

REMARKS**I. Overview**

Claims 1-21 are pending in the present application. The claims stand unamended by the present Response. The only issue raised by the Examiner in the current Office Action dated November 28, 2014 (“the Office Action”) is that claims 1-21 stand rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 7,027,659 B1 to Thomas (hereinafter, “Thomas”). Applicant respectfully traverses the outstanding claim rejections and requests reconsideration and withdrawal in light of the remarks presented below.

II. Rejection of claims under 35 U.S.C. § 102

As noted, the Office Action indicates that claims 1-21 are rejected under 35 U.S.C. § 102(a) as being anticipated by Thomas. Applicant respectfully traverses.

A. *Rejection Does Not Comport with Office Policy.*

Applicant respectfully contends that the rejections of claims 2 through 21, particularly dependent claims 2 through 7, 9 through 13 and 15 through 21, as presented in the Office Action do not comport with Office policy. Specifically, the Examiner is directed that “[i]n accordance with the patent statute, ‘Whenever, on examination, any claim for a patent is rejected, or any objection . . . made’, notification of the reasons for rejection and/or objection together with such information and references as may be useful in judging the propriety of continuing the prosecution (35 U.S.C. 132) should be given,” M.P.E.P. § 707. In particular 37 C.F.R § 1.104(c)(2) instructs:

In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified.

The current Office Action summarily deals with each chain of dependent claims by citing a single paragraph of Thomas, without apply Thomas to the claim elements. The cited paragraph is only marginally applicable to some of the dependent claims, and clearly inapplicable to other.

Since the Office Action has failed to properly apply the Thomas reference to the elements of the dependent claims, the Office Action does not meet the goal “to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity.” M.P.E.P. § 706.

Applicant therefore respectfully requests that, if the claims are not allowed, the Examiner set forth any remaining rejections of claims 2 through 21, particularly dependent claims 2 through 7, 9 through 13 and 15 through 21, in a **non-final Office Action**, so that Applicant may have a full and fair opportunity to explore the patentability of claims 2 through 21, particularly dependent claims 2 through 7, 9 through 13 and 15 through 21.

B. Thomas Fails to Teach (or Suggest) All the Elements of the Claims.

“Because the hallmark of anticipation is prior invention, the prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” *Net MoneyIn v. Verisign*, Opinion in Case Number 2007-1565, pp. 15-16 (Fed. Cir. October 20, 2008) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983)). “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently, described in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (Emphasis added.) Moreover, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). (Emphasis added.) The elements must be arranged as required by the claim... *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). (Emphasis added.) (See, M.P.E.P. § 2131.) Applicant respectfully asserts that Thomas fails to teach (or suggest) all the elements of claims 1 through 21, at least in as complete detail or as arranged by various ones of the claims.

Independent claims 1 and 8 each recite, “receiving video at a video visitation device in a secure environment.” (Emphasis added.) Similarly, **independent claim 14** recites, “a data communication device configured to receive video from a video visitation device in a secure environment.” The Office Action cites column 10, lines 25 through 38 of Thomas as teaching these elements. This portion of Thomas discusses receiving compressed and encoded video data in a receiving portion 650 from a transmitting portion 610, via a transmission medium 699, and removal of “mosquito noise” from the decompresses video. Applicant notes that the cited

portion of Thomas, nor any other portion of Thomas, discusses limitations such as, “receiving video at a video visitation device,” much less receiving video at such a video visitation device “in a secure environment,” as affirmatively claimed. Such claim elements are more than a mere statement of intended use, or he like in that they provide meaning and purpose to the manipulative steps, see M.P.E.P. § 2103(C), citing *Griffin v. Bertina*, 283 F.3d 1029, 1034, 62 USPQ2d 1431(Fed. Cir. 2002).

Independent claims 1 and 8 further recite, “adjusting a depth of field parameter for the video, such that an image of a first object at a first distance from the video visitation device is in focus and an image of a second object at a second distance from the video visitation device is blurred.” (Emphasis added.) Comparably, **independent claim 14** recites, “a data processor configured to adjust a depth of field parameter for the video, such that an image of a first object at a first distance from the video visitation device is in focus and an image of a second object at a second distance from the video visitation device is blurred.” The Office Action cites column 12, lines 23 through 40 of Thomas as teaching these elements. However, Thomas does not teach “adjusting the depth of field” of its video to achieve the “defocus” discussed in this passage. Rather, after touching on the concept that objects “beyond the plane of focus” of the camera appear “defocused,” the cited paragraph of Thomas teaches (at column 12, lines 29 through 33), “Images representing background objects, such as object 2012, are sent separately to the receiving portion of the video conferencing system, as shown in FIG. 6b. Using digital signal processing techniques, background object 2012 is defocused.” (Emphasis added.) Hence, Thomas does not teach (or suggest) “adjusting a depth of field parameter for the video, such that an image of a first object at a first distance from the video visitation device is in focus and an image of a second object at a second distance from the video visitation device is blurred,” as claimed.

