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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	101488.0002US1
		Application Number	
Title of Invention	Recording Device With Pre-Start Signal Storage Capability		
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	Paul			DeKeyser		
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Application Information:

Title of the Invention	Recording Device With Pre-Start Signal Storage Capability		
Attorney Docket Number	101488.0002US1	Small Entity Status Claimed ☒	
Application Type	Nonprovisional		
Subject Matter	Utility		
Suggested Class (if any)		Sub Class (if any)	
Suggested Technology Center (if any)			
Total Number of Drawing Sheets (if any)	5	Suggested Figure for Publication (if any)	

Application Data Sheet 37 CFR 1.76		Attorney Docket Number	101488.0002US1
		Application Number	
Title of Invention	Recording Device With Pre-Start Signal Storage Capability		

Publication Information:

☐ Request Early Publication (Fee required at time of Request 37 CFR 1.219)

☐ Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not been and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

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This section allows for the applicant to claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c). Providing this information in the application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a)(4), and need not otherwise be made part of the specification.

Prior Application Status		Remove	
Application Number	Continuity Type	Prior Application Number	Filing Date (YYYY-MM-DD)
	non provisional of	60/824095	2006-08-31
Additional Domestic Priority Data may be generated within this form by selecting the Add button.			Add

Foreign Priority Information:

This section allows for the applicant to claim benefit of foreign priority and to identify any prior foreign application for which priority is not claimed. Providing this information in the application data sheet constitutes the claim for priority as required by 35 U.S.C. 119(b) and 37 CFR 1.55(a).

			Remove
Application Number	Country ⁱ	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			☒ Yes ☐ No
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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	101488.0002US1
		Application Number	
Title of Invention	Recording Device With Pre-Start Signal Storage Capability		

Prefix	Given Name	Middle Name	Family Name	Suffix
Mailing Address Information:				
Address 1				
Address 2				
City		State/Province		
Country ⁱ		Postal Code		
Phone Number		Fax Number		
Email Address				
Additional Assignee Data may be generated within this form by selecting the Add button. Add				

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.					
Signature	/Robert D. Fish/			Date (YYYY-MM-DD)	2007-08-28
First Name	Robert D.	Last Name	Fish	Registration Number	33880

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**RECORDING DEVICE WITH
PRE-START SIGNAL STORAGE CAPABILITY**

[0001] This application claims priority to provisional application ser. no. 60/824095 filed August 31, 2006.

Field of the Invention

[0002] The field of the invention is surveillance cameras.

Background

[0003] It is often desirable to record an unexpected event (automobile accident, baseball hit, quick kiss, facial expression, etc), but by the time someone pulls out a camera and focuses on the target, the moment is gone. This problem has long been addressed in the surveillance industry by recording continuously for long periods of time. It is not unusual, for example, for banks or other secure facilities to capture and maintain day after day of surveillance tapes. The downside, of course, is that continuous recordings are costly in terms of equipment, storage, bulkiness, and so forth. Moreover, continuous recording is especially unsuitable for small recording devices such as those carried on eyeglasses.

[0004] US 6163338 to Johnson et al. (Dec. 2000) focused on the problem of filming automobile accidents. Instead of trying to record millions of frames over long periods of time, Johnson tried to solve the problem by continuously storing the most recent images in a small looping (circular) memory. Upon actuation of a trigger, the system protects the most recently used portion of the memory, and overwrites an older portion. Thus, upon receiving a trigger signal from an accident, a 30 second memory might end up storing 20 seconds before and 10 seconds after the accident.

[0005] A looping memory of a device according to Johnson is depicted in prior art Figure 1. There a small looping memory 11 records frames or other data from a data stream "A". Each character initiates a small time period, perhaps five seconds, with the "|" character designating the current writing position. When the memory finishes writing to the last position, it returns to the first position and over-writes previously stored data. Upon receipt of a start signal (such as by actuation of a trigger), the memory continues looping for some period of time (corresponding

to perhaps a third of the memory capacity), and then stops recording altogether. The recorded memory is protected until it is offloaded or reset.

[0006] Johnson and all other referenced extrinsic materials are incorporated herein by reference in their entirety. Where a definition or use of a term in an incorporated reference is inconsistent or contrary to the definition of that term provided herein, the definition of that term provided herein applies and the definition of that term in the reference does not apply.

[0007] One problem with Johnson is that the system can only store images from a very short time period. US 2004/0033058 to Reich et al. (publ. Feb. 2004) contemplates an improvement that tries to solve that problem by using two different memories, a small (900 frame) looping buffer and a larger flash memory. In Reich, the trigger signal (record button) causes the buffer to be completely filled, and then additional images to be written to the flash memory until a stop button is pushed.

[0008] The Reich system is depicted in prior art Figures 2A-2B. In Figure 2A, a small looping buffer 21 records data from data stream "A", with the current position marked with "|". The "_" character is used to initiate memory that has not been used, or has been used but has been marked for overwriting. In Figure 2B, a start signal has been received, and the system responded by filling the buffer, and then starting to fill a flash memory 22. Regardless of whether the flash memory is eventually filled, both the buffer 21 and the flash memory 22 are effectively locked (protected) upon receipt of a stop signal.

[0009] From Figures 1 and 2A-2B, one can readily appreciate that both Johnson and Reich can accommodate only a single time period. A user cannot record a second event without overwriting or offloading the stored data from a first event. In addition, both Johnson and Reich still contemplate that the looping portion memory should be very small, perhaps 30 seconds or less. Such devices are completely inadequate for storing long pre-start signal images, such as a five or ten minute period prior to a trigger signal.

[0010] Thus, there is still a need for improvements in cameras and other surveillance devices that allow recordation of multiple events without overwriting or offloading, and that can include lengthy portions of data streams prior to start signal events.

Summary of The Invention

[0011] The present invention provides apparatus, systems and methods in which a memory stores multiple data streams, each of which includes pre-start signal and post-start signal data.

[0012] Preferred embodiments include hardware that executes an instruction set that utilizes an area of the memory as a circular buffer, records the first data stream in the buffer; responds to a signal by protecting a recently used segment of the buffer, and records the second data stream in the buffer, without overwriting the protected segment. Buffers can be any suitable size, but have sufficient capacity to capture at least 1, 5, 10, 15, or 20 minutes of image frames (video data), and in some contemplated embodiments have sufficient to capacity to capture an hour or more of image frames.

[0013] All practical memories are contemplated, including especially multi-gigabit removable flash drives. The memory preferably utilizes different sections for the buffer at different times, with protected sub-sections being skipped over during storage of subsequent data streams. In some instances that may result in a given data stream being stored in logically dis-contiguous portions of the memory. Thus, one can consider the memory as having a multiple buffers, or as a single buffer of variable size and configuration. At least 20% of the memory is preferably used as the buffer.

[0014] All suitable methods and apparatus for initiating start and stop signals are contemplated, including for example using a button, toggle or other switch, a verbal or other human interface, and using motion, sound, light or other sensors. It is also contemplated that embodiments can include an interface for altering or otherwise designating a pre-signal size of the recently used segment. Default time spans for storing data (whether measured in time, number of frames, memory utilized or some other metric) can be advantageously associated with start and/or stop signals.

[0015] Cameras according to present invention can be mounted in any desired manner, including for example in camera boxes, on eyeglasses, and on automobiles or other vehicles.

[0016] Various objects, features, aspects and advantages of the present invention will become more apparent from the following detailed description of preferred embodiments of the

invention, along with the accompanying drawings in which like numerals represent like components.

Brief Description of The Drawing

[0017] Figure. 1 is a schematic of memory usage in prior art devices according to Johnson.

[0018] Figures 2A-2B are schematics of memory usage in prior art devices according to Reich.

[0019] Figures 3A-3H depict schematics of memory usage in a device according to aspects of the present invention, progressively showing storage of multiple data streams.

[0020] Figure 4 is a schematic of steps for storing multiple data streams in a non-contiguous fashion

[0021] Figure 5 is a schematic of a system using an eyeglasses mounted camera to record events.

Detailed Description

[0022] In **Figure 3A** a memory 30 stores data from data stream "A" up to the current position "|" marker. The "_" character is again used to initiate memory that has not been used, or has been used but has been marked for overwriting. The ellipsis "..." is used to initiate that the memory can be very large relative to the number of positions shown in the figure. It is contemplated, for example, that memory 30 can be up to several hundred megabytes, 1 GB, 2GB, 4GB, 8GB or even more. Such memory is preferably of a flash type, non-volatile RAM, preferably in the form of a standard flash memory card.

[0023] In **Figure 3B** a recent period of data stream "A" has been protected as a function of a "start" signal, and concomitantly, the portion of the data stream prior to the protected portion has once again been marked "_" to shown that it is unprotected. The start signal can be triggered in any suitable manner, including for example manual operation of a trigger by a user. In other examples, start signals can be triggered by detection of a particular circumstance by a motion, sound or other sensor. In yet another example of a very sophisticated system, software can operate upon content in the data stream, such as by monitoring an entrance to a building using a data stream received from one or more cameras, and sending a start signal when the images it receives show a person moving in a suspicious manner.

[0024] In protecting recent data, the system can protect a default historical time period (such as 30 seconds, 2 minutes, etc), and all suitable defaults are contemplated. Alternatively, the historical time period being protected could be altered in some manner, such as by software or by a user operating a history button. For example, if a user hits a start button, the system might default to protecting the last 30 seconds, and then progressively protect prior 30 second periods when the user repeatedly hits a "more time" button. In that manner a user could protect a 5 or 10 minute period, or an even much longer portion of a data stream prior to a start signal. Indeed, if memory 30 is interpreted as a multi gigabyte flash memory, it is entirely possible that one could back up sufficiently to protect an hour or more of such a data stream.

[0025] In **Figure 3C** the system has received a "stop" signal some time after receiving the start signal, thereby lengthening the protected portion of the "A" data stream. The stop signal could be generated from software or hardware as a function of a default time after the start signal. All suitable defaults are contemplated, including for example a 30 second or 1 minute time period. Stop signals could also be generated in a variable fashion, again as a function of software or hardware, through action of a user, or in any other suitable manner. Thus, a user might well operate a start button or other switch, a more time switch, and a stop switch, which could have the same or different interfaces. It is also contemplated that the system could recognize a user's verbal commands for these functions.

[0026] Just as the system can utilize a default pre-start signal period of time for which a portion of the data stream is stored unless overridden in some manner, contemplated systems can utilize a default post-start signal period of time for which a portion of the data stream is stored unless overridden in some manner. Using defaults for both pre-start and post-start signal periods allows a system to operate with an extremely high level of user convenience. For example, in one contemplated class of systems using such defaults, a user could operate a single button, ring or other interface to initiate a start signal, and the system could respond by automatically storing a default 60 second portion of a data stream prior to the signal, as well as a default 30 time period of the data stream after the signal. And all of that could be accomplished with a single operation of the button. As should be apparent from the description above, all reasonable the default time periods are contemplated.

[0027] In **Figure 3D**, the system has finished protecting the desired portion of the "A" data stream, and has now moved on to storing a "B" data stream. Of course, the "B" data stream may be continuous with the "A" data stream, so that differentiation of "A" and "B" streams is merely an artifact of how the data is being stored. For example, if a system included an eyeglasses camera being used at baseball game, the wearer might watch the game for an hour or more without anything of interest happening. During all that time the system would record image frames from the camera, looping in memory if the memory had remaining capacity for less than an hour of images. When finally the wearer sees an interesting play that he wants to protect, he operates a start button, and perhaps a more time button to protect the previous minute of play. Once the interesting action has completed, he operates a stop button, which thereby causes the system to complete protecting the entire "A" period of interest. But the wearer continues watching the game, and the subsequent images, continuous with the "A" images, would be considered "B" images.

[0028] In **Figure 3E** the system has again received a start signal, and again protected a fixed or variable historical time period. In **Figure 3F** the system has received a stop signal, and has protected the entire desired portion of the "B" data stream.

[0029] In **Figure 3G** the system continued to record data, which is now depicted as data stream "C" because it follows data stream "B". This figure is particularly significant in that recordation of the "C" data stream skips over the protected portion of the "A" data stream. In **Figure 3H** the system received another start signal, and has protected a desired portion of the "C" data stream that straddles the protected "A" stream.

[0030] **Figure 4** depicts a system 40 generally comprising eyeglasses 41 having a camera 42 mounted at the nose bridge, and an optional viewfinder 43 applied onto one of the lenses. A data and power cord 44 couples the camera 42 to a belt-worn recorder 46, which cooperates with a ring-shaped signaling device 45 and an off-line docking station with CD burner (collectively 47).

[0031] The eyeglasses 41 are used here euphemistically to represent any type of camera mount, including a fixed or moveable surveillance mount, and also a housing such as a typical camera box. Camera 42 should also be interpreted euphemistically to include CCD and all other manner of image obtaining devices, as well as a directional microphone, one or more lenses, and so forth.

Those skilled in the art will appreciate that the term "surveillance" is used herein in its broadest possible sense, to include not only professional or commercial types of surveillance, but also any other type of observation, including for example an ordinary person watching a baseball game or birthday party.

[0032] Recorder 46 is any recording device that records video and/or audio/video data, including conventional recorders. Recorder 46 preferably include a processor 46A that runs software to accomplish the functions described herein, and one or more physical memories that are collectively referred to herein as memory 46B. The description of memory 30 herein can apply equally to memory 46B. Those skilled in the art will also appreciate that the concepts described herein with respect to video and/or audio/video data can be applied to recordation of purely audio, and in fact any other type of data stream, and this specification should be interpreted as expressly including such application.

[0033] Although not expressly shown, recorder 46 also includes an appropriate power supply or connection, supporting electronics, and a display or other interface. Recorder 46 would typically record images in digital format, but analog or combination formats are also contemplated.

[0034] Signaling device 45 is shown in the figure as a ring that communicates with the recorder wirelessly. The ring can have any suitable interfaces (not shown), including for example buttons on its outer periphery, or a sensor along its inner edge. Thus, turning the ring in one direction might produce a start signal, and continuing to turn the ring in that direction might extend backwards the time period that is protected. Where a default time period for storing pre-start signal data is used, extending the time can be considered overriding the default. Similarly, turning the ring in the opposite direction might produce a stop signal, and where a default time period for storing post-start signal data is used, extending the time can be considered overriding that default.. Electronics for such a ring or other control device are readily available, and for example are similar to those used in key fobs. Indeed, signaling device 45 should be interpreted euphemistically to include key fob type devices.

[0035] Docking station and DVD burner 47 can be quite conventional, and can for example include a standard flash memory card reader coupled to a home or office PC.

[0036] **Figure 5** shows a method 50 of recording multiple events without overwriting or offloading the memory, and including potentially lengthy portions of data streams prior to start signal events. Contemplated steps include the following, which are discussed elsewhere herein:

- Step 51 – utilizing an area of a memory as a circular buffer;
- Step 51A - storing at least 10 minutes of image frames in the buffer;
- Step 51B - using at least 20% of the memory as the buffer;
- Step 51C - the memory storing at least a 30 second portion of the first data stream, including at least a 5 second pre-signal portion and at least a 5 second post-signal portion;
- Step 52 – recording a first data stream in the buffer;
- Step 53 - responding to a start signal by protecting a recently used segment of the buffer;
- Step 54 – recording a second data stream in the buffer;
- Step 54A - the second data stream is continuous with the first data stream; Step 54B - storing at least a 30 second portion of the first data stream in logically dis-contiguous portions of the memory;
- Step 55 - skipping over at least some of the protected segment during recordation of the second data stream; and
- Step 56 - providing one or more interfaces through which a user can initiate start and stop signals, and designate a pre-signal size of the recently used segment.

