

Exhibit 7

ATTACHMENT - REMARKS

By this Amendment, independent claim 1 has been amended for clarity and to better define the invention. Consistent with the changes to claim 1, claim 3 has been canceled; and non-elected claim 4 has also been canceled. It will be noted that new claims 5-17 have been added to claim additional features of the invention; and that new independent claim 18 and dependent claims 19-20 have also been added to further claim the present invention consistent with the restriction requirement (previously made without traverse). It is submitted that the present application is in condition for allowance for the following reasons.

In the *Claim Rejections - 35 USC § 101* section of the DETAILED ACTION, independent claim 1 and dependent claims 2-3 were rejected under for being non-statutory. By this Amendment, independent claim 1 has been amended so that the steps recited therein are more clearly tied to a handheld device and to a video display; and in particular whereby an image on the video display is controlled by the handheld device (as by the selection of a displayed icon on the video display). It is submitted that such a recitation is clearly within the requirements for statutory subject matter, so that this rejection of the claims should now be withdrawn.

In the following *Claim Rejections - 35 USC § 112* section of the Action, independent claim 1 and dependent claims 2-3 were all rejected as failing to comply with the written requirement. In particular, the examiner asserted that the steps of “processing said camera image to determine location of points in said image” and “using said determined location, determining the orientation of said handheld device” did not comply with the written description requirement. This rejection was associated with

both of the related principles that one skilled in the art would not recognize that the inventor “had possession of the claimed invention” and/or that one skilled in the art would not be able to “make\use the invention”.

It is initially noted that in making the determination of sufficiency of disclosure under either principle, as recited in MPEP § 2163,

[w]hat is conventional or well known to one of ordinary skill in the art need not be disclosed in detail. See *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d at 1384, 231 USPQ at 94”.

Therefore, with this understanding, the following will be noted.

It is believed that the first patent disclosing the principles behind the above noted steps was USP 4219847 issued August 1980 to Pinkney et al., a patent which is incorporated by reference in the present application (see page 3, line 8). The principles disclosed therein (having been used with the robot arm of the NASA space shuttle!) are now well known in the photogrammetry art, or more particularly in the field of computer vision, fields to which the present application applies. In addition, there are multiple references to, and incorporations by reference of, patents (or applications) describing these principles in use which are made in the present application (and in those patents/applications incorporated therein by reference). See, for example, the present inventor’s prior noted patents USP 6,301,763 and USP 5,982,352.

Further, the Amenta patent cited by the examiner in the art rejection also contains the following discussion:

The processor 120 determines a position of the image pickup device 110 for each frame of the sequence of m frames obtained from the image pickup device 110. This may be done using any method by which the position of known points in the image frames are used to determine the relative position of the image pickup device 110. (Emphasis added - See column 4, lines 14-19.)

This reference to “any method” is further evidence that there are many such methods for performing the above noted steps known to those of ordinary skill in the art at the time that the present invention was made.

The Amenta patent and such references and incorporations by reference as made in the present specification clearly show that the level of ordinary skill in this art was such that those of ordinary skill would appreciate that the inventor was in possession of the claimed invention, and/or would know how to make and use the present invention. Therefore, it is submitted that the rejection of the claims under § 112 should now be withdrawn.

In the *Claim Rejections - 35 USC § 102* section, independent claim 1 and dependent claims 2-3 were rejected under 35 USC § 102 as being anticipated by the Amenta patent. However, for the following reasons, it is submitted that all of the presently pending claims are allowable over this reference.

The Amenta patent discloses a method and apparatus for tracking the motion of an image recording device using a light field (“any representation of a three-dimensional scene by the radiance induced on the set of incident lines in three-dimensional free space R^3 ” (see column 1, lines 20-22)). The invention of the Amenta patent locates the image recording device's position and orientation in each frame of the light field very precisely by checking the radiance seen along lines captured in previous frames. The invention thus provides an interactive system that provides the operator with feedback, to capture a sequence of frames that sufficiently cover the light field, and to provide sufficient data for reconstruction of three-dimensional structures.

While the present invention and that of the Amenta patent do have in common the determination of the orientation of a handheld camera or the like, the purpose and result of the present invention is obviously quite different from that of the Amenta patent. With the present invention, as now particularly claimed in amended claim 1, it is the orientation of the handheld electronic device with respect to a video display which is particularly desired to be determined. This is done by first acquiring an image of a plurality of discrete points proximate this video display. Then, by processing this TV camera image, information concerning these specific points is determined, so that the orientation of the handheld device with respect to the video display is used to control an image presented on the video display. The Amenta patent contains no teachings or suggestions for the imaging and control of a video display, particularly where the orientation of the imaging device is used to control the imaged video display.

Therefore, for the foregoing reasons, it is submitted that amended independent claim 1 is neither disclosed nor made obvious by the Amenta patent so that independent claim 1 is allowable. And for these same reasons, it is submitted that dependent claims 2-3 and (new claims) 5-17 are also all allowable.

New independent claim 18 is similar to amended independent claim 1, but recites that the handheld device determines the position of an object (such as a finger of the user) which moves relative to the handheld device and thereby controls the handheld device. Such a method is also neither disclosed nor made obvious by the Amenta patent so that new independent claim 18 is allowable. And for these same reasons, it is also submitted that new dependent claims 19-20 are all allowable.

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