

Exhibit 13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Eric Foxlin <i>et al.</i>	Art Unit : 2624
Serial No. : 11/543,008	Examiner : Julian D. Brooks
Filed : October 4, 2006	Conf. No. : 5969
Title : TRACKING OBJECTS WITH MARKERS	

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

AMENDMENT IN REPLY TO ACTION OF NOVEMBER 12, 2010

Please amend the above-identified application as follows:

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REMARKS

Claims 1-24 are currently pending in the application. Claims 4-6 have been cancelled. The claims have been amended to more clearly point out certain aspects of the claimed inventions. New claims 43-46 have been added. No new matter has been added.

Claims 1-24 stand rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. Applicants do not concede that the claims as originally drafted fail to satisfy the requirements of 35 U.S.C. 101. However to expedite prosecution, claim 1 has been amended to recite "obtaining a camera image, from a camera having a variable orientation, of an object having a variable orientation , and processing said camera image in a data processor" and "generating one or more signals representative of the location and azimuth of the object." The method of the claims as amended does not cover methods that would be performed entirely manually or mentally by a human being. Applicants submit that the claims as amended therefore satisfy the requirements of 35 U.S.C. 101 and respectfully request that the rejection on that basis be withdrawn.

Claims 13 and 14 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite because of alleged lack of antecedent basis for the limitation "the line containing the two points." Claims 13 and 14 have been amended to recite "the line defined by the two points." Applicants submit that there is antecedent basis for "the two points" in claim 1. Applicants further submit that as a matter of mathematics, any two points in an image will define a single, unique, line. For that reason, the limitation "the line defined by the two points" is not indefinite. For this reason, applicants respectfully request that the rejection under 35 U.S.C. 112, second paragraph be withdrawn.

Claims 1-10, 13-15 and 16 stand rejected under 35 U.S.C. 102 as anticipated by Satoh *et al.* Claims 11-12 stand rejected under 35 U.S.C. 103(a) as unpatentable over Satoh *et al.*, and Yagi. Claims 17-24 stand rejected under 35 U.S.C. 103(a) as unpatentable over Satoh *et al.*, and Yagi. Applicants submit that Satoh does not disclose, teach or suggest claims 1-3 or 7-24 as amended. In particular, claim 1 has been amended to recite "obtaining a camera image, from a camera having a variable orientation, of an object having a variable orientation," and computing

the spatial location and azimuth of an object from, among other data, "information about an orientation of said camera, and information about an orientation of the object," which is not disclosed taught or suggested by Satoh *et al.*

In rejecting (now cancelled) claim 6, the examiner stated that "Satoh discloses 'further comprising using information from a second inertial sensor measuring orientation of said camera to compute said spatial location and azimuth of said object.' (Page 4, paragraph 0037, second inertial sensor corresponds to Satoh's acceleration sensors)." Applicants respectfully disagree. The "acceleration sensors" described in Satoh's paragraph 0037 are part of orientation sensor 14, which is "mounted on the targeted object 13." Thus the acceleration sensors in Satoh do not "measure the orientation of said camera," as recited in cancelled claim 6. Similarly, Satoh does not disclose "information from an inertial sensor measuring orientation of said camera" as recited in amended claim 1.

Because claims 2-3, and 7-24 all depend from amended claim 1, they are patentable for at least the same reasons recited above.

New claim 43 recites a method comprising obtaining a camera image from a camera, and processing said camera image in a data processor by computing the spatial location and azimuth of an object from the locations, in said camera image, of exactly two points on the object, and information about an orientation of the object, and generating one or more signals representative of the location and azimuth of the object, wherein computing the azimuth of the object comprises receiving coordinate information for images, on an imaging device of a camera, of two points on an object, receiving pitch information from a sensor on the object, using the coordinate information and the pitch information to obtain candidate values for the azimuth of the object, selecting one azimuth value based on an evaluation of the candidate azimuth values in equations relating the coordinate information and pitch information to distances of the points from the camera. It is submitted that the recited method of claim 43 is not disclosed or suggested by any of the art of record, and is patentable for that reason.

New claim 44 recites a method comprising obtaining bearing angle data for points on an object from a bearing-angle sensor, and processing said bearing angle data in a data processor by

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computing the spatial location and azimuth of the object from bearing angle data for exactly two points on the object and information about an orientation of the object, and generating one or more signals representative of the location and azimuth of the object, wherein the bearing-angle sensor is selected from the group consisting of a quadcell, a lateral-effect photodiode, a position-sensitive device (PSD), a projection sensor, or a laser-scanner. It is submitted that the recited method of claim 44 is not disclosed or suggested by any of the art of record, and is patentable for that reason.

New claims 45 and 46 depend from claim 44 and are patentable for at least the same reasons as claim 44.

For the foregoing reasons, Applicants submit that claims are patentable over the art of record, and respectfully request that aforementioned rejections of claims 1-3 and 7-24 be withdrawn, and that all of the pending claims be allowed.

All of the dependent claims are patentable for at least similar reasons as those for the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

The fee in the amount of \$555 for the Petition for Extension of Time fee is being paid on the electronic filing system by way of deposit account authorization. Please apply any other charges or credits to deposit account 06-1050, referencing attorney docket 09970-0014001.

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