Independent claims 1 and 8 additionally recite, “providing the video to a viewing device located outside of the secure environment.” Similarly, **independent claim 14** recites, “the data communication device is configured to provide the video to a viewing device located outside of the secure environment.” The Office Action cites column 12, lines 41 through 47 of Thomas in addressing these elements. However, the cited portion of Thomas merely mentions, “The composite image thus formed is displayed to the remote viewer on display 652.” Thus, again, Applicant respectfully points-out that Thomas is silent concerning a secure environment

or the like, and hence fails to teach (or suggest) limitations such as providing the video to a viewing device located outside such a secure environment, as claimed.

For at least the above reasons, Applicant respectfully asserts that Thomas fails to disclose, within the four corners of the document, all of the elements of independent claims 1, 8 and 14, much less all of the elements arranged or combined in the same way as recited. Therefore, Thomas cannot be said to prove prior invention of the claimed subject matter, and thus, cannot anticipate independent claims 1, 8 and 14 under 35 U.S.C. § 102.

Claims 2 through 7 each ultimately depend from independent claim 1, and thereby each of claims 2 through 7 inherits all elements of independent claim 1. **Claims 9 through 13** each ultimately depend from independent claim 8, and thereby each of claims 9 through 13 inherits all elements of independent claim 8. **Claims 15 through 21** each ultimately depend from independent claim 14, and thereby each of claims 15 through 21 inherits all elements of independent claim 14. Therefore, for at least the reasons advanced above in addressing the anticipation rejections of independent claims 1, 8 and 14, each of claims 2 through 7, 9 through 13, and 15 through 21 includes features and elements not taught (or suggested) by Thomas. Thus, Applicant respectfully asserts that for at least this reason, claims 2 through 7, 9 through 13, and 15 through 21 are patentable over the 35 U.S.C. § 102 rejections of record. Furthermore, many of claims 2 through 7, 9 through 13, and 15 through 21 recite further elements not taught (or suggested) by Thomas.

For example, **claim 2** recites, “adjusting the depth of field parameter further comprises adjusting an f-stop setting of a camera associated with the video visitation device.” (Emphasis added.) Similarly, **claim 15** recites “a camera controller configured to adjust an f-stop setting of a camera associated with the video visitation device.” As noted, in addressing all of the dependent claims, the Office Action cites a single paragraph of Thomas spanning column 12, line 48, through column 13, line 3. However, Thomas, in its entirety, much less in this paragraph, fails to mention adjusting the “f-stop” of a camera. In fact, as pointed out above, Thomas “defocuses” a portion of an image that represents background objects by separating it out and applying digital processing techniques to “defocus” it. The cited portion of Thomas discusses that “The result of such a transformation is to change the **effective focal length of the camera** for the person speaking/participating in the video conferencing session and the

background objects.” Hence, Thomas fails to teach (or suggest) physical parameter elements such as “adjusting an f-stop setting of a camera associated with the video visitation device,” as claimed in each of claims 2 and 15. Further, with respect to claim 15 Thomas appears to be silent with respect to a “camera controller,” or the like, that is “configured to adjust an f-stop setting of a camera.” For at least these reasons, Applicant respectfully asserts that Thomas fails to disclose, within the four corners of the document, these additional elements from claims 2 and 15, much less these additional elements arranged or combined in the same way as recited. Therefore, claims 2 and 15 are further patentable over the anticipation rejections of record.

As another example, **claim 3** (which depends from claim 2 and is thereby further patentable for at least the same reasons as claim 2) further recites, “adjusting the f-stop setting further comprises adjusting a focal length of a lens coupled to the video visitation device.” (Emphasis added.) As noted, the defocusing adjustments in Thomas are carried out using digital processing on separated image portions, not through physical means such as “adjusting a focal length of a lens,” as recited by claim 3. For example, as noted, the cited portion of Thomas states, “The result of such a transformation is to change the **effective focal length of the camera** for the person speaking/participating in the video conferencing session and the background objects.” Hence, Thomas fails to teach (or suggest), within the four corners of the document, these additional elements from claim 3, much less these additional elements arranged or combined in the same way as recited. Therefore, claim 3 is further patentable over the anticipation rejections of record.

As yet another example, **claim 4** (which also depends from claim 2 and is thereby further patentable for at least the same reasons as claim 2) further recites, “adjusting the f-stop setting further comprises adjusting an aperture setting of the camera associated with the video visitation device.” Similarly, **claim 18** recites, “the camera controller is further configured to adjust an aperture setting of the camera associated with the video visitation device.” Thomas is silent concerning the camera aperture and thus adjustments thereto, as claimed. Thus, further with respect to claim 18 Thomas does not teach (or suggest) a camera controller that that adjusts camera aperture. Hence, Thomas fails to teach (or suggest), within the four corners of the document, these additional elements from claims 4 and 18, much less these additional elements arranged or combined in the same way as recited. Therefore, claims 4 and 18 are further patentable over the anticipation rejections of record.

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