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Patent Services
115 Tabor Road
P.O.Box 377
MORRIS PLAINS, NJ 07950

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte SAMIR LAKHANI, SANDEEP PATIL PUNDLIK, and ADITYA SHRIVASTAVA

Appeal 2016-000467
Application 13/371,508
Technology Center 2400

Before JEAN R. HOMERE, JOHN F. HORVATH, and JOSEPH P. LENTIVECH, *Administrative Patent Judges*.

LENTIVECH, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants[1] seek our review under 35 U.S.C. § 134(a) of the Examiner's final rejection of claims 1–4, 6–15, 17, and 18. Claim 5 has been canceled. *See* App. Br. 13 (Claims App'x). The rejection of claim 16 is not appealed. App. Br. 2 ("The rejections of claims 1–4, 6–15, 17, and 18 are the subject of this appeal"). Accordingly, the Examiner is directed to cancel claim 16. *See* MPEP § 1215.03; *see also Ex parte Ghuman*, 88 USPQ2d 1478 (BPAI 2008). We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

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[1] According to Appellants, the real party in interest is Honeywell International, Inc. App. Br. 2.

STATEMENT OF THE CASE

Appellants' Invention

Appellants' invention generally relates to retrieving images from security cameras of a security system. Spec. ¶ 1. Claim 1, which is illustrative, reads as follows:

> 1. An apparatus comprising:
>
> a plurality of security cameras;
>
> a user interface that allows security personnel including at least one guard to view images from each of the plurality of security cameras in real time through a respective window of the user interface including a high resolution window that defines a focus of attention of the at least one guard;
>
> a monitoring processor programmed to track the focus of attention of the at least one guard as the at least one guard changes focus via selection of cameras one at a time from among the plurality of security cameras for display of video in the enhanced window; and
>
> a collection processor programmed to detect an evidence collection request from the user, opens an evidence file in response thereto and saves a sequence of video images from at least some of the plurality of video cameras into the evidence file based upon the tracked focus of attention of the user.

Rejection

Claims 1–4, 6–15, 17, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Chuang et al. (WO 2012/082127 A1; published June 21, 2012) ("Chuang") and Cilia (US 8,228,364 B2; issued July 24, 2012). Final Act. 7–16.

ANALYSIS

Claim 1

Issue 1: Did the Examiner err in finding that the combination of Chuang and Cilia teaches or suggests "a collection processor programmed to detect an evidence collection request from the user, opens an evidence file in response thereto and saves a sequence of video images from at least some of the plurality of video cameras into the evidence file based upon the tracked focus of attention of the user," as recited in claim 1?

Appellants contend the combination of Chuang and Cilia fails to teach or suggest the disputed limitation. App. Br. 6–10; Reply Br. 3–6. In particular, Appellants contend the cited references fail to teach or suggest the disputed limitation because neither reference teaches or suggests "sav[ing] a sequence of video images from at least some of the plurality of video cameras into the evidence file based upon the tracked focus of attention of the user," as required by claim 1. App. Br. 7. According to Appellants, "Chuang et al. is merely directed to a fisheye view 1102 where a user drags a mouse across the fisheye view to generate pan, tilt and zoom images from the fisheye view that are shown within a separate window 1104" and "Cilia is merely directed to an omnidirectional camera on a police vehicle that automatically detects activity and records that activity." App. Br. 7. Appellants further contend

> [T]he claimed invention has a different functionality than that of Chuang et al. and Cilia. In this regard, Chuang et al. and Cilia save all images. Cilia merely saves different regions of interest (ROIs) with different resolutions of compression. Neither reference "saves a sequence of video images from at least some of the plurality of video cameras into the evidence file based upon the tracked focus of attention of the user."

App. Br. 7. Appellants contend "[n]either reference discloses an evidence collection request from a user" (Reply Br. 3) and "[there] is no disclosure of receiving an evidence request from a user and then tracking the user's focus of attention in either Cilia or Chuang et al." (Reply Br. 5). According to Appellants "Chuang et al. collects all evidence" and "Cilia allows a user to select a region of interest (ROI) but then collects all evidence from that location" or, alternatively, "uses face recognition to determine the ROI independent of any user preferences." Reply Br. 5.

