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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. 90/020,001.

PATENT NO. 6720990.

ART UNIT 2141.

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 ACTION

This is an Advisory Action in response to the Patent Owner submission of 25 April 2013, a response to the Final Office Action dated 25 February 2013. The Mohapatra declaration filed 25 April 2013 has been considered, and is deemed responded to by virtue of the remarks below.

This Office action addresses claims 1-44 of United States Patent Number 6,720,990 (Walker et al.) for which it has been determined in the Order Granting Ex Parte Reexamination (hereafter the "Order") mailed 16 June 2012 that a substantial new question of patentability was raised in the Request for *Ex Parte* reexamination filed on 30 April 2012 (hereafter the "Request"). This is an office action in response to the remarks filed 25 April 2013. Claims 1-44 are rejected.

### ***Response to Arguments***

The arguments set forth by Patent Owner (PO) in the remarks filed 25 April 2013 are as follows:

- A. The claims are not anticipated by *Crain* at least because *Crain* fails to teach determining the status of a monitored location separately from determining or receiving user input regarding same**
  
- B. Claim 21 is patentable over the combination of *Crain* and *Mersky* at least because *Mersky* fails to teach paying a user in exchange for viewing an image and further fails to cure the underlying deficiencies of *Crain***

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C. The claims are patentable over the combination of *Crain* and *Seely* because the teachings of these references should not be considered in combination and, even if they are so considered, *Seely* fails to cure the underlying deficiencies of *Crain*

D. Claims 6, 7, and 42 are patentable over *Crain* in view of *Seely* and *Mersky* at least by virtue of their dependency on other patentable claims

E. Claims 28, 40, and 41 are patentable over *Crain* in view of *Seely* and *Moore* at least by virtue of their dependency on other patentable claims

F. The claims are not anticipated by *Katz* at least because *Katz* fails to teach determining the status of a monitored location separately from determining or receiving user input regarding same

G. Claims 6, 7, and 42 are patentable over the combination of *Katz* and *Mersky* at least because *Mersky* fails to teach paying a user in exchange for viewing an image and further fails to cure the underlying deficiencies of *Katz*

H. Claims 28, 40, and 41 are patentable over *Katz* in view of *Moore* at least by virtue of their dependency on other patentable claims

I. The claims are not anticipated by *Peters* at least because *Peters* fails to teach determining the status of a monitored location separately from determining or receiving user input regarding same

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**J. Claims 6, 7, 21, and 42 are patentable over the combination of *Peters* and *Mersky* at least because *Mersky* fails to teach paying a user in exchange for viewing an image and further fails to cure the underlying deficiencies of *Peters***

**K. Claims 28, 40, and 41 are patentable over *Peters* in view of *Moore* at least by virtue of their dependency on other patentable claims**

With respect to arguments A-K, the examiner respectfully disagrees.

As to PO's argument A ("The claims are not anticipated by *Crain* at least because *Crain* fails to teach determining the status of a monitored location separately from determining or receiving user input regarding same"), the examiner respectfully disagrees. On page 5 of the remarks, PO states that "the '990 Patent recites (in one way or another) two separate determinations such that a status of the remote location (i.e., the location which is being monitored) is determined separately from determining or receiving input from a person doing the monitoring". PO further states on page 6 that "it appears that the Examiner interpreted Patent Owner's arguments to mean that the determination of response of the remote viewer to the image is entirely separate from, and in no way based upon, the determination of a status of the remote location. However, this is incorrect. The previously presented arguments of the Patent Owner were made to point out that **the present claims require two distinct, but nonetheless related, determinations**; the first being a determination of a response of a remote viewer to an image and the second being a status determination of the remote location based upon the response." (emphasis added) The examiner respectfully disagrees.

The limitations at issue (per claim 1) recite:

determining a response of the remote viewer to the image;  
determining, based on the response, a status of the remote location