[0037] Thus, specific embodiments and applications of recording devices with pre-start signal storage capability have been disclosed. It should be apparent, however, to those skilled in the art that many more modifications besides those already described are possible without departing from the inventive concepts herein. The inventive subject matter, therefore, is not to be restricted except in the spirit of the appended claims. Moreover, in interpreting both the specification and the claims, all terms should be interpreted in the broadest possible manner consistent with the context. In particular, the terms “comprises” and “comprising” should be interpreted as referring to elements, components, or steps in a non-exclusive manner, indicating that the referenced elements, components, or steps may be present, or utilized, or combined with other elements, components, or steps that are not expressly referenced. Where the specification claims refers to at least one of something selected from the group consisting of A, B, C and N, the text should be interpreted as requiring only one element from the group, not A plus N, or B plus N, etc.

CLAIMS

What is claimed is:

1. A surveillance system comprising:
 - a camera that converts images into first and second data streams;
 - a memory; and
 - hardware that executes an instruction set that utilizes an area of the memory as a circular buffer, records the first data stream in the buffer; responds to a signal by protecting a recently used segment of the buffer, and records the second data stream in the buffer, without overwriting the protected segment.
2. The system of claim 1, wherein the buffer stores at least 10 minutes of image frames.
3. The system of claim 1, wherein the second data stream is continuous with the first data stream.
4. The system of claim 1, wherein the memory stores at least a 30 second portion of the first data stream, including at least a 5 second pre-signal portion and at least a 5 second post-signal portion.
5. The system of claim 4, wherein the at least a 30 second portion of the first data stream is stored in logically dis-contiguous portions of the memory.
6. The system of claim 1, wherein at least 20% of the memory is used as the buffer.
7. The system of claim 1, further comprising a sensor that automatically initiates the signal.
8. The system of claim 7, wherein the sensor operates upon content in the first data stream.
9. The system of claim 1, further comprising an interface through which a human can initiate the signal.
10. The system of claim 1, further comprising an interface through which a human can override a default pre-signal size of the recently used segment.

11. The system of claim 1, further comprising an interface through which a human can override a default post-signal size of the recently used segment.
12. The system of claim 1, further comprising a wireless receiver upstream of the buffer with respect to the first data stream.
13. The system of claim 1, further comprising a wearable mount for the camera.
14. The system of claim 1, further comprising a vehicle mount for the camera.

ABSTRACT

A surveillance system uses a flash or other memory to store multiple data streams, each of which includes pre-start signal and post-start signal data. An area of the memory is preferably utilized as a circular buffer, in which a second data stream can be recorded without overwriting a first data stream. Buffers can have sufficient to capacity to capture up to an hour or more of image frames. All suitable methods and apparatus for initiating start and stop signals are contemplated, including for example using a button, toggle or other switch, a verbal or other human interface, and using motion, sound, light or other sensors. It is also contemplated that embodiments can include an interface for altering or otherwise designating a pre-signal size of the recently used segment. Cameras according to present invention can be mounted in any desired manner, including for example in camera boxes, on eyeglasses, and on automobiles or other vehicle

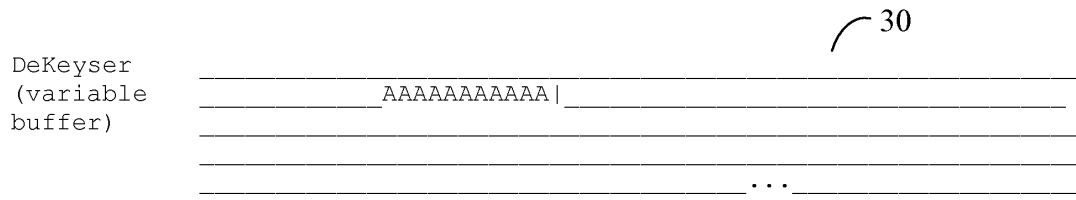


Figure 3B

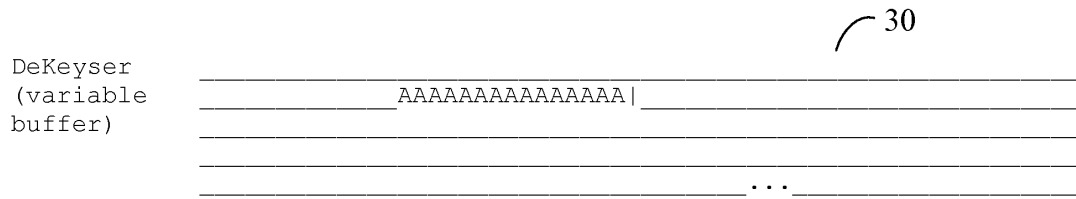


Figure 3C

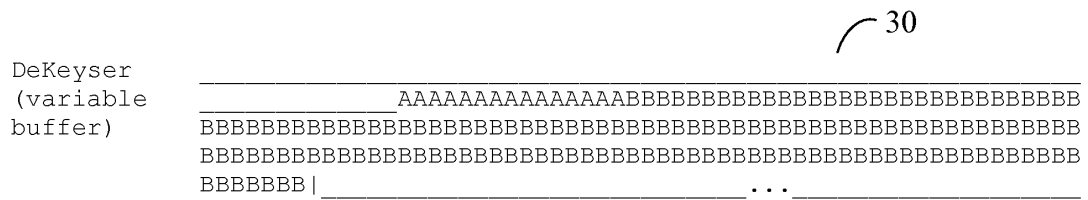


Figure 3D

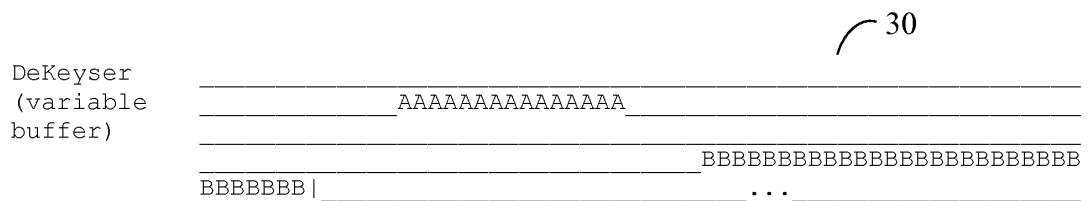


Figure 3E

30

DeKeyser
(variable
buffer)

AAAAAAAAAAAAAAAA
BBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBB
BBBBBBBBBBBBBBBBBBBB . . .

Figure 3F

30

DeKeyser
(variable
buffer)

CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC CCCCCCCCCCCCCAAAAAAAAAAAAAAAAAAACCCCCC
BBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBB
BBBBBBBBBBBBBBBBBBBBBCCCCCCCCCCCCCCCCC . . . CCCCCCCCCCCCCCCCCC

Figure 3G

30

DeKeyser
(variable
buffer)

CCCCCCCCCAAAAAAAAAAAAAAAAAAACCCCCC
BBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBBB
BBBBBBBBBBBBBBBBBBBBB . . .

Figure 3H

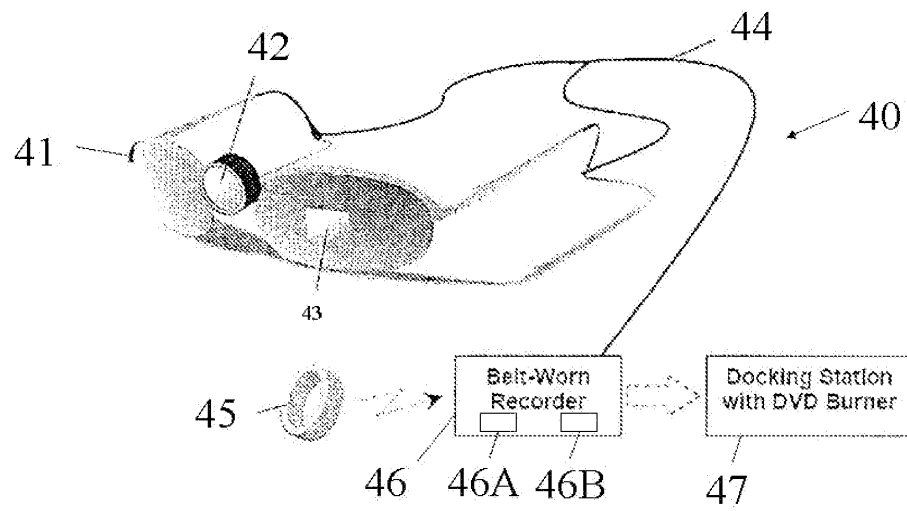


Figure 4

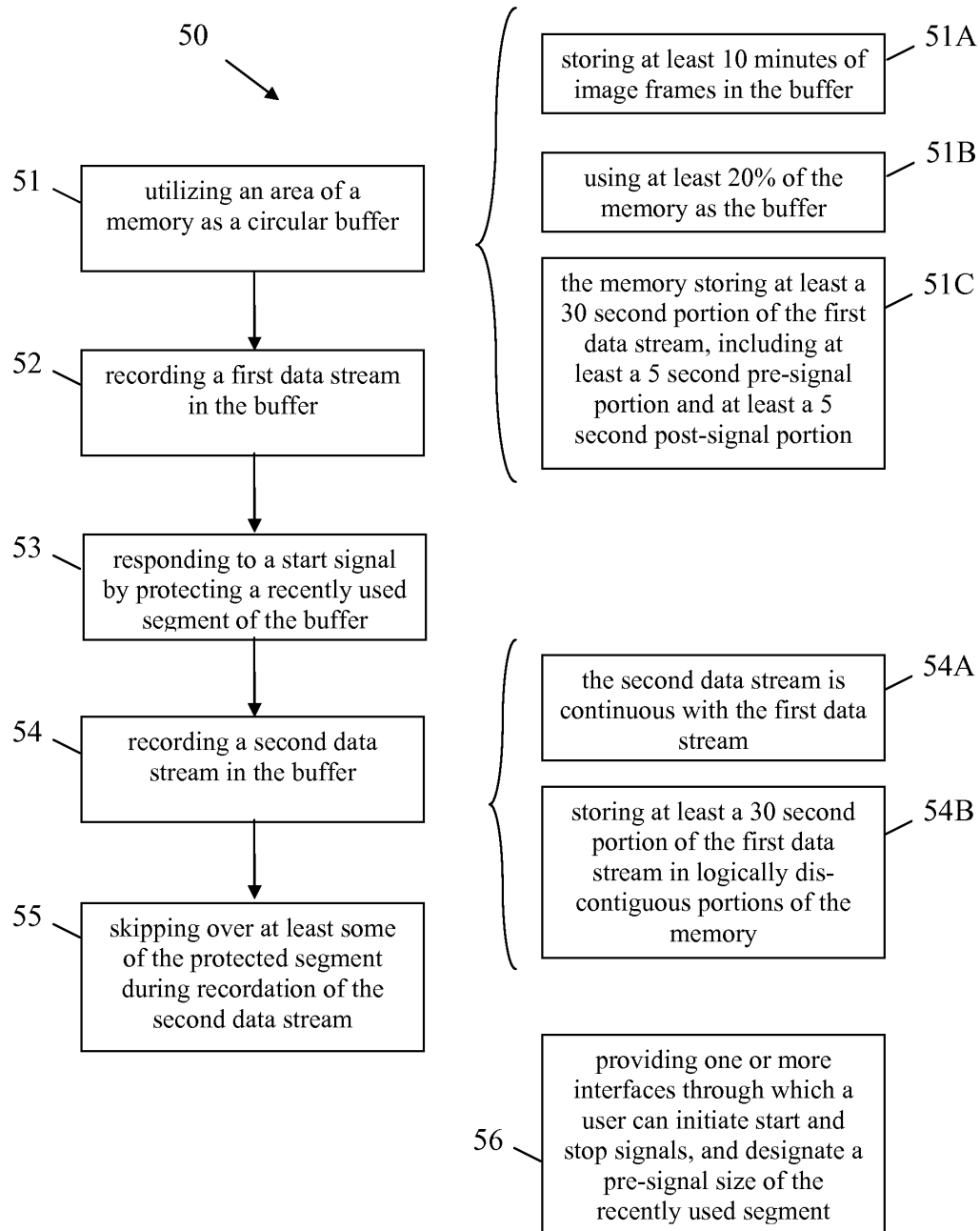


Figure 5

Electronic Patent Application Fee Transmittal				
Application Number:				
Filing Date:				
Title of Invention:		Recording Device With Pre-Start Signal Storage Capability		
First Named Inventor/Applicant Name:		Paul DeKeyser		
Filer:		Martin Fessenmaier/Sara Geer		
Attorney Docket Number:		101488.0002US1		
Filed as Small Entity				
Utility Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Utility filing Fee (Electronic filing)	4011	1	75	75
Utility Search Fee	2111	1	250	250
Utility Examination Fee	2311	1	100	100
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				425

Electronic Acknowledgement Receipt	
EFS ID:	2133186
Application Number:	11846217
International Application Number:	
Confirmation Number:	1026
Title of Invention:	Recording Device With Pre-Start Signal Storage Capability
First Named Inventor/Applicant Name:	Paul DeKeyser
Customer Number:	24392
Filer:	Martin Fessenmaier/Sara Geer
Filer Authorized By:	Martin Fessenmaier
Attorney Docket Number:	101488.0002US1
Receipt Date:	28-AUG-2007
Filing Date:	
Time Stamp:	16:28:20
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	\$425
RAM confirmation Number	1471
Deposit Account	500341
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Application Data Sheet	US_ADS_Form_SB_14.pdf	954415 0663ad5214a3c64c239bc012bc711cc4c9a62007	no	4
Warnings:					
Information:					
2		Application.pdf	205272 c5b3439f63fd6d27423853f67c4ffa84ef92e632	yes	16
	Multipart Description/PDF files in .zip description				
	Document Description		Start	End	
	Specification		1	8	
	Claims		9	10	
	Abstract		11	11	
	Drawings		12	16	
Warnings:					
Information:					
3	Fee Worksheet (PTO-06)	fee-info.pdf	8376 340a8caf8033778aa8ad81f528f07b2de1809f43	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			1168063		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

8/28/2007

Approved for use through 7/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD					Application or Docket Number 11,846,217																																					
Substitute for Form PTO-875																																										
APPLICATION AS FILED – PART I																																										
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OTHER THAN SMALL ENTITY																																										
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	RATE (\$)	FEE (\$)																																				
BASIC FEE (37 CFR 1.16(a), (b), or (c))				75																																						
SEARCH FEE (37 CFR 1.16(k), (l), or (m))				250																																						
EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))				100																																						
TOTAL CLAIMS (37 CFR 1.16(i))	14	minus 20 =	X\$ 25		X\$50																																					
INDEPENDENT CLAIMS (37 CFR 1.16(h))	1	minus 3 =	X\$100		X\$200																																					
APPLICATION SIZE FEE (37 CFR 1.16(s))			If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR																																							
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APPLICATION AS AMENDED – PART II																																										
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/846,217	08/28/2007	2186	425	101488.0002US1	14	1

CONFIRMATION NO. 1026

FILING RECEIPT

24392
FISH & ASSOCIATES, PC
ROBERT D. FISH
2603 Main Street
Suite 1050
Irvine, CA 92614-6232

Date Mailed: 09/11/2007

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Paul DeKeyser, Irvine, CA;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/824,095 08/31/2006

Foreign Applications

If Required, Foreign Filing License Granted: 09/10/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US11/846,217**

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Recording Device With Pre-Start Signal Storage Capability

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the

subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/846,217	08/28/2007	Paul DeKeyser	101488.0002US1

24392
 FISH & ASSOCIATES, PC
 ROBERT D. FISH
 2603 Main Street
 Suite 1050
 Irvine, CA 92614-6232

CONFIRMATION NO. 1026
 FORMALITIES
 LETTER

Date Mailed: 09/11/2007

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing. A *properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
Note: If a petition under 37 CFR 1.47 is being filed, an oath or declaration in compliance with 37 CFR 1.63 signed by all available joint inventors, or if no inventor is available by a party with sufficient proprietary interest, is required.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d) are required. The drawings submitted are not acceptable because:
 - The drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1)); See Figure(s) 4.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee, or oath or declaration) as set forth in 37 CFR 1.16(f) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this notice.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$65** for a small entity

- **\$65** Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.



Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
11/846,217	08/28/2007	Paul DeKeyser	101488.0002US1

CONFIRMATION NO. 1026

FORMALITIES
 LETTER

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 ROBERT D. FISH
 2603 Main Street
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 Irvine, CA 92614-6232

Date Mailed: 09/11/2007

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FILED UNDER 37 CFR 1.53(b)

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Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

The applicant needs to satisfy supplemental fees problems indicated below.

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SEP 19 2007

FISH & ASSOCIATES, PC

Motorola v. Stellar
 Motorola Exhibit 1012
 Page 031

The required item(s) identified below must be timely submitted to avoid abandonment:

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee, or oath or declaration) as set forth in 37 CFR 1.16(f) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this notice.

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Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
PART 1 - ATTORNEY/APPLICANT COPY

Practitioner's Docket No. 101488.0002US1

PATENT

COMBINED DECLARATION AND POWER OF ATTORNEY(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION, OR C-I-P)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is for an original application.

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

Recording Device With Pre-Start Signal Storage Capability

SPECIFICATION IDENTIFICATION

The specification was filed on August 28, 2007, as Serial No. 11/846,217.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56, and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent.

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
(35 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER**FILING DATE**

60/824,095

August 31, 2006

Declaration and Power of Attorney--page 1 of 2

POWER OF ATTORNEY

I hereby appoint the practitioner(s) associated with Customer Number 24392 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO**DIRECT TELEPHONE CALLS TO:****CUSTOMER NUMBER 24392**

Fish & Associates, PC
2603 Main Street, Suite 1050
Irvine, CA 92614
US

Robert D. Fish
949-253-0944

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Paul DeKeyser

Inventor's signature

Date 9/22/07

Country of Citizenship US

Residence Irvine, CA US

Post Office Address 55 Hidden Trail, Irvine, CA 92603 USA

Declaration and Power of Attorney--page 2 of 2

TOTAL P.02

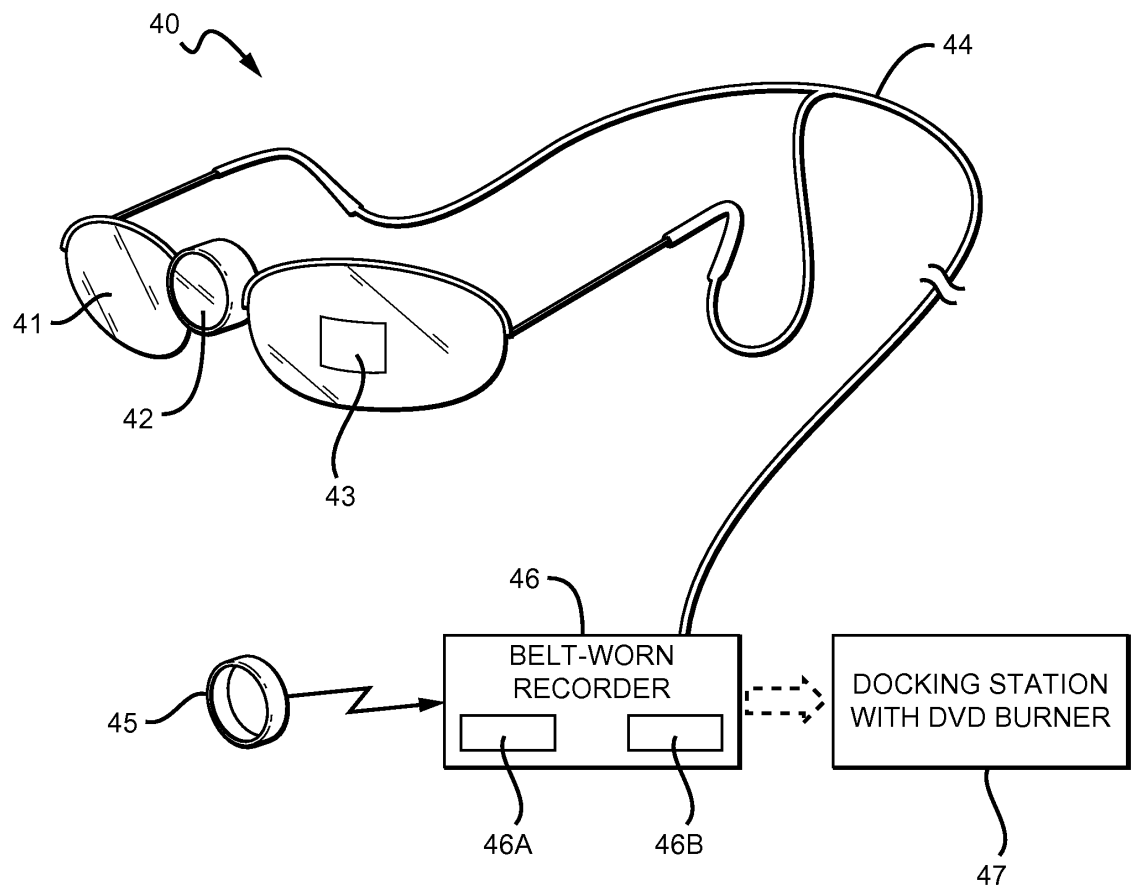


FIG. 4

Electronic Patent Application Fee Transmittal				
Application Number:		11846217		
Filing Date:		28-Aug-2007		
Title of Invention:		Recording Device With Pre-Start Signal Storage Capability		
First Named Inventor/Applicant Name:		Paul DeKeyser		
Filer:		Martin Fessenmaier/Sara Geer		
Attorney Docket Number:		101488.0002US1		
Filed as Small Entity				
Utility Filing Fees				
Description		Fee Code	Quantity	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Late filing fee for oath or declaration		2051	1	65
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				65

Electronic Acknowledgement Receipt	
EFS ID:	2376840
Application Number:	11846217
International Application Number:	
Confirmation Number:	1026
Title of Invention:	Recording Device With Pre-Start Signal Storage Capability
First Named Inventor/Applicant Name:	Paul DeKeyser
Customer Number:	24392
Filer:	Martin Fessenmaier/Sara Geer
Filer Authorized By:	Martin Fessenmaier
Attorney Docket Number:	101488.0002US1
Receipt Date:	26-OCT-2007
Filing Date:	28-AUG-2007
Time Stamp:	15:31:28
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment was successfully received in RAM	\$65
RAM confirmation Number	728
Deposit Account	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
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1	Oath or Declaration filed	Declaration.pdf	142208 e7a803eed57ae1a9dc49383f4b161efa941d45ec	no	4
Warnings:					
Information:					
2	Drawings-only black and white line drawings	Figure_4_Formal.pdf	15061 b023d81e330001685dc5cd5ee4ed633464993f5c	no	1
Warnings:					
Information:					
3	Fee Worksheet (PTO-06)	fee-info.pdf	8161 a92f2cbe42a1095c54de640e1647d7bf57d104d2	no	2
Warnings:					
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Total Files Size (in bytes):			165430		
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/846,217	08/28/2007	2186	490	101488.0002US1	14	1

CONFIRMATION NO. 1026

UPDATED FILING RECEIPT



24392
FISH & ASSOCIATES, PC
ROBERT D. FISH
2603 Main Street
Suite 1050
Irvine, CA 92614-6232

Date Mailed: 11/02/2007

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Paul DeKeyser, Irvine, CA;

Power of Attorney: The patent practitioners associated with Customer Number 24392

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/824,095 08/31/2006

Foreign Applications

If Required, Foreign Filing License Granted: 09/10/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/846,217**

Projected Publication Date: 03/06/2008

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Recording Device With Pre-Start Signal Storage Capability

Preliminary Class

711

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

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page 2 of 3

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		11846217
	Filing Date		2007-08-28
	First Named Inventor	Paul H. Dekeyser	
	Art Unit		
	Examiner Name		
	Attorney Docket Number		101488.0002US1

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Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
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	2	5689442		1997-11-18	Swanson et al.		
	3	5790427		1998-08-04	Greer et al.		
	4	6163338		2000-12-19	Johnson et al.		
	5	6317817		2001-11-13	Shichiku et al.		
	6	9831652		2004-12-14	Orr		
	7	6950600		2005-09-27	Dietz		
	8	7162607		2007-01-09	Macy et al.		

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		11846217
	Filing Date		2007-08-28
	First Named Inventor	Paul H. Dekeyser	
	Art Unit		
	Examiner Name		
	Attorney Docket Number	101488.0002US1	

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	1	0510968	EU		1992-10-28	Canon Kabushiki Kaisha		☐

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	Filing Date		2007-08-28
	First Named Inventor	Paul H. Dekeyser	
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	2	EO 99/56216	WO		1999-11-04	Sensormatic Electronics Corporation		☐
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.								
¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.								

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		11846217
	Filing Date		2007-08-28
	First Named Inventor	Paul H. Dekeyser	
	Art Unit		
	Examiner Name		
	Attorney Docket Number	101488.0002US1	

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Please see 37 CFR 1.97 and 1.98 to make the appropriate selection(s):

☐ That each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(1).

OR

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the information disclosure statement. See 37 CFR 1.97(e)(2).

☐ See attached certification statement.

☐ Fee set forth in 37 CFR 1.17 (p) has been submitted herewith.

☐ None

SIGNATURE

A signature of the applicant or representative is required in accordance with CFR 1.33, 10.18. Please see CFR 1.4(d) for the form of the signature.

Signature	/Mei Tsang/	Date (YYYY-MM-DD)	2008-01-29
Name/Print	Mei Tsang	Registration Number	56122

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Electronic Acknowledgement Receipt	
EFS ID:	2781187
Application Number:	11846217
International Application Number:	
Confirmation Number:	1026
Title of Invention:	Recording Device With Pre-Start Signal Storage Capability
First Named Inventor/Applicant Name:	Paul DeKeyser
Customer Number:	24392
Filer:	Martin Fessenmaier/Sara Geer
Filer Authorized By:	Martin Fessenmaier
Attorney Docket Number:	101488.0002US1
Receipt Date:	29-JAN-2008
Filing Date:	28-AUG-2007
Time Stamp:	13:17:16
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no				
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)
1	Information Disclosure Statement (IDS) Filed	US_IDS_Form__SB_08a.pdf	1055036 5dd481daf38517418376422bdc2173061919afb6	no	5
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New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



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APPLICATION NUMBER	FILING OR 371(c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/846,217	08/28/2007	Paul DeKeyser	101488.0002US1

CONFIRMATION NO. 1026

24392
FISH & ASSOCIATES, PC
ROBERT D. FISH
2603 Main Street
Suite 1050
Irvine, CA92614-6232

Title: Recording Device With Pre-Start Signal Storage Capability

Publication No. US-2008-0055410-A1

Publication Date: 03/06/2008

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/846,217	08/28/2007	Paul DeKeyser	101488.0002US1	1026
24392 7590 03/19/2009 FISH & ASSOCIATES, PC ROBERT D. FISH 2603 Main Street Suite 1000 Irvine, CA 92614-6232			EXAMINER DIEP, NHON THANH	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 03/19/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	11/846,217	DEKEYSER, PAUL	
	Examiner	Art Unit	
	Nhon T. Diep	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 06 March 2008.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-14 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 26 October 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>1/29/2008</u>	4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ 5) ☐ Notice of Informal Patent Application 6) ☐ Other: _____
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DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 7, 9-11 and 12-13 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4-6, 8-9 of copending Application No. 12/268,286. Although the conflicting claims are not identical, they are not patentably distinct from each other because 1, 7, 9-11 and 12-13 of this application are anticipated by claims 1, 4-6, 8-9 of Application No. 12/268,286.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 6, 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hattori et al (US 5,523,799).

Hattori et al discloses an image storing device including an inhibiting function comprising the same surveillance system comprising:

a camera that converts images into first and second data streams (fig. 2, el. 30, a plurality of frame portions);

a memory (el. 14); and

hardware that executes an instruction set that utilizes an area of the memory as a circular buffer, records the first data stream in the buffer; responds to a signal by protecting a recently used segment of the buffer, and records the second data stream in the buffer, without overwriting the protected segment (el. 16-14 and fig. 8, el. 23 and 1, 4-8) as specified in claim 1; wherein the second data stream is continuous with the first data stream (fig. 8 and col. 3, ln. 62 – col. 4, ln. 11) as specified in claim 3; wherein at least 20% of the memory is used as the buffer (fig. 8 shows 25% of the entire memory is used as write-protected portion = circular buffer) as specified in claim 6; further comprising an interface through which a human can initiate the signal (fig. 2, el. 26) as specified in claim 9.

Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori et al, in view of Washino (US 6,370,198 B1).

As applied to claim 1 above, it is noted that Hattori et al does not particularly disclose wherein the buffer stores at least 10 minutes of image frames () as specified in claim 2. Washino teaches currently available 10 GB disk drives will store more than 30 minutes of video. And, therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hattori et al by using

large storage device capable of storing more than 10 minutes of video as taught by Washino. Doing so would help to improve the effectiveness of the system of Hattori et al.

7. Claims 4-5, 7-8 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori et al, in view of Plante (cited by the applicant).

As applied to claim 1 above, it is noted that Hattori et al further discloses wherein the memory stores at least a 30 second portion of the first data stream (col. 3, ln. 28-31) as specified in claim 4; and wherein the at least a 30 second portion of the first data stream is stored in logically dis-contiguous portions of the memory (col. 3, ln. 63 – col. 4, ln. 11) as specified in claim 5. However, Hattori et al does not particularly disclose wherein the memory stores at least a 30 second portion of the first data stream, including at least a 5 second pre-signal portion and at least a 5 second post-signal portion as specified in claim 4; a sensor that automatically initiates the signal as specified in claim 7; the sensor operates upon content in the first data stream as specified in claim 8; an interface through which a human can override a default pre-signal size of the recently used segment as specified in claim 10; an interface through which a human can override a default post-signal size of the recently used segment as specified in claim 11. Plante teaches “An ‘event trigger’ is a system devised to detect a prescribed physical condition and provide an electronic signal in response thereto; the electronic signal being coupled to another system which may be set into action as a result of having received the event trigger signal, and a ‘proximity trigger’ is a system devised to detect a prescribed proximity condition and provide an electronic signal in

response thereto; the electronic signal being coupled to another system which may be set into action as a result of having received the proximity trigger signal” and “An event trigger is a system provided to sense and detect occurrence of some event of interest. An event of interest may be for example an automobile traffic accident. In this case accelerometers respond to abrupt changes in motion and provide the video event recorder with a signal to indicate that video data should be preserved and transferred to the high capacity buffer memory”. And, therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Hattori et al by including a trigger signal (motion sensor) and a proximity trigger as a pre and post signals with 150 frames each of the write-protected portion of Hattori et al. In addition, any time (or frames) allocated for pre or post signal should always be override by human as a matter of designer’s choice. Doing so would help to detect the prescribed proximity condition and the event that triggers the write protected recording.

8. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori et al, in view of Vanman (US 2006/0158968 A1).

