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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/219,951	09/06/2005	Tarik Hammadou	16500US01	3226
23446	7590	02/27/2013	EXAMINER	
MCANDREWS HELD & MALLOY, L.L.P. 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			PETERSON, CHRISTOPHER K	
			ART UNIT	PAPER NUMBER
			2661	
			NOTIFICATION DATE	DELIVERY MODE
			02/27/2013	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* TARIK HAMMADOU

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Appeal 2012-007726  
Application 11/219,951  
Technology Center 2600

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Before THU A. DANG, JAMES R. HUGHES,  
and GREGORY J. GONSALVES, *Administrative Patent Judges*.

DANG, *Administrative Patent Judge*.

DECISION ON APPEAL

## I. STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from a Final Rejection of claims 1-47. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm-in-part.

### A. INVENTION

Appellant's invention is directed to a configurable surveillance system and method having a programmable camera/sensor agent including a network interface, a processor, an image processor, and an image sensor; wherein, the programmable sensor agent receives a device programming file corresponding to a new feature to program a configurable device located within the image processor (Abstract; Spec. ¶ [0025]).

### B. ILLUSTRATIVE CLAIM

Claim 1 is exemplary:

1. A method for configuring a security and/or surveillance system, the method comprising:

receiving a device programming file in a programmable sensor agent of the security and/or surveillance system, said device programming file corresponding to at least one new feature selected for addition to or for upgrade of said programmable sensor agent;

programming at least one configurable device in said programmable sensor agent to perform at least said selected at least one new feature, said programming based on said received device programming file, and wherein said new feature enables functionality in said programmable sensor agent not previously performed in said programmable sensor agent prior to said programming; and

verifying said programming of said at least one configurable device in said programmable sensor agent.

### C. REJECTIONS

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Sun	US 6,151,657	Nov. 21, 2000
Graziano	US 2002/0111698 A1	Aug. 15, 2002
Stilp	US 2004/0215750 A1	Oct. 28, 2004
Ghercioiu	US 2005/0289274 A1	Dec. 29, 2005 (filed Jun. 23, 2004)
Creamer	US 7,350,224 B2	Mar. 25, 2008 (filed Jun. 14, 2004)

Claims 1-3, 5, 6, 9-11, 13, 14, 44, and 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Graziano in view of Sun and Stilp.

Claims 4, 12, 17, 18, 20-23, 26-35, and 46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Graziano in view of Sun, Creamer, and Stilp.

Claims 7, 8, 15, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Graziano in view of Sun, Stilp, and Ghercioiu.

Claims 19, 24, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Graziano in view of Sun, Creamer, Stilp, and Ghercioiu.

Claims 36-41, 43, and 47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Graziano in view of Creamer and Stilp.

Claim 42 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Graziano in view of Creamer, Stilp, and Ghercioiu.

## II. ISSUES

The dispositive issues before us are whether the Examiner has erred in determining that:

1. the combination of Graziano, Sun, and Stilp teaches or would have suggested “receiving a device programming file in *a programmable sensor agent* of the security and/or surveillance system, said *device programming file corresponding to at least one new feature* selected for addition to or for upgrade of said programmable sensor agent” and “wherein said *new feature enables functionality in said programmable sensor agent not previously performed* in said programmable sensor agent prior to said programming” (claim 1, emphasis added); and

2. the combination of Graziano, Sun, Creamer, and Stilp teaches or would have suggested “receiving at least *one programming key* corresponding to said device programming file” (claim 28, emphasis added) and “*decrypting said device programming file using said at least one programming key*” (claim 29, emphasis added).

## III. FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

### *Graziano*

1. Graziano discloses a web-based system having a host and remote devices; wherein, the system enables a user to monitor and control home devices connected to the system through the host using an interface display (Abstract; Fig. 5A; ¶ [0051]).

2. When the user enters home configuration information to be sent to the web-based host 70, the control panel programs 76 running on web-based host 70 receive the home configuration information and stores the information in a database 75 in any suitable format, such as a script file (Fig. 8, step 814; ¶ [0070]). The control panel programs 76 send the home configuration information to a home attendant 31 in the user's home device 30n (Fig. 8, steps 822-824; ¶¶ [0071]-[0072]).

