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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte YANIV ALON

Appeal 2019-000917
Application 12/748,416
Technology Center 2400

Before JOSEPH L. DIXON, ROBERT E. NAPPI, and
JOHN A. EVANS, *Administrative Patent Judges*.

EVANS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant¹ seeks our review under 35 U.S.C. § 134(a) of the Examiner's Final Rejection of Claims 1–3, 6–9, 23–26, 28, 31, 35–37, 39, and 40 which constitute all the claims pending in this application. App. Br.

3. We have jurisdiction under 35 U.S.C. § 6(b).

We REVERSE.²

¹ We use the word “Appellant” to refer to “applicant” as defined in 37 C.F.R. § 1.42. Appellant states Roadmetric Ltd., Jerusalem, Israel, is the real party in interest. App. Br. 3.

² Rather than reiterate the arguments of Appellant and the Examiner, we refer to the Appeal Brief (filed June 14, 2018, “App. Br.”), the Reply Brief (filed November 12, 2018, “Reply. Br.”), the Examiner's Answer (mailed

STATEMENT OF THE CASE

The claims relate to systems and methods comprising a camera array for detecting and recording real-time law violation. *See* Abstract.

Invention

Claims 1, and 25 are independent. An understanding of the invention can be derived from a reading of Claim 1, which is reproduced below.

1. A system mountable in a host vehicle, the system comprising:

at least four cameras: a left-looking camera, a right-looking camera, a forward-looking camera and a backward-looking camera,

wherein fields-of-view of the left and right looking cameras are substantially wider than fields-of-view of the forward-looking and backward-looking cameras;

wherein the fields-of-view of the left-looking camera, the right-looking camera, the forward-looking camera and the backward-looking camera are horizontal angular extents of respective scenes, as imaged onto respective image sensors of the cameras;

a processor configured to operationally control said cameras to acquire and store in memory a plurality of images acquired by said cameras when mounted in the host vehicle,

wherein the images stored in said memory acquired from at least one of the forward-looking camera and the backward-looking camera are used for identification of a license plate of a target vehicle,

September 19, 2018, “Ans.”), the Final Action (mailed May 10, 2018, “Final Act.”), and the Specification (filed March 28, 2010, “Spec.”) for their respective details.

wherein the images stored in said memory acquired from at least one of the left-looking camera and the right-looking camera are used for tracking the progress of the target vehicle while continuously recording a traffic law violation by the target vehicle between positions behind the host vehicle, along side the host vehicle and in front of the host vehicle.

References and Rejections

Furuta	US 5,959,555	Sep. 28, 1999
Higgins	US 2004/0252193 A1	Dec. 16, 2004
Watanabe	US 2007/0200933 A1	Aug. 30, 2007
Brown	US 2008/0048886 A1	Feb. 28, 2008
Englander	US 2008/0122597 A1	May 29, 2008
Jelinek	US 2010/0033677 A1	Feb. 11, 2010
Wirsz	US 2010/0149334 A1	June 17, 2010

1. Claims 1, 3, 6–8, 25, 26, 28, 31, 36, and 37 stand rejected under pre-AIA 35 U.S.C. § 103 as obvious over Brown, Furuta, and Wirsz. Final Act. 7.
2. Claims 2 and 9 stand rejected under pre-AIA 35 U.S.C. § 103 as obvious over Brown, Furuta, Wirsz, and Englander³. Final Act. 7.

³ The Final Action cites neither a patent or publication number, nor a prior art date for Englander, we find the Englander reference cited on form PTO 892, mailed Sept.16, 2016.

3. Claim 35 stands rejected under pre-AIA 35 U.S.C. § 103 as obvious over Brown, Furuta, Wirsz, and Jelinek. Final Act. 7.
4. Claims 39 and 40 stand rejected under pre-AIA 35 U.S.C. § 103 as obvious over Brown, Furuta, Wirsz, and Higgins (US 2004/0252193; Dec. 16, 2004). Final Act. 8.
5. Claim 23 stands rejected under pre-AIA 35 U.S.C. § 103 as obvious over Brown, Furuta, Wirsz, Higgins, and Watanabe (US 2007/0200933; Aug. 30, 2007). Final Act. 8.