As applied to claim 1 above, it is noted that Hattori et al does not particularly disclose a wireless receiver upstream of the buffer with respect to the first data stream as specified in claim 12; further comprising a wearable mount for the camera as specified in claim 13; and further comprising a vehicle mount for the camera as specified in claim 14. Vanman describes an electronic camera mounted to a police vehicle with a circular buffer and transfer important portions wirelessly to a central office. And therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the system of Hattori by mounting the system of Hattori et al to a police vehicle with a circular buffer and transfer important portions wirelessly to a central office. Doing so would help to record and send information to a central station.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T. Diep whose telephone number is 571-272-7328. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 11/846,217
Art Unit: 2621

Page 8

ND

/Nhon T Diep/
Primary Examiner, Art Unit 2621

Notice of References Cited	Application/Control No. 11/846,217	Applicant(s)/Patent Under Reexamination DEKEYSER, PAUL	
	Examiner Nhon T. Diep	Art Unit 2621	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,523,799	06-1996	Hattori et al.	348/715
*	B	US-2006/0158968	07-2006	Vanman et al.	369/027.01
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	2	"5523799".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/16 04:50
L2	22	("5381526" or "5689442" or "5790427" or "6163338" or "6317817" or "9831652" or "6950600" or "7162607" or "20050005895" or "20040183912" or "20070132773" or "20070174538").pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/16 04:52
L3	2	("20080055410").pn. and (pre-signal or post- signal)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/16 04:54
L4	0	("5381526" or "5689442" or "5790427" or "6163338" or "6317817" or "9831652" or "6950600" or "7162607" or "20050005895" or "20040183912" or "20070132773" or "20070174538").pn. and (pre-signal or post- signal)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/16 04:57
L5	9	("5381526" or "5689442" or "5790427" or "6163338" or "6317817" or "9831652" or "6950600" or "7162607" or "20050005895" or "20040183912" or "20070132773" or "20070174538").pn. and (signal)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/16 04:58
L6	2	"5523799".pn. and (signal or portion)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/16 05:14

L7	1	"5523799".pn. and (initiat \$6 or start\$6)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/16 05:17
L8	1	("20080055410").pn. and (sensor same signal same operat\$5)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/16 05:21
L9	1	("20080055410").pn. and (wireless same receiv \$6 same \$2stream)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/16 05:24
L10	0	"5523799".pn. and wireless and receiv\$7	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/16 05:25
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L12	11	vanman.in. and police same vehicle	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/16 05:49

3/16/09 5:59:40 AM

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Search Notes 	Application/Control No. 11846217	Applicant(s)/Patent Under Reexamination DEKEYSER, PAUL
	Examiner Nhon T Diep	Art Unit 2621

SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
East Search, Inventor Search	3/15/2009	ND

INTERFERENCE SEARCH			
Class	Subclass	Date	Examiner

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Index of Claims 	Application/Control No. 11846217	Applicant(s)/Patent Under Reexamination DEKEYSER, PAUL
	Examiner Nhon T Diep	Art Unit 2621

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant ☐ CPA ☐ T.D. ☐ R.1.47										
CLAIM		DATE								
Final	Original	03/15/2009								
	1	✓								
	2	✓								
	3	✓								
	4	✓								
	5	✓								
	6	✓								
	7	✓								
	8	✓								
	9	✓								
	10	✓								
	11	✓								
	12	✓								
	13	✓								
	14	✓								

EAST Search History

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	48	(processor same "200" same issues same memory same access same request) and indexes same address	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/15 20:46
L2	2712	index same file same address\$6 same (record\$5 or memory or buffer)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/15 20:49
L3	746	index same file same address\$6 same (record\$5 or memory or buffer) and write and protect\$6	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/15 20:49
L4	26	index same file same address\$6 same (record\$5 or memory or buffer) and write and protect\$6 and glass	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/15 20:50
L5	917	mobile same cell\$6 same phone same stor \$7 same image	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/15 20:51
L6	76	mobile same cell\$6 same phone same stor \$7 same image same PDA same digital adj1 camera	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/15 20:52
L8	251	dekeyser.in.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/15 21:13
L9	3	dekeyser.in. and write same protect\$6	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/15 21:14

L10	23	vanman.in.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/15 21:33
L13	2	"20080165249".pn.	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/15 21:36
L14	2	"20080165249".pn. and (min or minute or time or sec or second or stor\$6 or capacity)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/15 21:50
L15	2	"5523799".pn. and (min or minute or time or sec or second or stor\$6 or capacity)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/15 21:51
L16	9693	(RAM or random adj1 access adj1 memory) same stor\$6 and (min or minute) same capacity	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/15 21:53
L17	261	(RAM or random adj1 access adj1 memory) same stor\$6 and (min or minute) same capacity same "30" adj1 (minutes or min)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/15 21:54
L18	17	(RAM or random adj1 access adj1 memory) same stor\$6 same (min or minute) same capacity same "30" adj1 (minutes or min)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/15 21:54
L19	4987	record\$7 same voice same activat\$6	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/15 22:03
L20	1	"20080165249".pn. and audio adj1 signal	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/15 22:04

L21	895	record\$7 same audio adj1 signal same activat\$6	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/15 22:04
L22	45	record\$7 same audio adj1 signal same activat\$6 same recording adj1 device	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/15 22:05
L23	221	voice same activat\$6 same recording adj1 device	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/15 22:06
L24	20	22 and 23	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/15 22:07
L25	1	"5523799".pn. and (send\$6 or transmit\$6 or wireless\$6)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/15 22:14
L26	1	"20060158969".pn. and (send\$6 or transmit\$6 or wireless \$6)	US-PGPUB; USPAT; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2009/03/15 22:16

3/ 15/ 09 10:47:09 PM

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		11846217
	Filing Date		2007-08-28
	First Named Inventor	Paul H. Dekeyser	
	Art Unit		
	Examiner Name		
	Attorney Docket Number		101488.0002US1

U.S. PATENTS Remove						
Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
	1	5381526		1995-01-10	Ellson	
	2	5689442		1997-11-18	Swanson et al.	
	3	5790427		1998-08-04	Greer et al.	
	4	6163338		2000-12-19	Johnson et al.	
	5	6317817		2001-11-13	Shichiku et al.	
	6	9831652		2004-12-14	Orr	
	7	6950600		2005-09-27	Dietz	
	8	7162607		2007-01-09	Macy et al.	

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		11846217
	Filing Date		2007-08-28
	First Named Inventor	Paul H. Dekeyser	
	Art Unit		
	Examiner Name		
	Attorney Docket Number	101488.0002US1	

	9							
If you wish to add additional U.S. Patent citation information please click the Add button.						Add		
U.S.PATENT APPLICATION PUBLICATIONS						Remove		
Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
	1	20050005895		2002-01-17	Freeman et al.			
	2	20040183912		2004-09-23	Szolyga et al.			
	3	20070132773		2004-06-14	Plante			
	4	20070174538		2007-07-26	Christoffersson et al.			
	5							
If you wish to add additional U.S. Published Application citation information please click the Add button.						Add		
FOREIGN PATENT DOCUMENTS						Remove		
Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² j	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	0510968	EU		1992-10-28	Canon Kabushiki Kaisha		☐

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		11846217	
	Filing Date		2007-08-28	
	First Named Inventor	Paul H. Dekeyser		
	Art Unit			
	Examiner Name			
	Attorney Docket Number	101488.0002US1		

	2	EO 99/56216	WO		1999-11-04	Sensormatic Electronics Corporation		☐
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NON-PATENT LITERATURE DOCUMENTS							Remove
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Examiner Initials*	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ⁵
	1		☐

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EXAMINER SIGNATURE			
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Examiner Signature	/Nhon Diep/	Date Considered	03/15/2009
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450**

Appl No.: **11/846,217**
Applicant: **DeKeyser, Paul**
Filing Date: **August 28, 2007**
Art Unit: **2621**
Examiner: **Diep, Nhon Thanh**
Attorney Docket No.: **101488.0002US1**

Title **Recording Device with Pre-Start
Signal Storage Capability**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Sir:

This paper responds to the Office Action dated March 19, 2009. The document is also accompanied by a terminal disclaimer. Please enter the amendments shown herein.

- Claim amendments begin on page 2.
- Remarks begin on page 4

AMENDMENTS TO THE CLAIMS

This listing of claims replaces all prior versions, and listings, of claims in the application:

1. (Currently Amended) A surveillance system comprising:
 - a camera that converts images into first and second data streams;
 - a memory; and
 - hardware that executes an instruction set that utilizes an area of the memory as a circular buffer, records the first data stream in the buffer; responds to a signal by protecting a recently used segment of the buffer storing at least a portion of the first data stream--and--while continuously recordings the second data stream in an unprotected segment of the buffer, without overwriting the protected segment.
2. (Original) The system of claim 1, wherein the buffer stores at least 10 minutes of image frames.
3. (Original) The system of claim 1, wherein the second data stream is continuous with the first data stream.
4. (Original) The system of claim 1, wherein the memory stores at least a 30 second portion of the first data stream, including at least a 5 second pre-signal portion and at least a 5 second post-signal portion.
5. (Original) The system of claim 4, wherein the at least a 30 second portion of the first data stream is stored in logically dis-contiguous portions of the memory.
6. (Original) The system of claim 1, wherein at least 20% of the memory is used as the buffer.
7. (Original) The system of claim 1, further comprising a sensor that automatically initiates the signal.
8. (Original) The system of claim 7, wherein the sensor operates upon content in the first data stream.

9. (Original) The system of claim 1, further comprising an interface through which a human can initiate the signal.
10. (Original) The system of claim 1, further comprising an interface through which a human can override a default pre-signal size of the recently used segment.
11. (Original) The system of claim 1, further comprising an interface through which a human can override a default post-signal size of the recently used segment.
12. (Original) The system of claim 1, further comprising a wireless receiver upstream of the buffer with respect to the first data stream.
13. (Original) The system of claim 1, further comprising a wearable mount for the camera.
14. (Original) The system of claim 1, further comprising a vehicle mount for the camera.
15. (New) The system of claim 1, further comprising a wireless signaling device in wireless communication with the camera and the hardware, and that is configured to wirelessly send the signal to the hardware.
16. (New) The system of claim 15, wherein the wireless signaling device comprises a human wearable ring.
17. (New) The system of claim 15, wherein the wireless signaling device comprises a key fob.
18. (New) The system of claim 15, wherein the wireless signaling device is local to the camera and the hardware, and local about a user.

REMARKS/ARGUMENTS

The Office Action dated March 19, 2009, has been received and carefully considered. By this amendment, claim 1 has been amended. New claims 15 – 18 have been added. After entry of this Amendment, claims 1 - 18 will be pending. In view of these amendments and the following remarks, Applicants respectfully request reconsideration.

Double Patenting

The Office provisionally rejected claims 1, 7, 9 – 11, and 12 – 13 on the ground of non-statutory obviousness-type double patenting as being un-patentable over claims 1, 4 – 6, and 8 – 9 of co-pending application having serial number 12/268,286. The Applicant acknowledges the provisional double patenting rejection and files the accompanying terminal disclaimer to overcome the provisional rejection.

Claim Amendments

Claim 1 has been amended to clarify that the buffer segments storing the first data stream are protected while continuously recording the second data stream in the buffer (see paragraphs [0028] and [0029]).

Claims 15 – 18 are newly added and include features relating to the wireless signaling device. Support for claim 15 and 16 can be found in paragraph [0034]. Support for claim 17 can be found at the end of paragraph [0034]. Support for claim 18 can be found in the discussion that a user can wear an eyeglass camera (paragraph [0031]), can wear a ring (paragraph [0034]), and that the recorder can be worn on a belt (paragraph [0032]; Figure 4 element 46).

35 USC §102

The Office rejected claims 1, 3, 6, and 9 under 35 USC 102 as being anticipated by Hattori et al. (U.S. patent 5,523,799). The Applicant respectfully disagrees, especially in view of the amendments entered herein. Amended claim 1 requires that the hardware protect segments of image data while continuously recording additional data streams. Hattori provide teachings that are counter to such an approach. Hattori specifically contemplates that once data has been registered, and then film making can continue (C4/L3 – 11). Clearly Hattori contemplates that recording stops when registering a writing inhibition area as opposed to protecting segment

while also continuing to record additional stream data. Claim 1 is allowably over Hattori, as are claims 3, 6, and 9 via their dependence on claim 1, on the ground that Hattori fails to teach all the claimed features of claim 1.

35 USC §103

Claim 2

The Office rejected claim 2 under 35 USC 103 as being obvious over Hattori et al. (U.S. patent 5,523,799) in view of Washino (U.S. patent 6,370,198). Washino fails to contribute to Hattori to arrive at the feature of a protecting a data stream while continuing to record additional stream data in the same circular buffer as claimed in claim 1. Claim 2 is allowable over Hattori and Washino via its dependence on claim 1 and on the ground that the cited art, alone or combined, fail teach, suggest, or motivate the features of claim 1.

Claims 4 – 5, 7 – 8, and 10 - 11

The Office rejected claims 4 – 5, 7 – 8, and 10 – 11 under 35 USC 103 as being obvious over Hattori et al. (U.S. patent 5,523,799) in view of Plante (U.S. patent application publication 2007/0132773). Plante also fails to contribute to Hattori to arrive at the feature of protecting a data stream while continuing to record additional stream data in the same circular buffer as claimed in claim 1. Claims 4 – 5, 7 – 8, and 10 – 11 are allowable over Hattori and Plante (alone or combined) by virtue of their dependence on claim 1.

Claims 12 – 14

The Office rejected claims 12 - 14 under 35 USC 103 as being obvious over Hattori et al. (U.S. patent 5,523,799) in view of Vanman (U.S. patent application publication 2006/0158968). Vanman also fails to contribute to Hattori to arrive at the feature of protecting a data stream while continuing to record additional stream data in the same circular buffer as claimed in claim 1. Vanman merely contemplates recording into a preserved space (see steps 420 – 450 of Figure 4). Claims 12 - 14 are allowable over Hattori and Vanman (alone or combined) by virtue of their dependence on claim 1.

New Claims 15 – 17

The Applicant submits that claims 15 – 18 are allowable over the cited art on the grounds that they depend from allowable claim 1 and that none of the cited art, alone or combined, fairly teaches, suggests, or motivates (a) using a wireless signaling device in communication with the camera and hardware, (b) using ring as a signaling device, (b) using a key fob as a signaling device, or (c) the a signaling device is disposed locally about a person along with a camera and hardware to record data streams.

Request For Allowance

Claims 1 - 18 are pending in this application. The applicant requests allowance of all pending claims.

Respectfully submitted,
Fish & Associates, PC

Date: June 17, 2009

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**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)

101488.0002US1

In re Application of: Paul DeKeyser

Application No.: 11/846,217

Filed: August 28, 2007

For: Recording Device With Pre-Start Signal Storage Capability

The owner*, Paul DeKeyser, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending **reference** Application Number 12/268,286, filed on 11/10/08, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the **reference** application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said **reference** application, "as the term of any patent granted on said **reference** application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending **reference** application," in the event that: any such patent: granted on the pending **reference** application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 63481

/Nicholas J. Witchey/

Signature

June 17, 2009

Date

Nicholas J. Witchey

Typed or printed name

(949) 943-8300

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Electronic Patent Application Fee Transmittal				
Application Number:		11846217		
Filing Date:		28-Aug-2007		
Title of Invention:		Recording Device With Pre-Start Signal Storage Capability		
First Named Inventor/Applicant Name:		Paul DeKeyser		
Filer:		Martin Fessenmaier/Sara Geer		
Attorney Docket Number:		101488.0002US1		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Statutory disclaimer	2814	1	70	70
Total in USD (\$)				70

Electronic Acknowledgement Receipt	
EFS ID:	5534707
Application Number:	11846217
International Application Number:	
Confirmation Number:	1026
Title of Invention:	Recording Device With Pre-Start Signal Storage Capability
First Named Inventor/Applicant Name:	Paul DeKeyser
Customer Number:	24392
Filer:	Martin Fessenmaier/Sara Geer
Filer Authorized By:	Martin Fessenmaier
Attorney Docket Number:	101488.0002US1
Receipt Date:	17-JUN-2009
Filing Date:	28-AUG-2007
Time Stamp:	15:48:24
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$70
RAM confirmation Number	1957
Deposit Account	500341
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.16 (National application filing, search, and examination fees) Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

Charge any Additional Fees required under 37 C.F.R. Section 1.19 (Document supply fees)					
Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)					
File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment/Req. Reconsideration-After Non-Final Reject	Response_01.pdf	96554	no	6
			42607133bb31011023b7e135d1e5973a19038b23		
Warnings:					
Information:					
2	Terminal Disclaimer Filed	286_Terminal_Disclaimer.pdf	74235	no	1
			390e73ce1047d8e550032c816e2503c71e914b7c		
Warnings:					
Information:					
3	Fee Worksheet (PTO-875)	fee-info.pdf	29827	no	2
			8140dedd05f94141775e71251a1613d5b08d0f25		
Warnings:					
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This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

Application Number 	Application/Control No. 11/846,217	Applicant(s)/Patent under Reexamination DEKEYSER, PAUL	

Document Code - DISQ	Internal Document – DO NOT MAIL
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TERMINAL DISCLAIMER	☒ APPROVED	☐ DISAPPROVED
Date Filed : June 17, 2009	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
Henry D. Jefferson

U.S. Patent and Trademark Office



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/846,217	08/28/2007	Paul DeKeyser	101488.0002US1	1026
24392 7590 09/11/2009 FISH & ASSOCIATES, PC ROBERT D. FISH 2603 Main Street Suite 1000 Irvine, CA 92614-6232			EXAMINER DIEP, NHON THANH	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 09/11/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 11/846,217	Applicant(s) DEKEYSER, PAUL	
	Examiner Nhon T. Diep	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 17 June 2009.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-18 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 10/26/2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.	4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5) ☐ Notice of Informal Patent Application 6) ☐ Other: _____.
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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/17/2009 have been fully considered but they are not persuasive.

