

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s) : Patrick PIRIM  
Patent Owner : Image Processing Technologies LLC  
Reexam. Control No. : 90/014,056  
Reexam. Filed : December 15, 2017  
Confirmation No. : 1361  
Patent No. : 6,959,293  
Issue Date : October 25, 2005  
Application No. : 09/792,436  
App. Filing Date : February 23, 2001  
Title : METHOD AND DEVICE FOR AUTOMATIC VISUAL PERCEPTION  
Examiner : Majid Banankhah  
Art Unit : 3992

Mail Stop *Ex Parte* Reexam  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**REPLY TO NON-FINAL OFFICE ACTION**

Dear Examiner:

This Reply to Non-Final Office Action is in response to the Office Action dated March 26, 2018 (hereinafter "Office Action") in connection with the above-referenced reexamination proceeding. A one-month extension to the period for response was requested and granted to make the due date for this paper June 26, 2018.

This paper is organized as follows:

**Remarks** begin on page 2 of this paper.

## REMARKS

### **I. Summary of Office Action**

Claim 1 of United States Patent No. 6,959,293 (hereinafter "the '293 patent") is under examination in this *ex parte* reexamination proceeding.

Claim 1 has been rejected as follows:

- Ground #1: Claim 1 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over International Patent Publication WO 99/36893, published July 22, 1999, (hereinafter "Prim PCT") in view of 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) (hereinafter "Siegel").
- Ground #2: Claim 1 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Pirim PCT in view of Hirota et al. United States Patent No. 6,118,895, filed March 5, 1996, issued September 12, 2000, (hereinafter "Hirota").
- Ground #3: Claim 1 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hirota.

### **II. Summary of Patent Owner's Reply**

The Examiner's rejections are respectfully traversed.

### III. Notice of Concurrent Proceedings (37 C.F.R. § 1.565(a))

Pursuant to 37 C.F.R. § 1.565(a), the Office is advised that the '293 patent is or was involved in the following proceedings:

1. *Image Processing Technologies, LLC v. Canon Inc. et al.*, Case No. 10-CV-03867 (E.D.N.Y) (Dismissed)
2. *Image Processing Technologies, LLC v. Samsung Electronics Co., Ltd. et al.*, Case No. 2:16-CV-505 ("the Samsung litigation") (E.D. Tx.) (Pending)
3. *Samsung Electronics Co., Ltd. et al. v. Image Processing Technologies, LLC*, IPR2017-00336 ("IPR I") (Concluded; Claim 1 held to be not invalid over Pirim PCT in combination with other art (See Ex. 15, IPR2017-00336, paper 38 (5-9-2018) at page 10))<sup>1</sup>
4. *Samsung Electronics Co., Ltd. et al. v. Image Processing Technologies, LLC*, IPR2017-01189 ("IPR II") (Institution Denied)

### IV. Table of Exhibits

Exhibits hereto are listed in the table below:

<u>Exhibit Number</u>	<u>Description</u>
<u>15</u>	<u>IPR2017-00336 ('293 Patent), Paper 38, Final Written Decision</u>
<u>16</u>	<u>IPR2017-00336 ('293 Patent), Paper 39, Order Denying Request for Leave to File Motion to Terminate EPR 90/014,056</u>
<u>17</u>	<u>IPR2017-00336 ('293 Patent), Paper 40, Request for Rehearing of Board's Order (Paper 39) Denying Request for Leave to File Motion to Terminate EPR 90/014,056</u>

<sup>1</sup> Patent Owner has asserted that this *ex parte* reexamination proceeding should be terminated in view of the result in this IPR. The PTAB initially declined to allow Patent Owner to brief this issue but has subsequently allowed briefing on a request for rehearing. The briefing on Patent Owner's request for rehearing was filed on June 20, 2018 and is submitted herewith (Exhibits 16-17). Patent Owner asserts that this *ex parte* reexamination proceeding should be terminated for the reasons set forth therein.

<u>Exhibit Number</u>	<u>Description</u>
<u>18</u>	<u>IPR2017-00336 ('293 Patent), Paper 9, DECISION Denying Institution of <i>Inter Partes</i> Review 35 U.S.C. § 314(a) and 37 C.F.R. § 42.108</u>

**V. Written Statement Under 37 C.F.R. 1.560(b) -- Interview Summary**

On May 9, 2018, Patent Owner's representatives, Michael Shanahan (Reg. No. 43,914) and Matthew Byrne (the undersigned), conducted an interview with the Examiners Banankhah, Escalante, and Patel.

Patent Owner and Patent Owner's representatives thank the Examiners for their time and courtesies in conducting the interview.

During the interview, Patent Owner's representatives presented a PowerPoint presentation and discussed what is shown in the presentation. A copy of the presentation is attached to the Examiner's *Ex Parte* Reexamination Interview Summary and therefore is not resubmitted herewith.

As part of the presentation, the following was discussed:

- Claim 1 in view of the specification and drawings of the '293 patent, and how the claim should be interpreted;
- That Hirota by itself does not show the validation signals required by Claim 1;
- That the "rotated x-axes" described in Pirim PCT (e.g., at page 37) do not show two histogram calculation units treating the same parameter, and that the PTAB decided as much in IPR2017-0336 on the day of the Interview;
- Patent Owner's questions regarding the modifications to Hirota (not Pirim PCT) discussed on page 15 of the Office Action;

- Patent Owner's question regarding how Pirim PCT would exactly be modified in view of Hirota;
- Patent Owner's questions regarding the alleged means-plus-function limitations not being identified in Ground #3; and
- That Siegel's parallel processing could not be used with Pirim PCT because Pirim PCT receives data serially and because the validation signals require two classifications of the same pixel, not different pixels.

During the interview, the Examiners asked Patent Owner's representative to point out "where in specification it teaches the disclosed embodiment regarding the use of two or more histogram units processing a single parameter." (Interview Summary, p. 2) In response, Patent Owner respectfully directs the Examiners to FIGS. 31a and 32 and the corresponding portions of the specification, including, but not limited to column 21, lines 43-47 of the '293 patent.

No agreement was reached during the interview.

#### **VI. The Interpretation of the Claim Under 35 U.S.C. § 112, Paragraph Six**

The Office Action, at pp. 3-8, interprets the following portion (hereinafter "FL #1") of claim 1 as being a means-plus-function limitation under 35 U.S.C. § 112, paragraph six:

at least two histogram calculation units for the treatment of the at least one parameter,

the histogram calculation units being configured to form a histogram representative of the parameter as a function of a validation signal and to determine by classification a binary classification signal resulting from a comparison of the parameter and a selection criterion C, wherein the classification signal is sent to the time coincidences bus, and wherein the validation signal is produced from time coincidences signals from the time coincidence bus so that the calculation of the histogram depends on the classification signals carried by the time coincidence bus.

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