Notably absent from the language of the claims are the terms “separate” and “distinct”, terms utilized throughout the instant arguments and those filed in the prior response dated 29 October 2012. The examiner contends that the language of the claims does not require separate or distinct determinations; required is a determination of “a response of the remote viewer to the image” and a determination, based on the response, of “a status of the remote location”. These determinations may be separate or distinct, but per the language of the claims are not required to be. Regardless, the examiner contends that the Crain reference can be seen to teach such separate determinations. For instance, as previously set forth by the examiner in the Office action dated 25 February 2013, Crain, at col. 17, lines 15-30, is relied upon to teach such “separate” determinations. As to the remote viewer response, the examiner contends that the claimed “response” is analogous to a user clicking a button on the graphical user interface of Fig. 10, as the specification of the ‘990 patent discloses a “user response” as “click 911 button”, at col. 6, lines 54-56. As to the claimed “status”, the specification of the ‘990 patent is largely silent on determining “a status of the remote location”, and as such the term status is afforded the broadest reasonable interpretation commensurate with the scope of the specification (i.e. a state or condition). Crain teaches at col. 17, lines 41-45 that a status of a remote location may be determined (seen as the logging of data related to the user’s response). The examiner contends that as shown above, Crain shows two “separate” or “distinct” determinations: the determining of a user response through user interface manipulation (i.e.

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button clicking), and the determining of a status of a remote location through the interpretation of the user interface manipulation and logging of data relevant to the user interface selection.

PO argues on page 7 of the remarks that “the logging of a response, as taught by *Crain*, is merely the recording of the response entered by the user, and is not, in any way, a determination of status.” The examiner contends that, as set forth *supra*, the status of the remote location is determined “through the interpretation of the user interface manipulation and logging of data relevant to the user interface selection”, not simply the recording of the response entered by the user (i.e. the entirety of the interpretation and the logging constitutes a “determination”, as claimed). PO further argues that “there are instances when a recorded user reaction to an image does not indicate the status of remote location” [sic]. The examiner contends that the “user reaction to an image” need not indicate the status of a remote location in every single instance, it must merely occur sufficient to satisfy the language of the claims. As PO admits the *Crain* reference teaches “a system in which it is the remote viewer’s input that defines the status of the monitored location”, it can be seen that the recorded user reaction does indeed indicate the status of the remote location sufficient to satisfy the language of the claims.

Further, on page 6 PO states “it is the user of *Crain*, not the server, who determines the status of a location and then that status is recorded.” The examiner contends that the limitations of claim 1 do not require a server for the determination step found therein, and as such PO is arguing limitations not claimed.

In response to the arguments concerning claim 13 on page 7 of the remarks, the examiner respectfully disagrees. PO argues that *Crain* does not teach a determination regarding the status of the remote location being made by the system (server), much less any such determination based on the operator’s response. The examiner contends that the request at pages 62-65 discloses the use of the environment and security processor (ESP) of *Crain*,

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which is deemed to be analogous to the claimed server, as seen in the system architecture of Fig. 1. The ESP “operates to control the operation of the computers located at the (remote) console”, as in col. 20, lines 9-21. As shown above, Crain discloses the determining of a user response through user interface manipulation (i.e. button clicking), and the determining of a status of a remote location through the interpretation of the user interface manipulation and logging of data relevant to the user interface selection; as these actions are governed by the ESP, the examiner maintains that such determination is thus made by a server, as claimed.

With respect to PO’s arguments of claim 24 on pages 7 and 8 of the remarks, the examiner respectfully disagrees. PO states that “checklists and menus are presented in response to the system having previously determined something was amiss”... “[i]n other words, before the operator is ever queried about the situation at the remote location, the system has already determined security *may be impaired*” (emphasis added). The examiner contends that while the system of Crain calls to the attention of a user (security officer) an aberrant situation (as in Fig. 10), it is ultimately the input of the user that determines the severity of the situation. For instance, in Fig. 10, an infrared detector has triggered, resulting in a query presented to the user. The user then responds to the query and is capable of indicating if the location “has apparently been impaired” through the selectable action options. The examiner further notes that nothing in the language of the claims precludes a forwarded image or security query from being presented to the user based on the triggering of a sensor.

As to PO’s argument B (“claim 21 is patentable over the combination of Crain and Mersky at least because Mersky fails to teach paying a user in exchange for viewing an image and further fails to cure the underlying deficiencies of Crain”), the examiner respectfully disagrees. As noted in the prior Office action, claim 21 of the ‘990 patent states (in part):



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“causing a payment to be provided to the user in exchange for the user viewing the image.” The examiner notes that said limitation does not specify any sort of payment methodology, only that at some point a user viewing an image will receive a payment for said viewing. As such, the examiner contends that Crain discloses the use of an administrative work station for use in “relatively large and secure installations such as embassies, military buildings, and so on” (see Crain, abstract). The user of the workstation of Crain is persistently referred to as a “security officer”, a title that infers employment, and therefore, payment for performance of job duties, such as the viewing of an image on surveillance monitor 64 of Fig. 4. Insofar as Crain is silent on such payment, Mersky is specifically included to provide a teaching related to the exchange of money for goods and services, such as bill payments to creditors. Thus, the combination for Crain and Mersky necessarily teaches a working security officer as in Crain would therefore be entitled to payment for services rendered, commensurate with the scope of claim 21.