ANALYSIS

We have reviewed the rejections of claims 1–3, 6–9, 23–26, 28, 31, 35–37, 39, and 40 in light of Appellant’s arguments. We consider Appellant’s arguments as they are presented in the Appeal Brief, pages 5–12 and the Reply Brief, pages 3–6. For the reasons that follow, we are persuaded the Examiner has erred.

CLAIMS 1–3, 6–9, 23–26, 28, 31, 35–37, 39 AND 40: OBVIOUSNESS OVER OVER BROWN, FURUTA, WIRSZ, ENGLANDER, JELINEK, HIGGINS AND WATANABE.

The Final Action presents a bare statement of rejection, but makes no findings of fact, not even by reference to a prior action(s). *See* Final Act. 7.

Independent Claim 1 recites, *inter alia*, “wherein fields-of-view of the left and right looking cameras are substantially wider than fields-of-view of the forward-looking and backward-looking cameras.” Independent Claim 25 contains commensurate recitations.

Appellant contends the Examiner finds the above limitation is not taught by Brown, but is taught by Furuta. App. Br. 6 (citing Non-Final Action mailed November 15, 2017). Appellant argues Furuta discloses the fields of view of the left- and right-looking cameras are narrower than the forward- and rearward-looking cameras, contrary to the claims. *Id.*, 7 (re-asserting the argument of February 13, 2018).

Furuta discloses image sensors 11 and 12 facing to the left and right of the vehicle and image sensor 13 facing to the front of the vehicle. Furuta, col. 4, ll. 32–35. Contrary to the claims, Furuta discloses image sensors 11 and 12 (side-facing) each have a 70° field-of-view which is much narrower than the 140° field-of-view of forward-facing sensor 13. *Id.*, ll. 36–39.

The Examiner further finds Furuta discloses that, facing to the side opposite the steering wheel, a wide-angle imaging device may be installed. Ans. 6 (citing Furuta, col. 2, ll. 37–44). However, Furuta fails to disclose the extent of the field-of-view of this additional imager, nor does the Examiner find (with evidence) why a person of ordinary skill in the art would understand that “wide-angle” implies an angle greater than the 140° angle of the forward-facing imager. “[T]he PTAB must make the necessary findings and have an adequate ‘evidentiary basis for its findings.’” *In re Nuvasive*, 842 F.3d 1376, 1382 (Fed. Cir. 2016) (quoting *In re Lee*, 277 F.3d 1338, 1344 (Fed. Cir. 2002)).

The Examiner finds “the features upon which applicant relies (i.e., ‘the front and back looking cameras 50a and 50d have a narrower FOV in order to be able to detect a target vehicle from longer distance’) are not recited in the rejected claim(s).” Ans. 7. The Examiner cites *In re Van*

Geuns,⁴ for the proposition that whereas, the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. *Id.*

Contrary to the Examiner, independent Claim 1 recites “wherein fields-of-view of the left and right looking cameras are substantially wider than fields-of-view of the forward-looking and backward-looking cameras” and independent Claim 25 contains commensurate limitations. Because the claims contain the accused recitation, the Examiner’s citation to *In re Van Geuns* is inapt.

The Examiner does not cite any further art to teach the discussed limitation. Because the prior art fails to teach at least one limitation recited in each independent claim, we decline to sustain the rejection of Claims 1–3, 6–9, 23–26, 28, 31, 35–37, 39, and 40.

⁴ *In re Van Geuns*, 988 F.2d 1181 (Fed. Cir. 1993).

CONCLUSION

The rejection of Claims 1–3, 6–9, 23–26, 28, 31, 35–37, 39 and 40 under 35 U.S.C. § 103 is REVERSED.

Claims Rejected	35 U.S.C. §	Reference(s)/Basis	Affirmed	Reversed
1, 3, 6–8, 25, 26, 28, 31, 36, and 37	103	Brown, Furuta, and Wirsz	--	1, 3, 6–8, 25, 26, 28, 31, 36, and 37
2 and 9	103	Brown, Furuta, Wirsz, and Englander	--	2 and 9
35	103	Brown, Furuta, Wirsz, and Jelinek	--	35
39 and 40	103	Brown, Furuta, Wirsz, and Higgins	--	39 and 40
23	103	Brown, Furuta, Wirsz, Higgins, and Watanabe	--	23
Overall Outcome				1–3, 6–9, 23–26, 28, 31, 35–37, 39 and 40

REVERSED