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| 14/058,423   | 10/21/2013  | Steve Titus          | OV-105A             | 2758             |
| 74712  | 7590        | 11/01/2019           | EXAMINER            |                  |
| Muir Patent Law, PLLC<br>P.O. Box 1213<br>9913 Georgetown Pike, Suite 200<br>Great Falls, VA 22066 |             |                      | VO, TUNG T          |                  |
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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* STEVE TITUS, ZHONG ZHANG, JOHN I. W. CLARK,  
ALAN J. LIPTON, KELLY SCHOMBURG, PETER L. VENETIANER,  
and LI YU

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Appeal 2018-003761  
Application 14/058,423  
Technology Center 2400

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Before KRISTEN L. DROESCH, JUSTIN BUSCH, and  
LINZY T. McCARTNEY, *Administrative Patent Judges*.

BUSCH, *Administrative Patent Judge*.

DECISION ON APPEAL

Pursuant to 35 U.S.C. § 134(a), Appellant<sup>1</sup> appeals from the Examiner's decision to reject claims 1–21 and 23–34, which constitute all the claims pending in this Application. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.

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<sup>1</sup> We use the word Appellant to refer to “applicant” as defined in 37 C.F.R. § 1.42(a). Appellant identifies the real parties in interest as Avigilon Fortress Corporation. Appeal Br. 2.

### CLAIMED SUBJECT MATTER

Appellant’s disclosure generally relates to video surveillance systems and, more specifically, to “extract[ing] video primitives and extract[ing] event occurrences from the video primitives using event discriminators” to “create and define additional video analytic rules.” Spec., Abstract. The claimed invention relates to defining an area of interest or a tripwire to create a rule by tracking an object in a video in a configuration mode and using the rule to detect an event in a subsequent video. *See* Spec. ¶¶ 101, 138–147, Figs. 29A–31. Claims 1, 29, 33, and 34 are independent claims. Claim 1 is reproduced below:

1. An event detection method, comprising:
  - receiving a user input to a video surveillance system to put the video surveillance system into a configuration mode;
  - during the configuration mode, processing a first video portion to track an object in the first video portion by the video surveillance system;
  - using, at least in part, the tracking of the object in the first video portion to define at least one of an area of interest and a tripwire to create a first rule;
  - configuring the video surveillance system to detect an event in a second video portion using the first rule; and
  - after exiting configuration mode, performing video surveillance to detect the event in the second video portion using the first rule.

### REJECTIONS

Claims 1–5, 8–21, 23–30, 33, and 34 stand rejected under 35 U.S.C. § 103 as obvious in view of Ettinger (US 2005/0073585 A1; Apr. 7, 2005) and Elazar (US 2004/0161133 A1; Aug. 19, 2004). Final Act. 2–11.

Claims 6, 7, 31, and 32 stand rejected under 35 U.S.C. § 103 as obvious in view of Ettinger, Elazar, and Joyce (US 2004/0006424 A1; Jan. 8, 2004). Final Act. 11.

### ANALYSIS

The Examiner finds a combination of Ettinger and Elazar teaches or suggests every limitation recited in independent claims 1, 29, 33, and 34. Final Act. 2–4, 7–11. Of particular relevance to the dispositive issue with respect to this Appeal, the Examiner finds Ettinger teaches or suggests “using, at least in part, the tracking of the object in the first video portion to define at least one of an area of interest and a tripwire” (the “defining a tripwire” step). Final Act. 3 (citing Ettinger ¶¶ 53, 56–57, Fig. 4), 8, 10; Ans. 6 (additionally citing Ettinger ¶¶ 66–69, Figs. 8–11). In particular, the Examiner finds Ettinger discloses detecting whether objects cross a threshold, which teaches using a virtual tripwire. Final Act. 3 (citing Ettinger ¶¶ 53, 56–57, Fig. 4). With respect to the defining a tripwire step, the Examiner also finds Ettinger discloses tracking an object. Ans. 6 (citing Ettinger ¶¶ 66–69, Figs. 8–11).

Appellant argues the proposed combination fails to teach or suggest, among other things, a configuration mode that uses the tracking of an object to define a tripwire or an area of interest. Appeal Br. 12–15; Reply Br. 2–4. Specifically, Appellant acknowledges that Ettinger discloses tracking objects and using tripwires to detect events but argues Ettinger fails to teach or suggest tracking an object “in a calibration or configuration sense” because Ettinger discloses tripwires are predefined, “**not** defined by tracking any object in a video image.” Appeal Br. 12–15 (citing Ettinger ¶¶ 40, 53, 56–57, Figs. 1, 4). Appellant further argues Ettinger’s paragraphs 66 through 69

and Figures 8 through 11 describe “a scheme to track an object,” “a continued process of tracking the object through occlusions.” Reply Br. 3–5. Appellant contends none of the cited paragraphs or figures provide any teaching or suggestion to use tracking of an object in one video portion to *define* an area of interest or a tripwire. Reply Br. 5.

We agree with Appellant. We agree with the Examiner’s apparent undisputed findings that Ettinger teaches both tracking an object, *see* Ettinger ¶¶ 66–69, Figs. 8–11, and using virtual tripwires to detect events, *see* Ettinger ¶¶ 53, 56–57, Fig. 4. Nevertheless, the Examiner’s rejection is problematic because the Examiner fails to provide sufficient explanation demonstrating that a person of ordinary skill in the art would have understood Ettinger’s disclosures of tracking an object and using tripwires to detect events as teaching or suggesting using the disclosed object tracking to *define* a tripwire or area of interest, as recited in Appellant’s claims. As Appellant also argues, the claims do not merely require using tripwires, but the claims explicitly recite “using . . . the tracking of the object . . . *to define* . . . a tripwire” or an area of interest. *See* Appeal Br. 22 (claim 1, emphasis added). In other words, we agree with the Examiner’s findings and find the cited portions of Ettinger teach or suggest using tripwires or areas of interest to track objects. However, we see nothing in these passages or the Examiner’s explanations that teaches what is claimed—using tracking of an object to define or create a tripwire or area of interest.

Accordingly, we are constrained by this record to reverse the Examiner’s rejection of claim 1 as obvious in view of Ettinger and Elazar. For the same reasons, we reverse the rejection of independent claims 29, 33, and 34, which recite commensurate limitations, and dependent claims 2–5,

8–21, and 23–28, which ultimately depend from claim 1, and dependent claim 30, which depends directly from claim 29 as obvious in view of Ettinger and Elazar. The Examiner does not find Joyce, which was cited in the rejection of claims 6, 7, 31, and 32, cures the identified deficiency of claims 1 and 29, from which these claims ultimately depend. Therefore, we also reverse the rejections of claims 6, 7, 31, and 32 as obvious in view of Ettinger, Elazar, and Joyce.

### CONCLUSION

The Examiner’s rejections of claims 1–21 and 23–34 under 35 U.S.C. § 103 are reversed.

### DECISION SUMMARY

In summary:

| <b>Claims Rejected</b>   | <b>35 U.S.C. §</b> | <b>Basis</b>            | <b>Affirmed</b> | <b>Reversed</b>          |
|--------------------------|--------------------|-------------------------|-----------------|--------------------------|
| 1–5, 8–21, 23–30, 33, 34 | 103                | Ettinger, Elazar        |                 | 1–5, 8–21, 23–30, 33, 34 |
| 6, 7, 31, 32             | 103                | Ettinger, Elazar, Joyce |                 | 6, 7, 31, 32             |
| <b>Overall Outcome</b>   |                    |                         |                 | 1–21, 23–34              |

REVERSED