3. The home configuration file includes behavior information such as instructions for the dates and times to turn a home device ON and OFF, to monitor the status of the home devices, or to change the behavior or state of the home devices according to a user's preferences (e.g., a daytime state, an evening state, and a nighttime state for each device) (¶ [0068]). In particular, if the home configuration information includes a front porch light schedule which indicates that the front porch light is scheduled to be ON from 6:30 PM to 10:00 PM, home attendant 31 will send an appropriate command to the front porch light turning it ON at 6:30 PM and continue to monitor the front porch light schedule until 10:00 PM, when it sends an appropriate command to the front porch light to turn it OFF (¶ [0073]).

*Sun*

4. Sun discloses an integrated circuit (IC) 10 having an embedded processor (microcontroller 11) and memory (a set of non-volatile memory arrays 16 and 17) for storing sequences of instructions that provide In-Circuit Programming (ICP) (Fig. 1; col. 1, ll. 6-10). The IC includes a normal path 20 that enables the erasing and programming arrays 16 and 17 with integrated ICP code and user code; wherein, the erase and program

operations are verified using normal verify path 21(Fig. 1; col. 6, l. 65- col. 7, l. 1).

*Stilp*

5. Stilp discloses a security system that enables a homeowner to add a new base unit 200 to the security network 400 several years after initial installation; wherein, the parameters for this new type of base unit 200 may be obtained from a site designated by the manufacturer (§ [0166]). A base unit 200 can be programmed to represent a smoke detector 590 including smoke, fire, or carbon monoxide (CO) detection capability 212 (§ [0177]).

*Creamer*

8. Creamer discloses an integrated Internet camera that includes embedded components that are controlled by a microcontroller through a network interface; wherein, the camera includes a compression engine 224, a color adjust 256, a character generation 254, an image pickup circuit 250, and an image memory 220 (col. 8, ll. 14-63). A Non-Volatile Random Access Memory (NVRAM) stores system firmware, parameters, and applications for the camera 242 which is accessed by the microcontroller 200 (col. 9, ll. 1-4). In particular, the NVRAM 242 stores at least a user interface/operating system application for controlling the microcontroller 200 and an exposure control application with automatic 10 gain control (AGC) for controlling an exposure taken by an image pickup circuit 250 (col. 9, ll. 7-12). More particularly, the user interface includes a menu for image files which include parameters that control image adjustments (IMAGE ADJUST) which configure/program the image pickup circuit 250 (Fig. 5).

#### IV. ANALYSIS

##### *Claims 1-3, 5, 6, 9-11, 13, and 14*

Appellant contends that “Graziano’s web-based system is exclusively for monitoring and/or controlling the devices, without any programming of a sensor” (App. Br. 12). In particular, Appellant argues that “Graziano simply configures a device to perform a known, existing function, and Graziano does not program any device to add/upgrade a sensor agent with a completely **new feature**” (App. Br. 14). Appellant contends further that in “Stilp, the controller function 250 code, which is part of the received program code, is used only for purposes of updating user requirements configuration” (App. Br. 16, emphasis removed). Finally, Appellant argues that “Examiner fails to provide ‘articulated reasoning with some rationale underpinning to support the legal conclusion of obviousness’” (App.Br. 17) because “[t]he generic benefit of ‘to provide security system for use in residential and commercial buildings that can be self-installed or installed by professionals at much lower cost than present systems’ is not an articulated reasoning with a rational underpinning” (App. Br. 18).

However, the Examiner finds that Graziano “teaches a home device 40n-1[which] is a relatively complex home device such as a smart appliance” that includes a “microprocessor 42, software 43, and control circuitry 45 [which] can process commands received by home attendant 31[and] thereby chang[e] the behavior of home device 40n-1 or provid[e] home device status information to home attendant 31” (Ans. 30-31). The Examiner notes that he “analyzes the term ‘new feature’ in the broadest term” since “[t]he claim does not teach a ‘new feature with new parameters’” (Ans. 33). The Examiner also notes that “[c]onfigure is

defined as to insert batch files into (a program) to enable it to run with a particular computer and program is defined as to insert or encode specific operating instructions into (a machine or apparatus)” (Ans. 32). In addition, the Examiner finds that Stilp “teaches wherein said new feature (new parameters) enables functionality in said programmable sensor agent (base unit 200) not previously performed in said programmable sensor agent (200) prior to said programming (downloading)” (Ans. 34).