Regarding to the applicant's argument that "The Applicant respectfully disagrees, especially in view of the amendments entered herein. Amended claim 1 requires that the hardware protect segments of image data while continuously recording additional data stream. Hattori provide teachings that are counter to such an approach. Hattori specifically contemplates that once data has been registered, and then film making can continue (C4/L3 - 11). Clearly Hattori contemplates that recording stops when registering a writing inhibition area as opposed to protecting segment while also continuing to record additional stream data.". The examiner respectfully disagrees.

It is submitted that the first and the send data streams as claimed are images obtained from a camera taking at different times, and that after Hattori et al established a writing inhibition portion, additional data streams are continuously recorded but at a different point of the circular buffer (point b of fig. 4 of Hattori et al and col. 4, ln. 6-10).

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "A wireless receiver upstream of the buffer with respect to the first data stream " is recited in original claims 12-14, and therefore, the specification

is objected to as failing to provide proper antecedent basis for the claimed computer readable medium.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 15-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention without undue experimentation.

Regarding to claim 15, which recites “a wireless signaling device in wireless communication with the camera and the hardware, and that is configured to wirelessly send the signal to the hardware”. The specification fails to disclose the above limitation. And therefore, the above claimed limitation was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention without undue experimentation.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3, 6, 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hattori et al (US 5,523,799).

Hattori et al discloses an image storing device including an inhibiting function comprising the same surveillance system comprising:

a camera that converts images into first and second data streams (fig. 5, el. 30, a plurality of frame portions);

a memory (el. 14); and

hardware that executes an instruction set that utilizes an area of the memory as a circular buffer, records the first data stream in the buffer; responds to a signal by protecting a recently used segment of the buffer, storing at least a portion of the first data stream while continuously recording the second data stream in the buffer, without overwriting the protected segment (el. 16-14 and fig. 8, el. 2-3 and 1, 4-8: notice that the first data stream or additional data stream are images taken at different times from the same camera and is recorded at a different point of the circular buffer) as specified in claim 1; wherein the second data stream is continuous with the first data stream (fig. 8 and col. 3, ln. 62 – col. 4, ln. 11) as specified in claim 3; wherein at least 20% of the memory is used as the buffer (fig. 8 shows 25% of the entire memory is used as write-protected portion = circular buffer) as specified in claim 6; further comprising an interface through which a human can initiate the signal (fig. 2, el. 26) as specified in claim 9.

Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori et al, in view of Washino (US 6,370,198 B1) as set forth in the previous Office Action.

9. Claims 4-5, 7-8 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori et al, in view of Plante (cited by the applicant) as set forth in the previous Office Action.

10. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori et al, in view of Vanman (US 2006/0158968 A1) as set forth in the previous Office Action.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T. Diep whose telephone number is 571-272-7328. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ND

/Nhon T Diep/
Primary Examiner, Art Unit 2621

<i>Index of Claims</i> 	Application/Control No. 11846217	Applicant(s)/Patent Under Reexamination DEKEYSER, PAUL
	Examiner Nhon T Diep	Art Unit 2621

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant										☐ CPA										☒ T.D.										☐ R.1.47									
CLAIM		DATE																																					
Final	Original	03/15/2009	09/09/2009																																				
	1	✓	✓																																				
	2	✓	✓																																				
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450**

Appl No.: **11/846,217**
Applicant: **DeKeyser, Paul**
Filing Date: **August 28, 2007**
Art Unit: **2621**
Examiner: **Diep, Nhon Thanh**
Attorney Docket No.: **101488.0002US1**

Title **Recording Device with Pre-Start
Signal Storage Capability**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE AFTER FINAL OFFICE ACTION

Sir:

This paper responds to the Final Office Action dated September 11, 2009. Please enter the amendments shown herein.

- Claim amendments begin on page 2.
- Specification amendments begin on page 4.
- Remarks begin on page 5.

AMENDMENTS TO THE CLAIMS

This listing of claims replaces all prior versions, and listings, of claims in the application:

1. (Currently Amended) A surveillance system comprising:
 - a camera that converts images into first and second data streams;
 - a memory; and
 - hardware that executes an instruction set that utilizes an area of the memory as a circular buffer, records the first data stream in the buffer; responds to a signal by protecting a recently used segment of the buffer storing at least a portion of the first data stream while at the same time continuously recording the first data stream as the second data stream in an unprotected segment of the buffer, without overwriting the protected segment.
2. (Original) The system of claim 1, wherein the buffer stores at least 10 minutes of image frames.
3. (Original) The system of claim 1, wherein the second data stream is continuous with the first data stream.
4. (Original) The system of claim 1, wherein the memory stores at least a 30 second portion of the first data stream, including at least a 5 second pre-signal portion and at least a 5 second post-signal portion.
5. (Original) The system of claim 4, wherein the at least a 30 second portion of the first data stream is stored in logically dis-contiguous portions of the memory.
6. (Original) The system of claim 1, wherein at least 20% of the memory is used as the buffer.
7. (Original) The system of claim 1, further comprising a sensor that automatically initiates the signal.
8. (Original) The system of claim 7, wherein the sensor operates upon content in the first data stream.

9. (Original) The system of claim 1, further comprising an interface through which a human can initiate the signal.
10. (Original) The system of claim 1, further comprising an interface through which a human can override a default pre-signal size of the recently used segment.
11. (Original) The system of claim 1, further comprising an interface through which a human can override a default post-signal size of the recently used segment.
12. (Original) The system of claim 1, further comprising a wireless receiver upstream of the buffer with respect to the first data stream.
13. (Original) The system of claim 1, further comprising a wearable mount for the camera.
14. (Original) The system of claim 1, further comprising a vehicle mount for the camera.
15. (Currently Amended) The system of claim 1, further comprising a ~~wireless~~-signaling device in wireless communication with a recorder comprising the memory, the camera and the hardware, and that is configured to wirelessly send the signal to the ~~hardware~~recorder.
16. (Previously Presented) The system of claim 15, wherein the wireless signaling device comprises a human wearable ring.
17. (Previously Presented) The system of claim 15, wherein the wireless signaling device comprises a key fob.
18. (Previously Presented) The system of claim 15, wherein the wireless signaling device is local to the camera and the hardware, and local about a user.

SPECIFICATION AMENDMENTS

The Office objected to the specification as failing to provide an antecedent for the phrase “a wireless receiver upstream of the buffer with respect to the first data stream” from original Claim 12. In response the Applicant respectfully requests that paragraph [0025] be amended as follows:

In Figure 3C the system has received a "stop" signal some time after receiving the start signal, thereby lengthening the protected portion of the "A" data stream. The stop signal could be generated from software or hardware as a function of a default time after the start signal. All suitable defaults are contemplated, including for example a 30 second or 1 minute time period. Stop signals could also be generated in a variable fashion, again as a function of software or hardware, through action of a user, or in any other suitable manner. Thus, a user might well operate a start button or other switch, a more time switch, and a stop switch, which could have the same or different interfaces. It is also contemplated that the system could recognize a user's verbal commands for these functions. The system can further comprise a wireless receiver upstream of the buffer with respect to the data streams.

No new matter has been added.

REMARKS/ARGUMENTS

The Final Office Action dated September 11, 2009, has been received and carefully considered. By this amendment, claims 1 and 15 have been amended. After entry of this Amendment, claims 1 - 18 will be pending. In view of these amendments and the following remarks, the Applicant respectfully requests reconsideration.

Claim Amendments

Claim 1 has been amended to clarify that portions of the first stream are protected while *at the same time* the data stream is continuously recorded, without interruption, as the second data stream. Support for this can be found in paragraph [0027] of the specification, more specifically at the 2nd sentence of paragraph [0027], where streams “A” and “B” are differentiated by how the data is stored.

Claim 15 has been amended to more closely conform to the specification. Claim 15 now recites that the signaling device is in wireless communication with a recorder that includes the memory (paragraphs [0032] and [0034]).

No new matter has been added.

Specification Objections

The Office objected to the specification on the ground that it fails to provide antecedent basis for “a wireless receiver upstream of the buffer with respect to the first data stream” as recited in original claims 12 – 14. The Applicant notes that only claim 12 recites the quoted phrase. The Applicant has submitted an amendment to the specification to address the objection, and respectfully requests that the objection be withdrawn.

35 USC §112

The Office rejected claims 15 – 18 under 35 USC 112 as failing to comply with the enablement requirement. More specifically, claims 15 – 18 are rejected on the ground that claim 15 recites “a wireless signaling device in wireless communication with the camera and the hardware, and that is configured to wirelessly send the signal to the hardware” is not described by the specification. In response claim 15 has been amended to clarify that the signaling device

is in wireless communication with a recorder (Figure 4, element 46; paragraph [0032]). The recorder has a memory (46B) that can include the circular buffer (see paragraph [0032], 3rd sentence). The Applicant respectfully submits that the rejection of claims 15 – 18 is thus overcome in view of the amendments to claim 15.

35 USC §102

The Office rejected claims 1, 3, 6, and 9 under 35 USC 102 as being anticipated by Hattori et al. (U.S. patent 5,523,799). The Applicant respectfully disagrees, especially in view of the amendments entered herein. Amended claim 1 clarifies that portions of the first data stream are protected while *at the same time* continuously recording the first data stream as *the second data stream* in unprotected segments (emphasis added). As previously presented, Hattori specifically contemplates halting, then resuming recording (C4/L3 – 11; more specifically C4/L3 – 4), as opposed to protecting and recording at the same time. Claim 1 is allowable over Hattori, as are claims 3, 6, and 9 via their dependence on claim 1, on the ground that Hattori fails to teach all the claimed features of claim 1.

The Applicant has appreciated that it is desirable to differentiate image data streams through protecting portions of a captured data stream within a circular buffer as the captured data stream is recorded. The cited art lacks such appreciation.

35 USC §103

Claim 2

The Office rejected claim 2 under 35 USC 103 as being obvious over Hattori et al. (U.S. patent 5,523,799) in view of Washino (U.S. patent 6,370,198). Washino fails to contribute to Hattori to arrive at the feature of a protecting a data stream while at the same time continuing to record the data stream in the same circular buffer as claimed in claim 1. Claim 2 is allowable over Hattori and Washino via its dependence on claim 1 and on the ground that the cited art, alone or combined, fail teach, suggest, or motivate the features of claim 1.

Claims 4 – 5, 7 – 8, and 10 – 11

The Office rejected claims 4 – 5, 7 – 8, and 10 – 11 under 35 USC 103 as being obvious over Hattori et al. (U.S. patent 5,523,799) in view of Plante (U.S. patent application publication 2007/0132773). Plante also fails to contribute to Hattori to arrive at the feature of protecting a data stream while at the same time continuing to record additional the data in the same circular buffer as claimed in claim 1. Claims 4 – 5, 7 – 8, and 10 – 11 are allowable over Hattori and Plante (alone or combined) by virtue of their dependence on claim 1.

Claims 12 – 14

The Office rejected claims 12 - 14 under 35 USC 103 as being obvious over Hattori et al. (U.S. patent 5,523,799) in view of Vanman (U.S. patent application publication 2006/0158968). Vanman also fails to contribute to Hattori to arrive at the feature of protecting a data stream while at the same time continuing to record the data stream as a second stream in the same circular buffer as claimed in claim 1. Vanman merely contemplates recording into a preserved space (see steps 420 – 450 of Figure 4). Claims 12 - 14 are allowable over Hattori and Vanman (alone or combined) by virtue of their dependence on claim 1.

Claims 15 – 18

The Applicant submits that claims 15 – 18 are allowable over the cited art on the grounds that they depend from allowable claim 1 and that none of the cited art, alone or combined, fairly teaches, suggests, or motivates (a) using a signaling device in wireless communication with a recorder having the memory, (b) using ring as a signaling device, (c) using a key fob as a signaling device, or (d) where the a signaling device is disposed locally about a person along with a camera and hardware to record data streams.

>>>

Request For Allowance

Claims 1 - 18 are pending in this application. The applicant requests allowance of all pending claims.

Respectfully submitted,
Fish & Associates, PC

Date: November 10, 2009

By: Nicholas J. Witchey/
Nicholas J. Witchey
Reg. No. 63481

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Electronic Acknowledgement Receipt	
EFS ID:	6428692
Application Number:	11846217
International Application Number:	
Confirmation Number:	1026
Title of Invention:	Recording Device With Pre-Start Signal Storage Capability
First Named Inventor/Applicant Name:	Paul DeKeyser
Customer Number:	24392
Filer:	Martin Fessenmaier/Sara Geer
Filer Authorized By:	Martin Fessenmaier
Attorney Docket Number:	101488.0002US1
Receipt Date:	10-NOV-2009
Filing Date:	28-AUG-2007
Time Stamp:	17:08:51
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment After Final	Response_02.pdf	255113 3a926c0b1c32db361df1ef4e013cbea2fc815d3e	no	8

Warnings:

Information:

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 11/846,217		Filing Date 08/28/2007		☐ To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)		SMALL ENTITY ☒ OR			OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR	RATE (\$)	FEE (\$)			
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A			N/A				
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A			N/A				
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A			N/A				
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =		OR	X \$ =				
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =			X \$ =				
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.			TOTAL			TOTAL				
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)		SMALL ENTITY OR			OTHER THAN SMALL ENTITY		
11/10/2009	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
Total (37 CFR 1.16(i))	* 18	Minus	** 20	= 0	X \$26 =	0	OR	X \$ =		
Independent (37 CFR 1.16(h))	* 1	Minus	***3	= 0	X \$110 =	0	OR	X \$ =		
☐ Application Size Fee (37 CFR 1.16(s))										
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE		
(Column 1)			(Column 2)		(Column 3)					
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)	OR	RATE (\$)	ADDITIONAL FEE (\$)	
Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =		OR	X \$ =		
Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =		OR	X \$ =		
☐ Application Size Fee (37 CFR 1.16(s))										
☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))										
					TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE		
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.										

