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Please find below and/or attached an Office communication concerning this application or proceeding.

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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)).



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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Application Number: 90/014,056
Filing Date: 12/15/2017
Appellant(s): 6,959,293

Michael E. Shanahan
For Appellant

EXAMINER'S ANSWER

(1) Introduction

This is in response to the appeal brief filed January 07, 2019 appealing from the Final Action mailed September 07, 2018.

Every ground of rejection set forth in the final Office action from which the appeal is taken is being maintained. The Examiner incorporates by reference the rejection of original claim 1 of the U.S. Patent 6,959,293 (“the ‘293 patent”). The following is the summary of the grounds of rejection raised in the final Office action:

A. Summary of Proposed Rejection of Claim 1

In the final Office action the following grounds of rejection are applicable against claims 1, of the ‘293 patent.

Ground #1. Claim1 is rejected under 35 U.S.C. § 103(a) as being Obvious over Pirim PCT¹ in view of Siegel ².

Ground #2. Claim1 is rejected under 35 U.S.C. § 103(a) as being Obvious over Pirim PCT in view of Hirota³.

(2) Response to Arguments

Examiner adopts the Patent Owner’s (“the PO”) organization of the arguments.

(A) Overview of the ‘293 Patent (Remarks at 9-10)

The PO states that “[T]he ‘293 patent specifically describes the use of multiple histogram calculation units that process same parameter(s): “*the choice of the parameter processed by each histogram calculation unit, the content of the analysis output register 104 and the function fog⁴ are determined by the A.P.I.⁵*” (the ‘293 patent

¹ International Patent Publication WO 99/36893 (“Prim PCT”)

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”)

⁴ Function to process parameters DATA(a), DATA(B), ... described at 20:48-54 in conjunction with Figure 31b.

⁵ Application program interface (A.P.I.)

20:54-57).” (Remarks at 9) Examiner respectfully disagrees with the PO’s interpretation of the cited portions. First, the specification uses “parameter” and “DATA”

interchangeably. See for example, the specification states:

“The parameter, for example DATA(A) for the unit 1A, is compared to the content of the register 101r of the classifier 101.” [Emphasis added]

‘293 patent at 10:47-49

As another example the specification states:

“For example, ... the incrementation by one unit of the content of the register of the memory 100 corresponding to the value of the parameter DATA(A), simultaneously the test unit 103 ensures ... into the analysis output register 104”

The portion at 20:48-57 states that each parameter or DATA (?) is in fact, processed by one Histogram Calculation Unit (“the HCU”). The cited portion specifically states that HCU 1A, 1B, ..., 1E, processes one of the DATA(A), DATA(B), ..., DATA(E) by the corresponding function (fog)_A ... individually an output value (1015)_A. Additionally Figure 30 indicate that the parameters DATA(A), DATA(B), ... DATA(E) are input to their associated units 1A, 1B, ..., 1E. Having that in mind, it is clear that the statement recited *above* that “[T]he parameter DATA(A) for unit 1A” (*Id.*, at 10:47-49), specifically indicate that one parameter is processed by one HCU, and not by multiple HCUs. Accordingly, the PO erred by stating that portions cited at 20:48-57 indicate the use of multiple HCUs that process same parameter(s).

The PO further states that “[i]n at least one embodiment, the ‘293 patent explains that “control unit 513 provides overall control and determines which of the parameters F, T, S, V, D, pO, pi, ..., p15 are to be processed at a given time by one or several dedicated polyvalent histogram unit(s).” Ex. 1001 at 21:42-47; FIG. 32 (figure below).

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