PO’s further arguments with respect to the patentability of claim 21 by virtue of its dependence on claim 13 are deemed responded to *supra*.

As to PO’s argument C (“The claims are patentable over the combination of Crain and Seely because the teachings of these references should not be considered in combination and, even if they are so considered, Seely fails to cure the underlying deficiencies of Crain”), the examiner contends that the arguments are directed towards PO’s perceived deficiencies with the Crain reference and are not directed towards the citations or limitations relevant to the Seely reference per the rejection of the claims. Therefore, the examiner deems such arguments responded to *supra*.

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Arguments D is related to the dependency of claims as argued above, and as such are deemed responded to.

Regarding argument E, the combination of Crain and Seely teaches a system and method for monitoring a remote location of interest through the providing of images of said remote location and querying a viewer of said images to provide input related to the remote location. As noted, Crain and Seely fail to teach the images including a vehicle. The Moore reference teaches a parking meter capable of transmitting video of a monitored remote location (parking space) to an off-site installation (see col. 10, lines 27-50). The examiner contends that Crain, Seely, and Moore teach analogous art (remotely monitoring areas of interest), and further that the incorporating of the monitored locations of Moore (parking spaces) into the system of Crain and Seely would necessarily result in the querying of a viewer as to the nature of the relevant images (i.e. whether or not a vehicle is perceived at the monitored location). Further arguments concerning the dependency of claims as argued above are deemed responded to.

As to argument F (“The claims are not anticipated by Katz at least because Katz fails to teach determining the status of a monitored location separately from determining or receiving user input regarding same”). PO argues that the teachings of Katz “are limited to the entry of a status of a location and do not teach a determination of that status as presently claimed”. With respect to claim 1, the limitations concerning “determination” are as follows:

determining a response of the remote viewer to the image;  
determining, based on the response, a status of the remote location

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The examiner notes that the language of claim 1 does not specify 1) what constitutes a determination and 2) who or what carries out the claimed "determining". As a result, the claim limitations at issue have been interpreted in their broadest reasonable scope commensurate with the teachings of the specification. Similar to Crain, the examiner contends that Katz teaches "determining a response of the remote viewer to the image" as the user's input of a status code into a keypad, and "determining, based on the response, a status of the remote location" as the interpretation of the input as the relevant status.

As to claim 13, PO argues that Katz "describes the status of the remote location being determined either by an individual at the remote location...or by the user him/herself. The examiner contends that Katz discloses a server (the interface control and sequence-switching computer of Fig. 1), which receives a response to data descriptive of a remote location that was provided to a user (a user of a video phone  $V_n$  of Fig. 1, which is remote from the monitored locations  $L_n$ , enters a response to video of the remote location displayed on the video phone (as cited in col. 9, lines 39-55). The response is then interpreted by the control computer (i.e. determination being done by the server).

PO argues with respect to claim 24 that "in the Katz system there is no discussion of the central unit...querying the observer to determine whether the observer perceives a security impairment in the image of the remote location on the video monitor, receiving a response to the query, and then making a determination about the security of the remote location." The terms "query" or "querying" does not appear in the instant specification. Therefore, limitations including such are interpreted in the broadest reasonable scope. The limitation of claim 24 recites "querying the first viewer to determine whether the first view perceives in the first image an apparent impairment of the security of the remote location". The examiner contends that as Katz teaches the ability to input a command in response to a displayed image of a remote

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location, the command including a designation of a security status related to the remote location, that such a teaching fairly constitutes the claimed “querying”.

Argument G is similar in nature to argument B; as noted in the prior Office action, the claim limitations concerning payment provided to a user in the ‘990 patent state (in part): “causing a payment to be provided to the user in exchange for the user viewing the image” (or similar). The examiner notes that said limitation does not specify any sort of payment methodology, only that at some point a user viewing an image will receive a payment for said viewing. As such, the examiner contends that Katz teaches a security system clearly for use in a commercial environment (disclosed embodiments including the monitoring of banking locations). Personnel in such environments are well-known to be employed for the purposes of security. Insofar as Katz is silent on payment to security personnel, Mersky is specifically included to provide a teaching related to the exchange of money for goods and services, such as bill payments to creditors.