Legal Instrument Examiner:
/KIMBERLY PANNELL/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/846,217	08/28/2007	Paul DeKeyser	101488.0002US1	1026
24392 7590 11/18/2009 FISH & ASSOCIATES, PC ROBERT D. FISH 2603 Main Street Suite 1000 Irvine, CA 92614-6232			EXAMINER DIEP, NHON THANH	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 11/18/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 11/846,217	Applicant(s) DEKEYSER, PAUL	
	Examiner Nhon T. Diep	Art Unit 2621	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 November 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-18.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Nhon T Diep/
Primary Examiner, Art Unit 2621

Continuation of 3. NOTE: Proposed amendment to claim 1, lines 7-8 and claim 15, lines 1-3 raise new issues that would require further consideration and/or search.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450**

Appl No.: **11/846,217**
Applicant: **DeKeyser, Paul**
Filing Date: **August 28, 2007**
Art Unit: **2621**
Examiner: **Diep, Nhon Thanh**
Attorney Docket No.: **101488.0002US1**

Title **Recording Device with Pre-Start
Signal Storage Capability**

Do not enter,
N.D.

11/13/2009

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE AFTER FINAL OFFICE ACTION

Sir:

This paper responds to the Final Office Action dated September 11, 2009. Please enter the amendments shown herein.

- Claim amendments begin on page 2.
- Specification amendments begin on page 4.
- Remarks begin on page 5.

REQUEST FOR CONTINUED EXAMINATION(RCE)TRANSMITTAL (Submitted Only via EFS-Web)							
Application Number	11846217	Filing Date	2007-08-28	Docket Number (if applicable)	101488.0002Us1	Art Unit	2621
First Named Inventor	Paul H. DeKeyser			Examiner Name	Nohn Thanh Diep		
This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. The Instruction Sheet for this form is located at WWW.USPTO.GOV							
SUBMISSION REQUIRED UNDER 37 CFR 1.114							
Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).							
☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.							
☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____							
☐ Other _____							
☒ Enclosed							
☒ Amendment/Reply							
☐ Information Disclosure Statement (IDS)							
☐ Affidavit(s)/ Declaration(s)							
☐ Other _____							
MISCELLANEOUS							
☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months _____. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)							
☐ Other _____							
FEES							
The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed. ☒ The Director is hereby authorized to charge any underpayment of fees, or credit any overpayments, to Deposit Account No 500341							
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED							
☒ Patent Practitioner Signature							
☐ Applicant Signature							

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Signature of Registered U.S. Patent Practitioner			
Signature	/Nicholas J. Witchey/	Date (YYYY-MM-DD)	2009-12-09
Name	Nicholas J. Witchey	Registration Number	63481

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

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The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

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2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspections or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450**

Appl No.: **11/846,217**
Applicant: **DeKeyser, Paul**
Filing Date: **August 28, 2007**
Art Unit: **2621**
Examiner: **Diep, Nhon Thanh**
Attorney Docket No.: **101488.0002US1**

Title **Recording Device with Pre-Start
Signal Storage Capability**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE AFTER FINAL OFFICE ACTION

Sir:

This paper responds to the Action dated November 18, 2009 and is being filed concurrently herewith a Request for Continued Examination. Please enter the amendments shown herein.

- Claim amendments begin on page 2.
- Specification amendments begin on page 4.
- Remarks begin on page 5.

AMENDMENTS TO THE CLAIMS

This listing of claims replaces all prior versions, and listings, of claims in the application:

1. (Currently Amended) A surveillance system comprising:
 - a camera that converts images into first and second data streams;
 - a memory; and
 - hardware that executes an instruction set that utilizes an area of the memory as a circular buffer, records the first data stream in the buffer; responds to a signal by protecting a recently used segment of the buffer storing at least a portion of the first data stream while at the same time continuously recording the first data stream as the second data stream in an unprotected segment of the buffer, without overwriting the protected segment.
2. (Original) The system of claim 1, wherein the buffer stores at least 10 minutes of image frames.
3. (Original) The system of claim 1, wherein the second data stream is continuous with the first data stream.
4. (Original) The system of claim 1, wherein the memory stores at least a 30 second portion of the first data stream, including at least a 5 second pre-signal portion and at least a 5 second post-signal portion.
5. (Original) The system of claim 4, wherein the at least a 30 second portion of the first data stream is stored in logically dis-contiguous portions of the memory.
6. (Original) The system of claim 1, wherein at least 20% of the memory is used as the buffer.
7. (Original) The system of claim 1, further comprising a sensor that automatically initiates the signal.
8. (Original) The system of claim 7, wherein the sensor operates upon content in the first data stream.

9. (Original) The system of claim 1, further comprising an interface through which a human can initiate the signal.
10. (Original) The system of claim 1, further comprising an interface through which a human can override a default pre-signal size of the recently used segment.
11. (Original) The system of claim 1, further comprising an interface through which a human can override a default post-signal size of the recently used segment.
12. (Original) The system of claim 1, further comprising a wireless receiver upstream of the buffer with respect to the first data stream.
13. (Original) The system of claim 1, further comprising a wearable mount for the camera.
14. (Original) The system of claim 1, further comprising a vehicle mount for the camera.
15. (Currently Amended) The system of claim 1, further comprising a wireless signaling device in wireless communication with a recorder comprising the memory, the camera and the hardware, and that is configured to wirelessly send the signal to the hardware recorder.
16. (Previously Presented) The system of claim 15, wherein the wireless signaling device comprises a human wearable ring.
17. (Previously Presented) The system of claim 15, wherein the wireless signaling device comprises a key fob.
18. (Previously Presented) The system of claim 15, wherein the wireless signaling device is local to the camera and the hardware, and local about a user.

SPECIFICATION AMENDMENTS

The Office objected to the specification as failing to provide an antecedent for the phrase “a wireless receiver upstream of the buffer with respect to the first data stream” from original Claim 12. In response the Applicant respectfully requests that paragraph [0025] be amended as follows:

In Figure 3C the system has received a "stop" signal some time after receiving the start signal, thereby lengthening the protected portion of the "A" data stream. The stop signal could be generated from software or hardware as a function of a default time after the start signal. All suitable defaults are contemplated, including for example a 30 second or 1 minute time period. Stop signals could also be generated in a variable fashion, again as a function of software or hardware, through action of a user, or in any other suitable manner. Thus, a user might well operate a start button or other switch, a more time switch, and a stop switch, which could have the same or different interfaces. It is also contemplated that the system could recognize a user's verbal commands for these functions. The system can further comprise a wireless receiver upstream of the buffer with respect to the data streams.

No new matter has been added.

REMARKS/ARGUMENTS

The Final Office Action dated September 11, 2009, has been received and carefully considered. By this amendment, claims 1 and 15 have been amended. After entry of this Amendment, claims 1 - 18 will be pending. In view of these amendments and the following remarks, the Applicant respectfully requests reconsideration.

Claim Amendments

Claim 1 has been amended to clarify that portions of the first stream are protected while *at the same time* the data stream is continuously recorded, without interruption, as the second data stream. Support for this can be found in paragraph [0027] of the specification, more specifically at the 2nd sentence of paragraph [0027], where streams “A” and “B” are differentiated by how the data is stored.

Claim 15 has been amended to more closely conform to the specification. Claim 15 now recites that the signaling device is in wireless communication with a recorder that includes the memory (paragraphs [0032] and [0034]).

No new matter has been added.

Specification Objections

The Office objected to the specification on the ground that it fails to provide antecedent basis for “a wireless receiver upstream of the buffer with respect to the first data stream” as recited in original claims 12 – 14. The Applicant notes that only claim 12 recites the quoted phrase. The Applicant has submitted an amendment to the specification to address the objection, and respectfully requests that the objection be withdrawn.

35 USC §112

The Office rejected claims 15 – 18 under 35 USC 112 as failing to comply with the enablement requirement. More specifically, claims 15 – 18 are rejected on the ground that claim 15 recites “a wireless signaling device in wireless communication with the camera and the hardware, and that is configured to wirelessly send the signal to the hardware” is not described by the specification. In response claim 15 has been amended to clarify that the signaling device

is in wireless communication with a recorder (Figure 4, element 46; paragraph [0032]). The recorder has a memory (46B) that can include the circular buffer (see paragraph [0032], 3rd sentence). The Applicant respectfully submits that the rejection of claims 15 – 18 is thus overcome in view of the amendments to claim 15.

35 USC §102

The Office rejected claims 1, 3, 6, and 9 under 35 USC 102 as being anticipated by Hattori et al. (U.S. patent 5,523,799). The Applicant respectfully disagrees, especially in view of the amendments entered herein. Amended claim 1 clarifies that portions of the first data stream are protected while *at the same time* continuously recording the first data stream *as the second data stream* in unprotected segments (emphasis added). As previously presented, Hattori specifically contemplates halting, then resuming recording (C4/L3 – 11; more specifically C4/L3 – 4), as opposed to protecting and recording at the same time. Claim 1 is allowable over Hattori, as are claims 3, 6, and 9 via their dependence on claim 1, on the ground that Hattori fails to teach all the claimed features of claim 1.

The Applicant has appreciated that it is desirable to differentiate image data streams through protecting portions of a captured data stream within a circular buffer as the captured data stream is recorded. The cited art lacks such appreciation.

35 USC §103

Claim 2

The Office rejected claim 2 under 35 USC 103 as being obvious over Hattori et al. (U.S. patent 5,523,799) in view of Washino (U.S. patent 6,370,198). Washino fails to contribute to Hattori to arrive at the feature of a protecting a data stream while at the same time continuing to record the data stream in the same circular buffer as claimed in claim 1. Claim 2 is allowable over Hattori and Washino via its dependence on claim 1 and on the ground that the cited art, alone or combined, fail teach, suggest, or motivate the features of claim 1.

Claims 4 – 5, 7 – 8, and 10 – 11

The Office rejected claims 4 – 5, 7 – 8, and 10 – 11 under 35 USC 103 as being obvious over Hattori et al. (U.S. patent 5,523,799) in view of Plante (U.S. patent application publication 2007/0132773). Plante also fails to contribute to Hattori to arrive at the feature of protecting a data stream while at the same time continuing to record additional the data in the same circular buffer as claimed in claim 1. Claims 4 – 5, 7 – 8, and 10 – 11 are allowable over Hattori and Plante (alone or combined) by virtue of their dependence on claim 1.

Claims 12 – 14

The Office rejected claims 12 - 14 under 35 USC 103 as being obvious over Hattori et al. (U.S. patent 5,523,799) in view of Vanman (U.S. patent application publication 2006/0158968). Vanman also fails to contribute to Hattori to arrive at the feature of protecting a data stream while at the same time continuing to record the data stream as a second stream in the same circular buffer as claimed in claim 1. Vanman merely contemplates recording into a preserved space (see steps 420 – 450 of Figure 4). Claims 12 - 14 are allowable over Hattori and Vanman (alone or combined) by virtue of their dependence on claim 1.

Claims 15 – 18

The Applicant submits that claims 15 – 18 are allowable over the cited art on the grounds that they depend from allowable claim 1 and that none of the cited art, alone or combined, fairly teaches, suggests, or motivates (a) using a signaling device in wireless communication with a recorder having the memory, (b) using ring as a signaling device, (c) using a key fob as a signaling device, or (d) where the a signaling device is disposed locally about a person along with a camera and hardware to record data streams.

>>>>

Request For Allowance

Claims 1 - 18 are pending in this application. The applicant requests allowance of all pending claims.

Respectfully submitted,
Fish & Associates, PC

Date: December 9, 2009

By: Nicholas J. Witchey/
Nicholas J. Witchey
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Electronic Patent Application Fee Transmittal				
Application Number:		11846217		
Filing Date:		28-Aug-2007		
Title of Invention:		Recording Device With Pre-Start Signal Storage Capability		
First Named Inventor/Applicant Name:		Paul DeKeyser		
Filer:		Martin Fessenmaier/Sara Geer		
Attorney Docket Number:		101488.0002US1		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description		Fee Code	Quantity	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Request for continued examination	2801	1	405	405
Total in USD (\$)				405

Electronic Acknowledgement Receipt	
EFS ID:	6601689
Application Number:	11846217
International Application Number:	
Confirmation Number:	1026
Title of Invention:	Recording Device With Pre-Start Signal Storage Capability
First Named Inventor/Applicant Name:	Paul DeKeyser
Customer Number:	24392
Filer:	Martin Fessenmaier/Sara Geer
Filer Authorized By:	Martin Fessenmaier
Attorney Docket Number:	101488.0002US1
Receipt Date:	09-DEC-2009
Filing Date:	28-AUG-2007
Time Stamp:	13:53:50
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$405
RAM confirmation Number	131
Deposit Account	500341
Authorized User	
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File Listing:					
Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Continued Examination (RCE)	US_RCE_Form_SB_30.pdf	642593 a016950ec9659edefc0431fefac5bd1fef78c233	no	3
Warnings:					
Information:					
2	Amendment Submitted/Entered with Filing of CPA/RCE	Response_03.pdf	114315 3c10171898ca585227ce2a95c288286369559b13	no	8
Warnings:					
Information:					
3	Fee Worksheet (PTO-875)	fee-info.pdf	30194 f3efc69c18388663728a948ed0bf57f54a65af	no	2
Warnings:					
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875					Application or Docket Number 11/846,217		Filing Date 08/28/2007		☐ To be Mailed	
APPLICATION AS FILED – PART I										
(Column 1)			(Column 2)		SMALL ENTITY ☒ OR			OTHER THAN SMALL ENTITY		
FOR	NUMBER FILED	NUMBER EXTRA	RATE (\$)	FEE (\$)	OR			RATE (\$)	FEE (\$)	
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A	N/A					N/A		
☐ SEARCH FEE (37 CFR 1.16(k), (l), or (m))	N/A	N/A	N/A					N/A		
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A	N/A					N/A		
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*	X \$ =					X \$ =		
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*	X \$ =					X \$ =		
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))			TOTAL		TOTAL					
* If the difference in column 1 is less than zero, enter "0" in column 2.										
APPLICATION AS AMENDED – PART II										
(Column 1)			(Column 2)		SMALL ENTITY OR			OTHER THAN SMALL ENTITY		
AMENDMENT	12/09/2009	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	* 18	Minus	** 20	= 0	X \$26 =	0	OR	X \$ =	
	Independent (37 CFR 1.16(h))	* 1	Minus	*** 3	= 0	X \$110 =	0	OR	X \$ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE	0	OR	TOTAL ADD'L FEE	
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)		RATE (\$)	ADDITIONAL FEE (\$)
	Total (37 CFR 1.16(i))	*	Minus	**	=	X \$ =		OR	X \$ =	
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$ =		OR	X \$ =	
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE		OR	TOTAL ADD'L FEE	
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.										

Legal Instrument Examiner:
/JACQUELINE M. WEIR/

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/846,217	08/28/2007	Paul DeKeyser	101488.0002US1	1026
24392	7590	04/25/2014		
FISH & TSANG LLP ROBERT D. FISH 2603 Main Street Suite 1000 Irvine, CA 92614-6232			EXAMINER DIEP, NHON THANH	
			ART UNIT	PAPER NUMBER
			2487	
			NOTIFICATION DATE	DELIVERY MODE
			04/25/2014	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

rfish@fishiplaw.com
patents@fishiplaw.com

Office Action Summary	Application No. 11/846,217	Applicant(s) DEKEYSER, PAUL	
	Examiner NHON DIEP	Art Unit 2487	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTHS FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 12/9/2009.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on _____.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims*

5) ☒ Claim(s) 1-18 is/are pending in the application.
5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☒ Claim(s) 1-18 is/are rejected.

8) ☐ Claim(s) _____ is/are objected to.

9) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

* If any claims have been determined allowable, you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/pph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.

Application Papers

10) ☐ The specification is objected to by the Examiner.

11) ☒ The drawing(s) filed on 10/26/2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

Certified copies:

a) ☐ All b) ☐ Some** c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

** See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Information Disclosure Statement(s) (PTO/SB/08a and/or PTO/SB/08b)
Paper No(s)/Mail Date _____.

3) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

4) ☐ Other: _____.

1. The present application is being examined under the pre-AIA first to invent provisions.

DETAILED ACTION

Response to Arguments

2. Applicant's arguments filed 12/09/2009 have been fully considered but they are not persuasive.

Regarding to the applicants argument that "Amended claim 1 clarifies that portions of the first data stream are protected while at the same time continuously recording the first data stream as the second data stream in unprotected segments (emphasis added). As previously presented, Hattori specifically contemplates halting, then resuming recording (C4/L3 - 11; more specifically C4/L3 - 4), as opposed to protecting and recording at the same time. Claim 1 is allowable over Hattori, as are claims 3, 6, and 9 via their dependence on claim 1, on the ground that Hattori fails to teach all the claimed features of claim 1. The Applicant has appreciated that it is desirable to differentiate image data streams through protecting portions of a captured data stream within a circular buffer as the captured data stream is recorded. The cited art lacks such appreciation. 35 USC §103"

The examiner respectfully disagrees and submits that Hattori discloses "Next, the operation of the above-mentioned image memorizing device will be described. A video signal outputted from the video camera 10 is digitized by the A/D convertor 12 and written into addresses indicated by the writing address counter 16. The address of the writing address counter 16 is incremented by the synchronous signal multiplexed with

the video signal. The writing address counter 16 returns to the start address of the memory 14 by an increment after the end address of the memory 14 has reached. Thus, the memory 14 operates as a ring memory. FIG. 3 schematically illustrates the writing addresses of the memory 14. A writing position is represented as a vector W which rotates at an angular velocity ω .

If there is a scene to be preserved during making a film, the operation unit 26 is operated to specify a portion to be preserved immediately after the scene has been written into the memory 14. With this operation, the memory managing circuit 24 instructs a writing inhibition to addresses in the memory 14 corresponding to the portion to be preserved. In this event, an arbitrary address area of the memory 14 can be specified, and the size of the area can be arbitrarily set (= hardware that executes an instruction set that utilizes an area of the memory as a circular buffer, records the first data stream in the buffer; responds to a signal by protecting a recently used segment of the buffer, storing at least a portion of the first data stream).

After completing the registration (setting), film-making is resumed. The writing address counter 16 skips writing addresses for the address area registered in the memory managing circuit 24 (=while at the same time continuously recording the first data stream as the second data stream in an unprotected segment of the buffer). For example, if it is assumed that an area between points a and b shown in FIG. 4 is registered as a writing inhibited area, the writing vector W , when reaching the point a, skips the area between the points a and b, and then writes data at the point b. Thus, video data memorized in the area between the points a and b is preserved.”.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of pre-AIA 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3, 6 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hattori et al (US 5,523,799).

Hattori et al discloses an image storing device including an inhibiting function comprising the same surveillance system comprising:

a camera that converts images into first and second data streams (fig. 5, el. 30, a plurality of frame portions);

a memory (el. 14); and

hardware that executes an instruction set that utilizes an area of the memory as a circular buffer, records the first data stream in the buffer; responds to a signal by protecting a recently used segment of the buffer, storing at least a portion of the first data stream while at the same time continuously recording the first data stream as the second data stream in an unprotected segment of the buffer, without overwriting the protected segment (el. 16-14 and fig. 8, el. 2-3 and 1, 4-8: notice that the first data stream or additional data stream are images taken at different times from the same camera and is recorded at a different point of the circular buffer; to be more specific: If there is a scene to be preserved during making a film, the operation unit 26 is operated to specify a portion to be preserved immediately after the scene has been written into

the memory 14. With this operation, the memory managing circuit 24 instructs a writing inhibition to addresses in the memory 14 corresponding to the portion to be preserved. In this event, an arbitrary address area of the memory 14 can be specified, and the size of the area can be arbitrarily set (= **hardware that executes an instruction set that utilizes an area of the memory as a circular buffer, records the first data stream in the buffer; responds to a signal by protecting a recently used segment of the buffer, storing at least a portion of the first data stream**); and after completing the registration (setting), film-making is resumed. The writing address counter 16 skips writing addresses for the address area registered in the memory managing circuit 24 (= **while at the same time continuously recording the first data stream as the second data stream in an unprotected segment of the buffer**)) as specified in claim 1; wherein the second data stream is continuous with the first data stream (fig. 8 and col. 3, ln. 62 – col. 4, ln. 11) as specified in claim 3; wherein at least 20% of the memory is used as the buffer(fig. 8 shows 25% of the entire memory is used as write-protected portion = circular buffer) as specified in claim 6; further comprising an interface through which a human can initiate the signal (fig. 2, el. 26) as specified in claim 9.

Claim Rejections - 35 USC § 103

5. The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori et al, in view of Washino (US 6,370,198 B1) as set forth in the previous Office Action.

7. Claims 4-5, 7-8 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori et al, in view of Plante (cited by the applicant) as set forth in the previous Office Action.

8. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori et al, in view of Vanman (US 2006/0158968 A1) as set forth in the previous Office Action.

9. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori et al, in view of Petite et al (US 7,263,073 B2).

As applied to claim 1 above, it is noted that Hattori does not particularly disclose further comprising a signaling device in wireless communication with a recorder comprising the memory and that is configured to wirelessly send the signal to the recorder; wherein the wireless signaling device comprises a human wearable ring; wherein the wireless signaling device comprises a key fob; and wherein the wireless signaling device is local to the camera and the hardware, and local about a user. Petite et al teaches that "FIG. 3 shows a high level diagram of the interaction of the personnel communication device (FOB) 170 and the site controller 150 according to the present invention. The FOB 170 communicates directly or indirectly with the site controller 150. While the FOB 170 will be described in more detail below, in general the FOB 170 transmits an electromagnetic signal to a site controller 150 and/or an RF communication device. The electromagnetic signal may be encoded with a unique transceiver identifier

associated with the FOB 170. An internal circuit (not shown) may be provided within the FOB 170 to act upon command to transmit the encoded electromagnetic signal 320. A transmit button 325 may be provided for the user. In the embodiment illustrated in FIG. 3, the FOB 170 is quite small and may be conveniently attached, for example, to a key ring 330, clothing (not shown), etc. for ready and portable use. Furthermore, FOB 170 may be integrated with a mobile electronics device. For instance, FOB 170 may be integrated with a handheld computer, such as a personal digital assistant (PDA), a wireless telephone, or any other mobile electronics device.”, and that wherein the wireless signaling device is local to the camera and the hardware, and local about a user. And, therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the system of Hatori by using advance technology as taught by Petite et al. Doing so would help to expend the system applicability.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NHON DIEP whose telephone number is (571)272-7328. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Czekaj can be reached on 571-272-7327. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NHON DIEP/
Primary Examiner, Art Unit 2487

Notice of References Cited	Application/Control No. 11/846,217	Applicant(s)/Patent Under Reexamination DEKEYSER, PAUL	
	Examiner NHON DIEP	Art Unit 2487	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-7,263,073	08-2007	Petite et al.	370/278
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

EAST Search History**EAST Search History (Prior Art)**

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	0	(11/846217).pn.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2014/04/21 14:05
L2	1	(11/846217).app.	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2014/04/21 14:06
L3	1	(11/846217).app. and key same fob	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2014/04/21 14:06
L4	1987	signal\$3 same device same key same fob	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2014/04/21 14:07
L5	721	signal\$3 same device same key same fob same wireless	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2014/04/21 14:07
L6	35	signal\$3 same device same key same fob same wireless same ring	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	OFF	2014/04/21 14:07

EAST Search History (Interference)

<This search history is empty>

4/ 21/ 2014 2:22:39 PM**C:\Users\ndiep\Documents\EAST\Workspaces\default.wsp**

<i>Index of Claims</i> 	Application/Control No. 11846217	Applicant(s)/Patent Under Reexamination DEKEYSER, PAUL
	Examiner Nhon T Diep	Art Unit 2621

✓	Rejected	-	Cancelled	N	Non-Elected	A	Appeal
=	Allowed	÷	Restricted	I	Interference	O	Objected

☐ Claims renumbered in the same order as presented by applicant				☐ CPA				☒ T.D.				☐ R.1.47			
CLAIM		DATE													
Final	Original	03/15/2009	09/09/2009												
	1	✓	✓												
	2	✓	✓												
	3	✓	✓												
	4	✓	✓												
	5	✓	✓												
	6	✓	✓												
	7	✓	✓												
	8	✓	✓												
	9	✓	✓												
	10	✓	✓												
	11	✓	✓												
	12	✓	✓												
	13	✓	✓												
	14	✓	✓												
	15		✓												
	16		✓												
	17		✓												
	18		✓												

Search Notes 	Application/Control No. 11846217	Applicant(s)/Patent Under Reexamination DEKEYSER, PAUL
	Examiner Nhon T Diep	Art Unit 2621

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
East Search, Inventor Search	3/15/2009	ND

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450**

Appl No.: **11/846,217**
Applicant: **DeKeyser, Paul**
Filing Date: **August 28, 2007**
Art Unit: **2621**
Examiner: **Diep, Nhon Thanh**
Attorney Docket No.: **102246.0002US1**

Title **Recording Device with Pre-Start
Signal Storage Capability**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

Sir:

This paper responds to the Office Action dated April 25, 2014. Please enter the amendments shown herein.

- Claim amendments begin on page 2.
- Remarks begin on page 4.

AMENDMENTS TO THE CLAIMS

This listing of claims replaces all prior versions, and listings, of claims in the application:

1. (Currently Amended) A surveillance system comprising:
 - a camera that converts images into first and second data streams;
 - a memory; and
 - hardware that executes an instruction set that utilizes an area of the memory as a circular buffer, records the first data stream in the buffer; responds to a first signal by protecting a recently used segment of the buffer storing at least a portion of the first data stream corresponding to a duration of time prior to the first signal, while at the same time continuously recording the first data stream as the second data stream in an unprotected segment of the buffer, without overwriting the protected segment; and responds to a second signal received after the first signal by increasing the duration of the protected segment of the buffer prior to the first signal.
2. (Original) The system of claim 1, wherein the buffer stores at least 10 minutes of image frames.
3. (Original) The system of claim 1, wherein the second data stream is continuous with the first data stream.
4. (Original) The system of claim 1, wherein the memory stores at least a 30 second portion of the first data stream, including at least a 5 second pre-signal portion and at least a 5 second post-signal portion.
5. (Original) The system of claim 4, wherein the at least a 30 second portion of the first data stream is stored in logically dis-contiguous portions of the memory.
6. (Original) The system of claim 1, wherein at least 20% of the memory is used as the buffer.
7. (Currently Amended) The system of claim 1, further comprising a sensor that automatically initiates the first signal.

8. (Original) The system of claim 7, wherein the sensor operates upon content in the first data stream.
9. (Original) The system of claim 1, further comprising an interface through which a human can initiate the signal.
10. (Original) The system of claim 1, further comprising an interface through which a human can override a default pre-signal size of the recently used segment.
11. (Original) The system of claim 1, further comprising an interface through which a human can override a default post-signal size of the recently used segment.
12. (Original) The system of claim 1, further comprising a wireless receiver upstream of the buffer with respect to the first data stream.
13. (Original) The system of claim 1, further comprising a wearable mount for the camera.
14. (Original) The system of claim 1, further comprising a vehicle mount for the camera.
15. (Currently Amended) The system of claim 1, further comprising a signaling device in wireless communication with a recorder comprising the memory, and that is configured to wirelessly send the first signal to the recorder.
16. (Previously Presented) The system of claim 15, wherein the wireless signaling device comprises a human wearable ring.
17. (Previously Presented) The system of claim 15, wherein the wireless signaling device comprises a key fob.
18. (Previously Presented) The system of claim 15, wherein the wireless signaling device is local to the camera and the hardware, and local about a user.

REMARKS/ARGUMENTS

The Office Action dated April 25, 2014 (“2014 April OA”) has been received and carefully considered. By this amendment, claims 1, 7 and 15 have been amended. After entry of this Amendment, claims 1-18 will be pending. In view of these amendments and the following remarks, the Applicant respectfully requests reconsideration.

For the purposes of simplicity, references to the original specification are referenced via citations to the pre-grant publication of this application, US 2008/0055410 (DeKeyser).

Claim Amendments

Claim 1 has been amended to recite the “protected segment corresponding to a pre-signal duration of time” and that the hardware executing the instruction set “responds to a second signal received after the first signal by increasing the pre-signal duration of the protected segment of the buffer”. Support for the claims can be found in at least paragraphs [0024]-[0026] of the specification. Claim 1 has also been amended to recite “a first signal”, to further clarify the distinction between the claimed signals and provide proper antecedent basis. Claims 7 and 15 have been amended to maintain consistency with the amendments to claim 1.

No new matter has been added.

Applicant-Initiated Interview Summary

An interview was conducted on July 15, 2014 between Examiner Nhon T. Diep and Applicant’s representative Tomas A. Prieto. During the interview, the prior rejection of claim 1, the proposed amendments to claim 1 and additional suggested amendments were discussed. The rejection of claim 5 was briefly discussed. Examiner Diep indicated that while additional searching would be required, the amendments as discussed during the interview appear to overcome the rejection of claim 1 under 35 USC 102(b) in the 2014 April OA. No agreements were reached.

35 USC §102(b)

The Office rejected claims 1, 3, 6, and 9 under pre-AIA 35 USC 102(b) as being anticipated by US 5,523,799 to Hattori et al (“Hattori”)(2014 April OA, pages 4-5). The Applicant respectfully disagrees, especially in view of the amendments entered herein.

Amended claim 1 recites that the “protected segment corresponding to a pre-signal duration of time” and that the hardware executing the instruction set “responds to a second signal received after the first signal by increasing the pre-signal duration of the protected segment of the buffer”. The cited sections of Hattori fail to discuss a second signal that changes the duration of the pre-signal protected segment after receiving the first signal. No additional references are cited to overcome this deficiency.

Therefore, it is Applicant’s position that claim 1 is allowable over the cited references. Applicant respectfully requests withdrawal of the rejection of claim 1 under 35 USC 102(b). Further, it is Applicant’s position that claims 2-18 are allowable at least by virtue of their dependence on claim 1.

Request For Allowance

Claims 1-18 are pending in this application. The Applicant requests allowance of all pending claims.

Respectfully submitted,
Fish & Tsang, LLP

Date: July 23, 2014

By: /Tomas A. Prieto/
Tomas A. Prieto
Reg. No. 60,675

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Irvine, CA 92614-4271
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Electronic Acknowledgement Receipt	
EFS ID:	19691061
Application Number:	11846217
International Application Number:	
Confirmation Number:	1026
Title of Invention:	Recording Device With Pre-Start Signal Storage Capability
First Named Inventor/Applicant Name:	Paul DeKeyser
Customer Number:	24392
Filer:	Martin Fessenmaier/Marie Nuguid
Filer Authorized By:	Martin Fessenmaier
Attorney Docket Number:	101488.0002US1
Receipt Date:	25-JUL-2014
Filing Date:	28-AUG-2007
Time Stamp:	17:55:56
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Amendment/Req. Reconsideration-After Non-Final Reject	Response-04c.pdf	33902 b8cc8d04b97cb0da40cf3988de2a63cc29afcded	no	6

Warnings:

Information:

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

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If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

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If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PATENT APPLICATION FEE DETERMINATION RECORD Substitute for Form PTO-875				Application or Docket Number 11/846,217		Filing Date 08/28/2007		☐ To be Mailed		
ENTITY: ☐ LARGE ☒ SMALL ☐ MICRO										
APPLICATION AS FILED – PART I										
(Column 1)		(Column 2)								
FOR	NUMBER FILED	NUMBER EXTRA			RATE (\$)	FEE (\$)				
☐ BASIC FEE (37 CFR 1.16(a), (b), or (c))	N/A	N/A			N/A					
☐ SEARCH FEE (37 CFR 1.16(k), (j), or (m))	N/A	N/A			N/A					
☐ EXAMINATION FEE (37 CFR 1.16(o), (p), or (q))	N/A	N/A			N/A					
TOTAL CLAIMS (37 CFR 1.16(i))	minus 20 =	*			X \$	=				
INDEPENDENT CLAIMS (37 CFR 1.16(h))	minus 3 =	*			X \$	=				
☐ APPLICATION SIZE FEE (37 CFR 1.16(s))	If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$310 (\$155 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).									
☐ MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(j))										
* If the difference in column 1 is less than zero, enter "0" in column 2.					TOTAL					
APPLICATION AS AMENDED – PART II										
(Column 1)		(Column 2)		(Column 3)						
AMENDMENT	07/25/2014	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)			
	Total (37 CFR 1.16(o))	* 18	Minus	** 20	= 0	x \$40 =	0			
	Independent (37 CFR 1.16(h))	* 1	Minus	***3	= 0	x \$210 =	0			
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE		0		
(Column 1)		(Column 2)		(Column 3)						
AMENDMENT		CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE (\$)	ADDITIONAL FEE (\$)			
	Total (37 CFR 1.16(o))	*	Minus	**	=	X \$	=			
	Independent (37 CFR 1.16(h))	*	Minus	***	=	X \$	=			
	☐ Application Size Fee (37 CFR 1.16(s))									
	☐ FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(j))									
						TOTAL ADD'L FEE				
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3. ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20". *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.										

