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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte DEREK G. SPRINGER

Appeal 2019-002672
Application 13/827,460
Technology Center 2400

Before JEAN R. HOMERE, JEREMY J. CURCURI, and BARBARA A. BENOIT, *Administrative Patent Judges*.

CURCURI, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Pursuant to 35 U.S.C. § 134(a), Appellant¹ appeals from the Examiner's decision to reject claims 1–20. We have jurisdiction under 35 U.S.C. § 6(b). Appeal Br. 2.

We REVERSE.

¹ We use the word Appellant to refer to “applicant” as defined in 37 C.F.R. § 1.42(a). Appellant identifies the real party in interest as Pelco, Inc. Appeal Br. 2.

CLAIMED SUBJECT MATTER

The claims are directed to “operating a video surveillance system.”
Spec. ¶ 2. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A method of operating a video surveillance system, comprising:

detecting a period of active control of the video surveillance system by an operator, the period of active control being a state of the video surveillance system that is determined based on detecting whether manual selection and adjustment of camera views of the video surveillance system by the operator exceeds a minimum threshold of time;

monitoring a plurality of operations performed by the operator during the period of active control;

generating a record of the plurality of operations performed by the operator, the record including at least one display time of a view selected by the operator during the plurality of operations;

configuring a tour automatically during the period of active control based on at least a subset of the plurality of operations and the at least one display time, the subset including manual selection and adjustment of camera views of the video surveillance system by the operator, the configuring comprising automatically determining which operations to exclude from the tour based on predetermined thresholds; and

enabling the video surveillance system to conduct the tour outside the period of active control, the conducting including selecting and adjusting the camera views of the video surveillance system.

REFERENCES

The prior art relied upon by the Examiner is:

| Name | Reference | Date |
|-----------|--------------------|---------------|
| Rui | US 7,349,008 B2 | Mar. 25, 2008 |
| Drive | US 2010/0033566 A1 | Feb.11, 2010 |
| Barcay | US 2010/0042923 A1 | Feb. 18, 2010 |
| McCormack | US 2011/0149072 A1 | June 23, 2011 |
| Kurosawa | US 8,312,133 B2 | Nov. 13, 2012 |

REJECTIONS

Claims 1–5, 7–9, 12–15, and 17–20 are rejected under 35 U.S.C. § 103(a) as obvious over Drive, Rui, and Kurosawa. Final Act. 3–12.

Claims 6, 10, and 11 are rejected under 35 U.S.C. § 103(a) as obvious over Drive, Rui, Kurosawa, and McCormack. Final Act. 12–14.

Claim 16 is rejected under 35 U.S.C. § 103(a) as obvious over Drive, Rui, Kurosawa, and Barcay. Final Act. 14–15.

OPINION

The Obviousness Rejection of Claims 1–5, 7–9, 12–15, and 17–20 over Drive, Rui, and Kurosawa

The Examiner finds Drive, Rui, and Kurosawa teach all limitations of claim 1. Final Act. 3–6. The Examiner finds Drive and Rui teach most limitations of claim 1. Final Act. 3–5. The Examiner finds Kurosawa’s “manipulation input by the user” teaches “automatically determining which operations to exclude from the tour based on predetermined thresholds.” *See*

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Final Act. 6 (emphasis omitted) (citing Kurosawa Fig. 12, col. 11, ll. 33–44).

The Examiner reasons

it would be *prima fac[i]e* obvious that one possessing ordinary skill in the art at the time of the invention would recognize the advantage of further excluding operations based on a threshold as suggested by Kurosawa with the inventions of Drive and Rui in order to specify a time interval for capturing the video.

Final Act. 6 (citing Kurosawa col. 11, ll. 54–55); *see also* Ans. 7.

Among other arguments, Appellant presents the following principal arguments:

“Kurosawa is directed to a video distribution system in which Internet-based user control of an imaging device (i.e., camera unit) may be improved by presenting a different camera control interface to the user based on the amount of network congestion.” Appeal Br. 10 (citing Kurosawa col. 1, ll. 26–39, col. 7, l. 63–col. 8, l. 9, Figs. 7, 8).