Chuang relates to an Imaging System for Immersive Surveillance (ISIS) that combines multiple cameras into a single device to provide a 360-degree view of an area on a single screen. Chuang, Abstract. Chuang teaches that the ISIS system allows operators to tag and follow targets, monitor restricted areas, and sound an alert when detecting an intruder. *Id.* Chuang further teaches that a user can configure a view of the ISIS system to scan an angular region for activity, both on live data as well as stored data. Chuang, p. 25, ll. 1–2. Chuang teaches that to configure the ISIS system to scan a particular region for activity, the user can choose a detection option in a main menu of a toolbar and then select a direction of motion that the user wants to detect. Chuang, p. 25, ll. 5–8. Chuang further teaches after the user specifies the type of motion to be detected, "the interface/client prompts the user to specify the subregion within the field of view for which activity detection is desired." Chuang, p. 25, ll. 11–13. Chuang teaches that the user can select a sub-region "by drawing a box by depressing the right mouse button." Chuang, p. 25, ll. 13–14. In response to the selection of the sub-region, Chuang teaches that the interface/client

breaks out a second window from the main window to show the selected sub-region. Chuang, p. 25, ll. 14–15.

The Examiner finds, and we agree, the selection of the sub-region and the breaking out of the second window by the interface/client teaches or suggests "a collection processor programmed to detect an evidence collection request from the user" and displaying a sequence of video images from at least some of the plurality of video cameras based upon the tracked focus of attention of the user. Ans. 14. As found by the Examiner (Ans. 12–13) and acknowledged by Appellants (Reply Br. 5), Cilia teaches an omnidirectional camera that allows a user to select a region of interest (Cilia, col. 7, ll. 20–22) and, in response to the selection, stores images of the region of interest on a recordable medium such as a DVD (Cilia, col. 7, ll. 58–59). Based on these findings, the Examiner concludes that the combined teachings of Chuang and Cilia teach or suggest the disputed limitation. Ans. 13. Appellants' contentions fail to address the Examiner's findings regarding the combined teachings of the references. Instead, Appellants' contentions address the individual teachings of each reference separately and, therefore, are unpersuasive of error. *See In re Merck & Co. Inc.*, 800 F.2d 1091, 1097 (Fed. Cir. 1986).

Accordingly, we are not persuaded the Examiner erred in finding the combination of Chuang and Cilia teaches or suggests the disputed limitation.

<u>Issue 2:</u> Did the Examiner err in combining the teachings of Chuang and Cilia?

Appellants contend the combination of Chuang and Cilia is improper. App. Br. 8–10. Appellants contend "there is no teaching or suggestion

whatsoever in Chuang et al. or Celia of [an] apparatus that 'saves a sequence of video images from at least some of the plurality of video cameras into the evidence file based upon the tracked focus of attention of the user.'" App. Br. 9. Appellants further contend:

> However, there is an even more fundamental reason why the rejections are improper. The reason that the rejections are improper is because none of the cited references are directed to the problem solved by the claimed invention. The problem solved is that of providing a mechanism for tracking a user's focus of attention and automatically saving video from that focus of attention into an evidence file. Since the problem is not recognized, there would be no reason to combine the references.
>
> In general, the Office Action has failed to establish any credible basis why one skilled in the art would have been led by the relevant teachings of the applied references to make the claimed invention.

App. Br. 10.

We do not find Appellants' contentions persuasive. We find the Examiner has articulated a rational reason as to why it would be obvious to combine the two references. *See KSR Int'l. Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007). Specifically, the Examiner finds that "it would have been obvious to one of ordinary skill in the art at the time of [the] invention to apply the ROI recording of Cilia to the surveillance system of Chuang, to collect evidence, the motivation being as described in Cilia that recording only the region of interest for evidence saves space, as suggested in Cilia's column 1, lines 45–60." Ans. 13. Further, modifying the system of Chuang to include the ROI recording of Cilia merely involves the combination of familiar elements according to known methods thereby yielding predictable

results—an obvious improvement. *KSR Int'l Co.*, 550 U.S. at 416. We are also unpersuaded by Appellants' argument that the Examiner's rejection was improper because none of the cited references are directed to the problem solved by the claimed invention, for "[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.* at 419. Rather, "any need or problem known in the field of endeavor at the time of the invention and addressed by the patent can provide a reason for combining the elements in the manner claimed." *Id.* at 420.

Accordingly, we are not persuaded the Examiner erred in combining Chuang and Cilia.

For the foregoing reasons, we are not persuaded the Examiner erred in rejecting claim 1; or in rejecting claims 2–4, 6–15, 17, and 18, which are not separately argued. *See* App. Br. 10.

DECISION

We affirm the Examiner's rejection of claims 1–4, 6–15, 17, and 18 under 35 U.S.C. § 103(a).

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).

<u>AFFIRMED</u>