPEP §2111.01 (I). It is further noted it is improper to import claim limitations from the specification, i.e., a particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment. See MPEP §2111.01(II).

B. *Interpretation Under 35 U.S.C. §112 (6th ¶)*

An exception to the prohibition of reading limitations from the specification into the claims is when the claimed feature is written as a means-plus-function or a step-plus-function. See 35 U.S.C. §112(6th ¶) and MPEP §2181-2183. As noted in MPEP §2181, a three prong test is used to determine the scope of a means-plus-function or step-plus-function limitation in a claim:

(A) the claim limitation uses the term “means” or “step” or a term used as a substitute for “means” that is a generic placeholder (also called a nonce term or a non-structural term having no specific structural meaning) for performing the claimed function

(B) the term “means” or “step” or the generic placeholder is modified by functional language, typically, but not always linked by the transition word “for” (e.g., “means for”) or another linking word or phrase, such as “configured to” or “so that”

(C) the term “means” or “step” or the generic placeholder is not modified by sufficient structure, material, or acts for performing the claimed function.

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