These “manipulation inputs,” however, are merely input signals that may eventually result in camera operations. They represent camera operations that the user is **attempting to perform**, not camera operations that the user has already performed (i.e., logged camera operations). This is made clear from step S63 where Kurosawa explains that the CPU (301) determines whether “*the inputted value is within a range which **can be set up** or is a value which **can be set up**.*” *See* col. 11, ll. 35-39. In other words, the CPU (301) checks whether the user inputs are values within the allowed ranges of the surveillance system and, if not, it “*outputs an error message in step S64*” and disallows the user inputs. The disallowed user inputs thus never become a camera operation and logically cannot be a **camera operation** that is excluded from the tour. A person of ordinary skill in the art would plainly understand that if the user inputs never become a camera operation, then they could never have been included in the tour to begin with.

Appeal Br. 10–11; *see also* Reply Br. 8.

We are persuaded the Examiner erred in finding Kurosawa and Drive teach “automatically determining which operations to exclude from the tour based on predetermined thresholds” as recited in claim 1.

Kurosawa discloses

[i]n step S62, the CPU 301 waits for the manipulation input by the user, and when the input is made, receives the input. After that, in step S63, the CPU 301 judges whether or not the inputted value is within a range which *can be* set up or is a value which *can be* set up, and if the inputted value is not within the range or the value which *can be* set up in step S63, outputs an error message in step S64 and returns the values. Then, the processing returns to step S61 for waiting for the user to input. If the inputted value is within a range which *can be* set up or is a value which *can be* set up, the internal data in the memory 302 is updated to the inputted value in step S65, and then the processing returns to step S62.

Kurosawa col. 11, ll. 33–44 (emphasis added).

According to the claim language, the “operations” that are determined to be excluded from the tour are “operations performed by the operator during the period of active control.” Claim 1. In contrast, Kurosawa’s “manipulation input” that results in an error message is a desired operation of the user that is not performed at all.

Thus, we determine Kurosawa does not teach “automatically determining which operations to exclude from the tour based on predetermined thresholds” as recited in claim 1.

Further, Kurosawa discloses that the values include “a Q-factor for defining a frame rate specifying a time interval for capturing the video and a quality of compression.” Kurosawa col. 11, ll. 53–55. For the same reasons, we also do not see how an input value for a Q-factor which may result in either setting the Q-factor or an error message relates to “automatically

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determining which operations to exclude from the tour based on predetermined thresholds” as recited in claim 1.

To be clear, to the extent Kurosawa teaches, in some sense, excluding values, we determine such teachings are insufficient to suggest modifying Drive to “automatically determin[e] which operations to exclude from the tour based on predetermined thresholds” as recited in claim 1.

We, therefore, do not sustain the Examiner’s rejection of claim 1.

We also do not sustain the Examiner’s rejection of claims 2–5, 7–9, 12–15, which depend from claim 1.

We also do not sustain the Examiner’s rejection of independent claim 17, which recites “automatically determining which operations to exclude from the tour based on predetermined thresholds,” for the same reasons discussed above when addressing claim 1.

We also do not sustain the Examiner’s rejection of independent claim 18, which recites “automatically determining which operations to exclude from the tour based on predetermined thresholds,” for the same reasons discussed above when addressing claim 1.

We also do not sustain the Examiner’s rejection of claims 19 and 20, which depend from claim 1.

The Obviousness Rejection of Claims 6, 10, and 11 over Drive, Rui, Kurosawa, and McCormack

Claims 6, 10, and 11 indirectly depend from claim 1. The Examiner does not find McCormack cures the deficiency of Drive, Rui, and Kurosawa. *See* Final Act. 12–14; *see also* Ans. 12–16.

We, therefore, do not sustain the Examiner’s rejection of claims 6, 10, and 11.

The Obviousness Rejection of Claim 16 over Drive, Rui, Kurosawa, and Barcay

Claim 16 depends from claim 1. The Examiner does not find Barcay cures the deficiency of Drive, Rui, and Kurosawa. *See* Final Act. 14–15; *see also* Ans. 16–18.

We, therefore, do not sustain the Examiner’s rejection of claim 16.

CONCLUSION

The Examiner’s decision to reject claims 1–20 is reversed.

DECISION SUMMARY

In summary:

| Claims Rejected | 35 U.S.C. § | Reference(s)/Basis | Affirmed | Reversed |
|------------------------|--------------------|---------------------------------|-----------------|------------------------|
| 1–5, 7–9, 12–15, 17–20 | 103(a) | Drive, Rui, Kurosawa | | 1–5, 7–9, 12–15, 17–20 |
| 6, 10, 11 | 103(a) | Drive, Rui, Kurosawa, McCormack | | 6, 10, 11 |
| 16 | 103(a) | Drive, Rui, Kurosawa, Barcay | | 16 |
| Overall Outcome | | | | 1–20 |

REVERSED