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Table with 5 columns: APPLICATION NO., FILING DATE, FIRST NAMED INVENTOR, ATTORNEY DOCKET NO., CONFIRMATION NO.
12/642,944 12/21/2009 Ganesh GunasekaranBabu 4874-110664 3562

92556 7590 11/08/2016
HONEYWELL/HUSCH
Patent Services
115 Tabor Road
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EXAMINER

PE, GEEPY

ART UNIT PAPER NUMBER

2488

NOTIFICATION DATE DELIVERY MODE

11/08/2016

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte GANESH GUNASEKARANBABU,
GOPALAKRISHNAN VENKATESAN,
BALAJI BADHEY SIVAKUMAR, and ABDUL RAHEEM

Appeal 2015-000119
Application 12/642,944
Technology Center 2400

Before MICHAEL J. STRAUSS, DANIEL N. FISHMAN, and
JOHN F. HORVATH, *Administrative Patent Judges*.

HORVATH, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants seek review, under 35 U.S.C. § 134(a), of the Examiner's Final Office Action rejection of claims 1–11 and 13–21. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

SUMMARY OF THE INVENTION

The invention is directed to systems and methods for tracking the path of a user configurable object. Spec. ¶ 1.

Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method comprising:
 - displaying, on a user interface, a video data stream of a monitored region;
 - receiving user input to identify boundaries of an object displayed on the user interface;
 - configuring the object in the video data stream;
 - receiving user input to identify at least one valid path along which the object is permitted to travel;
 - configuring the valid path;
 - tracking a path of the object;
 - determining when the path of the object is outside of the valid path; and
 - providing an alert to a user when the path of the object is outside of the valid path.

REFERENCES

Ozdemir	US 2008/0198231 A1	Aug. 21, 2008
Turner	US 7,671,718 B2	Mar. 2, 2010
Kelly	US 7,859,564 B2	Dec. 28, 2010

REJECTIONS

Claims 1–11 and 13–21 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Ozdemir, Turner, and Kelly. Final Act. 3.

ISSUES AND ANALYSIS

We have reviewed the Examiner's rejection in light of Appellants' arguments that the Examiner has erred. We disagree with Appellants' contentions, and adopt as our own the findings and reasons set forth by the Examiner in the Examiner's Answer in response to Appellants' Appeal Brief. We highlight the following for emphasis.

Appellants first argue, after reciting claim 1 in its entirety, that the Examiner erred in rejecting claim 1 because "[t]hese features are not disclosed by Ozdemir et al., Turner et al. and Kelly, III et al." App. Br. 6. We are not persuaded by Appellants' argument, which lacks sufficient substance to persuade us of Examiner error. *See* 37 C.F.R. § 41.37(c)(1)(iv) (2013) ("A statement which merely points out what a claim recites will not be considered an argument for separate patentability of the claim.")

Appellants next argue that claim 1 is patentable because it "offers a different functionality than that of Ozdemir et al., Turner et al., and Kelly, III et al." *Id.* at 7. In particular, Appellants argue that the claimed invention is able to define objects and paths individually, and "[t]his is not possible under Ozdemir et al. where the flow model incorporates all objects, or Turner et al. where the restricted areas apply to all objects or Kelly, III et al. where pixels are modeled." *Id.* We are not persuaded by Appellants' argument.

The Examiner finds Turner teaches or suggests receiving user input "to identify an object and set a defined, accessible area, which can be a path in which the object is permitted to travel." Final Act. 4. Appellants do not challenge this finding, other than to contend that Turner applies the same restricted area to all objects. App. Br. 6. Although we agree with Appellants that Turner applies the same restricted area to all objects, we do not find this

patentably distinguishes claim 1 over Turner. Although claim 1 requires “identify[ing] at least one valid path along which [an identified] object is permitted to travel,” it does not require the identified path to be unique to the identified object, nor does it prohibit the identified path from being a valid path for multiple identified objects. Accordingly, we are not persuaded by Appellants’ argument.

Appellants next argue the Examiner failed to establish a prima facie case that claim 1 is obvious because “there is no teaching or suggestion whatsoever in Ozdemir et al., Turner et al. or Kelly, III et al. of the customized designations of objects or paths,” and because “none of the cited references are directed to the problem solved by the claimed invention.” App. Br. 9.

We are not persuaded by Appellants’ arguments. As the Supreme Court found in *KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 419 (2007), “the obvious analysis cannot be confined by a formalistic conception of the words teaching, suggestion, and motivation [to combine],” and any analysis based on such a narrow conception “is incompatible with [the Court’s] precedents.” Further, “[i]n determining whether the subject matter of a patent claim is obvious, neither the particular motivation nor the avowed purpose of the patentee controls.” *Id.* Rather, “any need or problem known in the field of endeavor at the time of invention and addressed by the patent can provide a reason for combining the elements in the manner claimed.” *Id.* at 420. Accordingly, to establish a prima facie case that claim 1 is obvious over the cited art, the Examiner need only proffer “some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.* at 418.

In rejecting claim 1 as obvious over the combination of Ozdemir, Turner, and Kelly, the Examiner concludes:

[I]t would have been obvious to one of ordinary skill in the art at the time the invention was made to include the limitations of receiving user input to identify an object and receiving user input to identify at least one valid path along which the object is permitted to travel in the Ozdemir invention, as shown in Turner, for the benefit of identifying unauthorized access to restricted areas.

Final Act. 4. The Examiner further concludes:

[I]t would have been obvious to one of ordinary skill in the art at the time the invention was made to include the limitation of receiving user input to identify boundaries of an object displayed on the user interface and for there to be a user interface in the Ozdemir-Turner combination, as shown in Kelly, for the benefit of real-time viewing and manual identification of figures.

App. Br. 4–5. The challenges that Appellants raise to these conclusions—that the prior art lacks a specific teaching, suggestion, or motivation to combine, or that the prior art is not directed to the problem solved by the claimed invention—are inconsistent with the Supreme Court’s guidance in *KSR* and are, therefore, insufficient to persuade us of Examiner error.

Therefore, for the reasons discussed *supra*, we sustain the Examiner’s rejection of claim 1. Appellants do not separately argue for the patentability of claims 2–11, and 15–21. App. Br. 9. Accordingly, we sustain the Examiner’s rejection of these claims for the same reasons.

DECISION

The rejection of claims 1–11 and 13–21 under 35 U.S.C. § 103(a) as unpatentable over Ozdemir, Turner, and Kelly is affirmed.

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Application 12/642,944

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