Appellant’s argument that “Graziano’s web-based system is exclusively for monitoring and/or controlling the devices, without any programming of a sensor” is not commensurate in scope with the specific language of claim 1 (App. Br. 12). In particular, claim 1 does not recite such “programming ... a sensor” as Appellant argues.

We give the claim its broadest reasonable interpretation consistent with the Specification. *See In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997). Claim 1 does not define “programmable sensor agent.” We note that “programmable sensor” does not change the functionality of or provide an additional function to the “agent,” i.e., does not limit how the agent receives or processes the device programming file. Rather, this term is merely a label describing the “agent.”

When descriptive material is not functionally related to the claimed medium, the descriptive material will not distinguish the invention from the prior art in terms of patentability. *See In re Ngai*, 367 F.3d 1336, 1339 (Fed. Cir. 2004) and *In re Gulack*, 703 F.2d 1381, 1385 (Fed. Circ. 1983). We therefore give “programmable sensor agent” its broadest reasonable interpretation as merely comprising a device. Thus, we give “receiving a device programming file in a programmable sensor agent of the security

and/or surveillance system” its broadest reasonable interpretation as receiving data in a device.

Further, claim 1 also does not define “configurable device” and “new feature” other than the new feature enables functionality not previously performed. We find “configurable device” comprises merely a device. Thus, we give “programming at least one configurable device in said programmable sensor agent to perform at least said selected at least one new feature” its broadest reasonable interpretation as programming *any* device with a function not previously performed.

Graziano discloses a web-based system that enables a user to monitor and control home devices connected to the system through the host using an interface display; wherein, the user enters home configuration information into the interface display which is sent to the host in the form of a script file and stored in a database (FF 1 and 2). The script file includes behavior information such as instructions for the dates and times to turn a home device ON and OFF, to monitor the status of the home devices, or to change the behavior or state of the home devices according to a user’s preferences (FF 3).

We find that the script file is an instruction set relating to a function not previously performed by the agent (home device). We find further that the changing of behavior or state of the home devices according to a user’s preferences comprises programming any device with a function not previously performed.

In addition, Sun discloses an IC having an embedded processor and memory for storing sequences of instructions that provide ICP using ICP code (FF 4). We find that the ICP code is an instruction set relating to a

function. We find further that the ICP comprises programming any device with a function not previously performed.

Further, Stilp discloses a security system that enables a homeowner to add a new base unit programmed to have fire and smoke detection capabilities to a security network after the initial installation; wherein, the system can retrieve the parameters for this new type of base unit from a site designated by the manufacturer (FF 5). We find that the parameters represent data relating to a function. We find further that the system comprises programming any device with a function not previously performed since the new base unit will have to be programmed with the parameters after the initial installation.

In view of our claim construction above, we find that the combination of Graziano, Sun, and Stilp at least suggests all the claim limitations of claim 1.

We also agree with the Examiner's explicit motivation that combining the references would be obvious since "provid[ing] a security system for use in residential and commercial buildings that can be self-installed or installed by professionals at much lower cost than present systems" is an articulated reason supported by the reference (Ans. 41). The Supreme Court has stated that "[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 416 (2007).

Thus, we find no error in the Examiner's finding that the combination of Graziano's system (including the programmable home devices) with the ICP code, as disclosed in Sun, and the upgradable security system of Stilp

produces a security system including programmable devices which would be obvious (Ans. 10; FF 1-5).

Accordingly, we find that Appellant has not shown that the Examiner erred in rejecting claim 1 under 35 U.S.C. § 103(a) over Graziano in view of Sun and Stilp. Further, independent claim 9 having similar claim language and claims 2, 3, 6, 9-11, and 14 (depending from claims 1 and 9), which have not been argued separately, fall with claim 1.