Regarding argument H, the examiner contends that Katz and Moore teach analogous art (remotely monitoring areas of interest), and further that the incorporating of the monitored locations of Moore (parking spaces) into the system of Katz would necessarily result in the querying of a viewer as to the nature of the relevant images (i.e. whether or not a vehicle is perceived at the monitored location). Further arguments concerning the dependency of claims as argued above are deemed responded to.

As to argument I (“The claims are not anticipated by Peters at least because Peters fails to teach determining the status of a monitored location separately from determining or receiving

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user input regarding same”), the examiner contends that similar to Crain and Katz, two determinations occur in Peters; a video interrogation is evaluated to determine the response of a remote viewer, followed by the tripping of an alarm from a central station or inside the property being viewed, or a call to an emergency number, which determines the status of the remote location. See request, pages 113-116.

Argument J is similar to argument G; Peters discloses at col. 2, lines 31-41 that “a person to be protected...can have his own private property monitored for personal protection purposes by the corporation’s own security service. As a result, the high cost of a personal bodyguard need not be incurred, or at least it can be reduced.” Such a passage necessarily teaches payment in exchange for security services.

Regarding argument K, the examiner contends that Peters and Moore teach analogous art (remotely monitoring areas of interest), and further that the incorporating of the monitored locations of Moore (parking spaces) into the system of Peters would necessarily result in the querying of a viewer as to the nature of the relevant images (i.e. whether or not a vehicle is perceived at the monitored location). Further arguments concerning the dependency of claims as argued above are deemed responded to.

### ***Conclusion***

All correspondence relating to this ex parte reexamination proceeding should be directed as follows:

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ATTN: Central Reexamination Unit  
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Any inquiry concerning this communication or earlier communications from the Reexamination Legal Advisor or Examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

Michael Roswell /MICHAEL ROSWELL/  
Primary Examiner, GAU 2141

/Joshua D Campbell/  
Primary Examiner, Art Unit 3992

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Supervisory Patent Examiner, Art Unit 3992

<b>Ex Parte Reexamination Advisory Action Before the Filing of an Appeal Brief</b>	<b>Control No.</b> 90/020,001	<b>Patent Under Reexamination</b> 6720990
	<b>Examiner</b> MICHAEL ROSWELL	<b>Art Unit</b> 2141

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

THE PROPOSED RESPONSE FILED 25 April 2013 FAILS TO OVERCOME ALL OF THE REJECTIONS IN THE FINAL REJECTION MAILED 25 February 2013.

1.  Unless a timely appeal is filed, or other appropriate action by the patent owner is taken to overcome all of the outstanding rejection(s), this prosecution of the present *ex parte* reexamination proceeding WILL BE TERMINATED and a Notice of Intent to Issue *Ex Parte* Reexamination Certificate will be mailed in due course. Any finally rejected claims, or claims objected to, will be CANCELLED.

THE PERIOD FOR RESPONSE IS EXTENDED TO RUN 4 MONTHS FROM THE MAILING DATE OF THE FINAL REJECTION. Extensions of time are governed by 37 CFR 1.550(c).

**NOTICE OF APPEAL**

2.  An Appeal Brief is due two months from the date of the Notice of Appeal filed on \_\_\_\_\_ to avoid dismissal of the appeal. See 37 CFR 41.37(a). Extensions of time are governed by 37 CFR 1.550(c). See 37 CFR 41.37(e).

**AMENDMENTS**

3.  The proposed amendment(s) filed after a final action, but prior to the date of filing a brief, will not be entered because:
- (a)  They raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  They raise the issue of new matter (see NOTE below);
  - (c)  They are not deemed to place the proceeding in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_ (See 37 CFR 1.116 and 41.33(a)).

4.  Patent owner's proposed response filed \_\_\_\_\_ has overcome the following rejection(s): \_\_\_\_\_
5.  The proposed new or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
6.  For purposes of appeal, the proposed amendment(s) a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claim(s) would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) patentable and/or confirmed: \_\_\_\_\_  
Claim(s) objected to: \_\_\_\_\_  
Claim(s) rejected: \_\_\_\_\_  
Claim(s) not subject to reexamination: \_\_\_\_\_

**AFFIDAVIT OR OTHER EVIDENCE**

7.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because patent owner failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
8.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence fails to overcome all rejections under appeal and/or appellant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
9.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

10.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See attached.
11.  Note the attached Information Disclosure Statement(s), PTO/SB/08, Paper No(s) \_\_\_\_\_.
12.  Other: \_\_\_\_\_.

cc: Requester (if third party requester)