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EXAMINER

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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 UNDER REEXAMINATION 6959293 .

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)).

DETAILED EX PARTE REEXAMINATION OFFICE ACTION

Introduction

1. Claim 1 of United States Patent No. 6,959,293 to Pirim (the "Pirim" patent) is currently under reexamination in this ex parte reexamination proceeding 90/014,056. An Order Granting ex parte reexamination (the "Order"), mailed January 26, 2018, found that a substantial new question of patentability ("SNQ") was raised in the request for *ex parte* reexamination, December 15, 2017 (the "Request"), as to claim 1. A non-final Office action was mailed on March 26, 2018 rejecting claim 1 to which the Patent Owner responded on June 26, 2018 (the "Response"). Included with the Response were declarations from Dr. A. C. Bovik (the "Bovik Declaration"). Claim 1 is not amended in the Response.

For the reasons to be explained below, the arguments and evidence presented in the Response are insufficient to distinguish over the prior rejections in Ground#1 and Ground#2. Thus, the rejections of those two grounds repeated below and **this Office action is made final**.

Issues Raised in the Request

2. The following printed publication, as cited and applied in said Order, form a basis for prior claim rejections set forth below.
- a. International Patent Publication WO 99/36893 ("Pirim PCT"), published July 22, 1999.
 - b. 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")
 - c. U.S. Patent No. 6,118,895 ("Hirota"), filed March 5, 1996, issued September 12, 2000

Claim Interpretation

Means-Plus Function

3. Use of the word “means” (or “step for”) in a claim with functional language creates a rebuttable presumption that the claim element is to be treated in accordance with 35 U.S.C. 112(f) (pre-AIA 35 U.S.C. 112, sixth paragraph). The presumption that 35 U.S.C. 112(f) (pre-AIA 35 U.S.C. 112, sixth paragraph) is invoked is rebutted when the function is recited with sufficient structure, material, or acts within the claim itself to entirely perform the recited function.

Absence of the word “means” (or “step for”) in a claim creates a rebuttable presumption that the claim element is not to be treated in accordance with 35 U.S.C. 112(f) (pre-AIA 35 U.S.C. 112, sixth paragraph). The presumption that 35 U.S.C. 112(f) (pre-AIA 35 U.S.C. 112, sixth paragraph) is not invoked is rebutted when the claim element recites function but fails to recite sufficiently definite structure, material or acts to perform that function.

Claim elements in this application that use the word “means” (or “step for”) are presumed to invoke 35 U.S.C. 112(f) except as otherwise indicated in an Office action. Similarly, claim elements that do not use the word “means” (or “step for”) are presumed not to invoke 35 U.S.C. 112(f) except as otherwise indicated in an Office action.

In accordance with MPEP 2181,

Prong (A) requires:

(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

Prong (B) requires:

(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" ...

Prong (C) requires:

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

After a claimed phrase has been shown to invoke 35 U.S.C. § 112 sixth paragraph, the next step is to determine the corresponding structure, material, or acts as described in the specification. MPEP § 2181. II.

The claims being reexamined are replete with the phrase "is configured to". E.g., claim 36 recites "the secure web browser process is configured to execute on the at least one electronic data processor, and comprises" Claim 53 recites "portable computer based system is configured such that the at least one second protected web browser process"

The Examiners notes that claim 1 recites:

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

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