*Claims 5 and 13*

Appellant contends that “even though Sun discloses, at the above citations, that module 401 includes a flash ROM, Sun still does not disclose that any of the ICP code (the alleged device programming file) is in fact stored in the ROM” (App. Br. 20).

However, the Examiner finds that “Sun teaches the in-circuit programming set is stored in block M of bank 1 of flash ROM array 17” and that it “can be stored at any particular block in the device in any given implementation” (Ans. 36).

Similar to claim 1 *supra*, claim 5 does not place any limitation on what “programmable sensor agent” means, includes, or represents. Thus, we give “storing at least a portion of said received device programming file in said programmable sensor agent” its broadest reasonable interpretation as storing data in a device.

As noted *supra*, Graziano discloses a system that stores the script file in a database within the host (FF 2). We find that system includes storing the script file in a device.

In addition as noted *supra*, Sun discloses an IC that stores the ICP code and user code in the erasing and programming arrays (FF 4). We find that IC includes storing the ICP code in a device.

Accordingly, we find that Appellant has not shown that the Examiner erred in rejecting claim 5 under 35 U.S.C. § 103(a) over Graziano in view of Sun and Stilp. Further, dependent claim 13 having similar claim language (depending from claim 9), which has not been argued separately, falls with claim 5.

*Claims 44 and 45*

Appellant contends that Stilp “does not disclose that the base unit 200 (which includes the camera 213) in fact receives any device programming files for purposes of adding new (previously non-existent) functionality,” (App. Br. 22) since “the relevant functionality (namely, detecting smoke, fire or CO gas) is present from the very moment the base unit 200 is built and implemented” (App. Br. 23).

However, the Examiner finds that Stilp teaches the “functionality ([of a] new type of base unit) comprises detection of existence of a physical event (smoke fire CO or camera)” (Ans. 36).

As noted *supra*, Stilp discloses a security system that enables a homeowner to add a new base unit having fire and smoke detection capabilities to a security network after the initial installation; wherein, the base unit is programmed with commensurate fire and smoke detection parameters (FF 5). We find that fire and smoke detection comprises detection of the existence of a physical event.

Accordingly, we find that Appellant has not shown that the Examiner erred in rejecting claim 44 under 35 U.S.C. § 103(a) over Graziano in view

of Sun and Stilp. Further, claim 45 (depending from claim 9), which has not been argued separately, falls with claim 44.

*Claims 17-20, 22, 24-35 and 46*

Appellant argues that independent claim 17 is patentable over the cited prior art for the same reasons asserted with respect to claim 1 (App. Br. 29-36). Appellant contends further that Creamer “does not disclose that the NVRAM 242 information is used for configuring the image pickup circuit” (App. Br. 37).

However, the Examiner finds that “Creamer teaches the camera 1 stores numerous variables and parameters (e.g., in the NVRAM 242) that control the operation thereof, and which may be adjusted by the user via the menu structure or via direct commands received by the microcontroller 200” (Ans. 38).

As noted *supra*, however, we find that the combined teachings of Graziano, Sun, and Stilp *at least suggest* all the features of claim 1.

Creamer discloses an integrated Internet camera that includes embedded components that are controlled by a microcontroller through a network interface; wherein, a NVRAM stores system firmware, parameters and applications for controlling the imaging pickup circuit (FF 8). We find that the camera includes an image processor which comprises a configurable device (image pickup circuit).

We therefore affirm the Examiner’s rejection of claim 17 under 35 U.S.C. § 103 over Graziano in view of Sun, Creamer and Stilp. In addition, Appellant contends that claims 18-20, 22, and 24-26 are allowable for the same or similar reasons as claim 17. Therefore, we affirm the Examiner’s rejection of claims 18, 20, 22, and 26 under 35 U.S.C. § 103 over Graziano

in view of Sun, Creamer and Stilp and of claims 19, 24, and 25 under 35 U.S.C. § 103 over Graziano in view of Sun, Creamer, Stilp, and Ghercioiu for the same reasons expressed with respect to parent claim 1, *supra*.

*Claims 4, 12, 21, 27, 30, and 33*

As to claim 4, Appellant contends that “Graziano, Sun, Creamer and Stilp do not disclose or suggest at least the limitation of ‘selecting said device programming file via a display interface in said programmable sensor agent’” (App. Br. 38) because Creamer “does not disclose that the display 218 is used to select a device programming file” (App. Br. 39). However, the Examiner finds that “Creamer teaches comprising selecting said device programming file via a display interface (LCD Display 218) in said programmable sensor agent (integrated internet camera 1)” (Ans. 18).

As noted *supra*, Graziano discloses a web-based system that enables a user to monitor and control home devices connected to the system through the host using an interface display; wherein, the user enters home configuration information into the interface display which is sent to the host in the form of a script file and stored in a database (FF 1 and 2). We find that the method of enabling the user to monitor and control home devices through an interface display comprises selecting a programming file (script file) using a display interface in the device.

In addition as noted *supra*, Creamer discloses an integrated Internet camera that includes embedded components that are controlled by a microcontroller through a network interface; wherein, a NVRAM stores the user interface for controlling image adjustments (FF 8). We find that the method of controlling embedded components through an interface display

comprises selecting a programming file (image file) using a display interface in the device.

Accordingly, we find that Appellant has not shown that the Examiner erred in rejecting claim 4 under 35 U.S.C. § 103(a) over Graziano in view of Sun, Creamer, and Stilp. Appellant makes a similar argument for claims 12, 21, 27, 30, and 33 having similar claim language. Therefore, claims 12, 21, 27, 30, and 33 (depending from claims 9 and 17), which have not been argued separately, fall with claim 4.

*Claim 23*

Appellant argues that claim 23 is patentable over the cited prior art for the similar reasons asserted with respect to claim 5 (App. Br. 41).

As noted *supra*, however, we find that the combined teachings of Graziano, Sun, and Stilp at least suggest all the features of claim 5. We therefore affirm the Examiner's rejection of claim 23 under 35 U.S.C. § 103 over Graziano in view of Sun, Creamer, and Stilp for the same reasons expressed with respect to claim 5, *supra*.

*Claims 28, 29, 31, 32, 34, and 35*

As to claim 29, Appellant contends that "Creamer's NVRAM 242 does not store any device programming files or received program keys associated with device programming files" (App. Br. 46, emphasis removed). Appellant argues further that Creamer "does not decrypt any device programming file using such received programming key" (*id.*, emphasis removed).

After reviewing the record on appeal, we agree with Appellant. Although the Examiner finds that "Creamer teaches comprising receiving at least one programming key" and "Graziano teaches ... decrypting

(translating) said device programming file (script file)” (Ans. 39), we do not find any teaching of “receiving at least one programming key corresponding to said device programming file” and “decrypting said device programming file using said at least one programming key” in the sections of Creamer and Graziano relied upon by the Examiner. That is, there is no support for an (encryption) key or a decryption key in either reference.

Accordingly, we find that Appellant has shown that the Examiner erred in rejecting claims 28, 29, 31, 32, 34, and 35 under 35 U.S.C. § 103(a) over Graziano in view of Sun, Creamer, and Stilp.

*Claims 7, 8, 15, 16, 36-43, and 47*

Appellant argues that claim 36-41, 43, and 47 is patentable over the cited prior art for the same reasons asserted with respect to claim 1 (App. Br. 49-56 and 61-62).

As noted *supra*, however, we find that the combined teachings of Graziano, Sun, and Stilp *at least suggest* all the features of claim 1. We therefore affirm the Examiner’s rejection of claims 7, 8, 15, and 16 under 35 U.S.C. § 103 over Graziano in view of Sun, Stilp, and Ghercioiu; of claims 36-41, 43, and 47 under 35 U.S.C. § 103 over Graziano in view of Creamer and Stilp; and of claim 42 under 35 U.S.C. § 103 over Graziano in view of Creamer, Stilp, and Ghercioiu for the same reasons expressed with respect to claim 1, *supra*.

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#### V. CONCLUSION AND DECISION

The Examiner's rejection of claims 28, 29, 31, 32, 34, and 35 under 35 U.S.C. § 103(a) is reversed, while the Examiner's rejection of claims 1-27 and 30, 33, 36-47 under 35 U.S.C. § 103(a) is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED-IN-PART

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