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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NOTICE OF ALLOWANCE AND FEE(S) DUE

24392 7590
FISH & TSANG LLP
ROBERT D. FISH
2603 Main Street
Suite 1000
Irvine, CA 92614-6232

09/19/2014

EXAMINER

DIEP, NHON THANH

ART UNIT

PAPER NUMBER

2487

DATE MAILED: 09/19/2014

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/846,217	08/28/2007	Paul DeKeyser	102246.0002US1	1026
TITLE OF INVENTION: Recording Device With Pre-Start Signal Storage Capability				

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	12/19/2014

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the ENTITY STATUS shown above. If the ENTITY STATUS is shown as SMALL or MICRO, verify whether entitlement to that entity status still applies.

If the ENTITY STATUS is the same as shown above, pay the TOTAL FEE(S) DUE shown above.

If the ENTITY STATUS is changed from that shown above, on PART B - FEE(S) TRANSMITTAL, complete section number 5 titled "Change in Entity Status (from status indicated above)".

For purposes of this notice, small entity fees are 1/2 the amount of undiscounted fees, and micro entity fees are 1/2 the amount of small entity fees.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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24392 7590 09/19/2014
FISH & TSANG LLP
ROBERT D. FISH
2603 Main Street
Suite 1000
Irvine, CA 92614-6232

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/846,217	08/28/2007	Paul DeKeyser	102246.0002US1	1026

TITLE OF INVENTION: Recording Device With Pre-Start Signal Storage Capability

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	12/19/2014

EXAMINER	ART UNIT	CLASS-SUBCLASS
DIEP, NHON THANH	2487	348-148000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.563).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) The names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ Applicant certifying micro entity status. See 37 CFR 1.29
- ☐ Applicant asserting small entity status. See 37 CFR 1.27
- ☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/846,217	08/28/2007	Paul DeKeyser	102246.0002US1	1026
24392 7590 09/19/2014 FISH & TSANG LLP ROBERT D. FISH 2603 Main Street Suite 1000 Irvine, CA 92614-6232			EXAMINER DIEP, NHON THANH	
			ART UNIT 2487	PAPER NUMBER
DATE MAILED: 09/19/2014				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(Applications filed on or after May 29, 2000)

The Office has discontinued providing a Patent Term Adjustment (PTA) calculation with the Notice of Allowance.

Section 1(h)(2) of the AIA Technical Corrections Act amended 35 U.S.C. 154(b)(3)(B)(i) to eliminate the requirement that the Office provide a patent term adjustment determination with the notice of allowance. See Revisions to Patent Term Adjustment, 78 Fed. Reg. 19416, 19417 (Apr. 1, 2013). Therefore, the Office is no longer providing an initial patent term adjustment determination with the notice of allowance. The Office will continue to provide a patent term adjustment determination with the Issue Notification Letter that is mailed to applicant approximately three weeks prior to the issue date of the patent, and will include the patent term adjustment on the patent. Any request for reconsideration of the patent term adjustment determination (or reinstatement of patent term adjustment) should follow the process outlined in 37 CFR 1.705.

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

OMB Clearance and PRA Burden Statement for PTOL-85 Part B

The Paperwork Reduction Act (PRA) of 1995 requires Federal agencies to obtain Office of Management and Budget approval before requesting most types of information from the public. When OMB approves an agency request to collect information from the public, OMB (i) provides a valid OMB Control Number and expiration date for the agency to display on the instrument that will be used to collect the information and (ii) requires the agency to inform the public about the OMB Control Number's legal significance in accordance with 5 CFR 1320.5(b).

The information collected by PTOL-85 Part B is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

Notice of Allowability	Application No. 11/846,217	Applicant(s) DEKEYSER, PAUL	
	Examiner NHON DIEP	Art Unit 2487	AIA (First Inventor to File) Status No

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/25/2014.
☐ A declaration(s)/affidavit(s) under **37 CFR 1.130(b)** was/were filed on ____.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 1-18. As a result of the allowed claim(s), you may be eligible to benefit from the **Patent Prosecution Highway** program at a participating intellectual property office for the corresponding application. For more information, please see http://www.uspto.gov/patents/init_events/oph/index.jsp or send an inquiry to PPHfeedback@uspto.gov.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
Certified copies:
a) ☐ All b) ☐ Some *c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892) 2. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____ 3. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material 4. ☒ Interview Summary (PTO-413), Paper No./Mail Date ____	5. ☐ Examiner's Amendment/Comment 6. ☒ Examiner's Statement of Reasons for Allowance 7. ☐ Other ____
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/NHON DIEP/ Primary Examiner, Art Unit 2487	
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1. The present application is being examined under the pre-AIA first to invent provisions.

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance: The present application relates to a memory usage in a recording device. The various prior art of record do not anticipate nor render obviousness a hardware that executes an instruction set that utilizes an area of the memory as a circular buffer, to record the first data stream in the buffer, responds to a first signal by protecting a recently used segment of the buffer storing at least a portion of the first data stream corresponding to a duration of time set prior to the first signal, and increases the duration of time of the protected segment of the buffer in response to a second signal and in combination of other limitations as specified in claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NHON DIEP whose telephone number is (571)272-7328. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Czekaj can be reached on 571-272-7327. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NHON DIEP/
Primary Examiner, Art Unit 2487

<i>Applicant-Initiated Interview Summary</i>	Application No.	Applicant(s)	
	11/846,217	DEKEYSER, PAUL	
	Examiner	Art Unit	
	NHON DIEP	2487	

All participants (applicant, applicant's representative, PTO personnel):

(1) NHON DIEP. (3) _____.

(2) Tomas A. Prieto. (4) _____.

Date of Interview: 15 July 2014.

Type: ☒ Telephonic ☐ Video Conference
☐ Personal [copy given to: ☐ applicant ☐ applicant's representative]

Exhibit shown or demonstration conducted: ☐ Yes ☐ No.
If Yes, brief description: _____.

Issues Discussed ☐ 101 ☐ 112 ☒ 102 ☒ 103 ☐ Others
(For each of the checked box(es) above, please describe below the issue and detailed description of the discussion)

Claim(s) discussed: 1-18.

Identification of prior art discussed: Hattori et al.

Substance of Interview
(For each issue discussed, provide a detailed description and indicate if agreement was reached. Some topics may include: identification or clarification of a reference or a portion thereof, claim interpretation, proposed amendments, arguments of any applied references etc...)

The applicants suggests to amend claim 1 to include a limitation of responds to a second signal received after a first signal by increasing the duration of the protected segment of the buffer which is set prior to a first signal and will also amend other parts of the claim to differentiate over the reference of Hattori et al. The examiner agrees that the newly proposed amendment would overcome the rejections of record. However, a new update search will be needed to determine the patentability of the claim.

Applicant recordation instructions: The formal written reply to the last Office action must include the substance of the interview. (See MPEP section 713.04). If a reply to the last Office action has already been filed, applicant is given a non-extendable period of the longer of one month or thirty days from this interview date, or the mailing date of this interview summary form, whichever is later, to file a statement of the substance of the interview

Examiner recordation instructions: Examiners must summarize the substance of any interview of record. A complete and proper recordation of the substance of an interview should include the items listed in MPEP 713.04 for complete and proper recordation including the identification of the general thrust of each argument or issue discussed, a general indication of any other pertinent matters discussed regarding patentability and the general results or outcome of the interview, to include an indication as to whether or not agreement was reached on the issues raised.

☐ Attachment

/NHON DIEP/ Primary Examiner, Art Unit 2487	
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Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Issue Classification 	Application/Control No. 11846217	Applicant(s)/Patent Under Reexamination DEKEYSER, PAUL	
	Examiner NHON DIEP	Art Unit 2487	

CPC					
Symbol				Type	Version
H04N	7	188		F	2013-01-01
G08B	13	19621		I	2013-01-01
G08B	13	19676		I	2013-01-01

CPC Combination Sets						
Symbol			Type	Set	Ranking	Version

NONE		Total Claims Allowed:	
		18	
(Assistant Examiner)	(Date)		
/NHON DIEP/ Primary Examiner.Art Unit 2487	8/29/2014	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	3A & 3B and 3C

Issue Classification 	Application/Control No. 11846217	Applicant(s)/Patent Under Reexamination DEKEYSER, PAUL
	Examiner NHON DIEP	Art Unit 2487

US ORIGINAL CLASSIFICATION						INTERNATIONAL CLASSIFICATION														
CLASS			SUBCLASS			CLAIMED					NON-CLAIMED									
348			148			H	0	4	N	7 / 18 (2006.01.01)										
CROSS REFERENCE(S)																				
CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)																			

NONE		Total Claims Allowed:	
		18	
(Assistant Examiner)	(Date)	O.G. Print Claim(s)	O.G. Print Figure
/NHON DIEP/ Primary Examiner.Art Unit 2487	8/29/2014	1	3A & 3B and 3C
(Primary Examiner)	(Date)		

Issue Classification 	Application/Control No. 11846217	Applicant(s)/Patent Under Reexamination DEKEYSER, PAUL
	Examiner NHON DIEP	Art Unit 2487

☒ Claims renumbered in the same order as presented by applicant ☐ CPA ☒ T.D. ☐ R.1.47															
Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original	Final	Original
1	1	17	17												
2	2	18	18												
3	3														
4	4														
5	5														
6	6														
7	7														
8	8														
9	9														
10	10														
11	11														
12	12														
13	13														
14	14														
15	15														
16	16														

NONE		Total Claims Allowed:	
		18	
(Assistant Examiner) /NHON DIEP/ Primary Examiner.Art Unit 2487 (Primary Examiner)	(Date) 8/29/2014 (Date)	O.G. Print Claim(s) 1	O.G. Print Figure 3A & 3B and 3C

Search Notes 	Application/Control No. 11846217	Applicant(s)/Patent Under Reexamination DEKEYSER, PAUL
	Examiner Nhon T Diep	Art Unit 2621

CPC- SEARCHED		
Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
East Search, Inventor Search	3/15/2009	ND
Update search	8/29/2014	N.D.

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner
see attached		8/29/2014	N.D.

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EAST Search History**EAST Search History (Prior Art)**

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L1	310	record\$3 same (protect\$3 and unprotect\$3) same (portion or areas or segment)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/08/29 13:10
L2	92	record\$3 same (protect\$3 and unprotect\$3) same (portion or areas or segment) same (duration or time)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/08/29 13:10
L3	29	record\$3 same (protect\$3 and unprotect\$3) same (portion or areas or segment) same (duration or time) same (increas\$3 or decreas\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/08/29 13:10
L4	2383	record\$3 same (protect\$3) same (portion or areas or segment) same (duration or time) same (increas\$3 or decreas\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/08/29 13:14
L5	2117	record\$3 same (protect\$3) same (portion or areas or segment) same (duration or time) same (increas\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/08/29 13:14
L6	0	data same stream and record\$3 same (protect\$3 and unprotect\$3) same (portion or areas or segment) same (duration or time) same (increas\$3 or decreas\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/08/29 13:16
L7	220	data same stream and record\$3 same (protect\$3) same (portion or areas or segment) same (duration or time) same (increas\$3 or decreas\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/08/29 13:17
L8	2	video same data adj1 stream same record\$3 same (protect\$3) same (portion or areas or segment) same (duration or time) same (increas\$3 or decreas\$3)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/08/29 13:17
L9	0	1 and 7	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/08/29 13:20
L12	6	record\$3 same (protect\$3 and unprotect\$3) adj1 (portion or areas or segment) same (duration or time)	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/08/29 13:21

EAST Search History

L13	1	record\$3 same (protect\$3 and unprotect\$3) adj1 (portion or areas or segment) same (duration or time) same increas\$3	US-PGPUB; USPAT; USOCR; FPRS; EPO; JPO; DERWENT; IBM_TDB	OR	ON	2014/08/29 13:21
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EAST Search History (Interference)

Ref #	Hits	Search Query	DBs	Default Operator	Plurals	Time Stamp
L11	0	(data same stream and record\$3 same (protect\$3) same (portion or areas or segment) same (duration or time) same (increas\$3 or decreas\$3)).clm.	USPAT; UPAD	OR	ON	2014/08/29 13:20

8/ 29/ 2014 1:43:24 PM

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PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
 or **Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

24392 7590 09/19/2014
FISH & TSANG LLP
ROBERT D. FISH
2603 Main Street
Suite 1000
Irvine, CA 92614-6232

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Laryssa Weiland	(Depositor's name)
/Laryssa Weiland/	(Signature)
November 24, 2014	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/846,217	08/28/2007	Paul DeKeyser	102246.0002US1	1026

TITLE OF INVENTION: Recording Device With Pre-Start Signal Storage Capability

APPLN. TYPE	ENTITY STATUS	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	SMALL	\$480	\$0	\$0	\$480	12/19/2014

EXAMINER	ART UNIT	CLASS-SUBCLASS
DIEP, NHON THANH	2487	348-148000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.563).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) The names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) The name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Fish & Tsang LLP
 2. _____
 3. _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Stellar LLC

Irvine, CA

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee
- ☒ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credits any overpayment, to Deposit Account Number 500341 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ Applicant certifying micro entity status. See 37 CFR 1.29
- ☐ Applicant asserting small entity status. See 37 CFR 1.27
- ☐ Applicant changing to regular undiscounted fee status.

NOTE: Absent a valid certification of Micro Entity Status (see forms PTO/SB/15A and 15B), issue fee payment in the micro entity amount will not be accepted at the risk of application abandonment.

NOTE: If the application was previously under micro entity status, checking this box will be taken to be a notification of loss of entitlement to micro entity status.

NOTE: Checking this box will be taken to be a notification of loss of entitlement to small or micro entity status, as applicable.

NOTE: This form must be signed in accordance with 37 CFR 1.31 and 1.33. See 37 CFR 1.4 for signature requirements and certifications.

Authorized Signature /Tomas A. Prieto/
 Typed or printed name Tomas A. Prieto

Date November 24, 2014
 Registration No. 60675

Electronic Patent Application Fee Transmittal				
Application Number:		11846217		
Filing Date:		28-Aug-2007		
Title of Invention:		Recording Device With Pre-Start Signal Storage Capability		
First Named Inventor/Applicant Name:		Paul DeKeyser		
Filer:		Joseph Aaron Andelin/Laryssa Weiland		
Attorney Docket Number:		102246.0002US1		
Filed as Small Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Utility Appl Issue Fee	2501	1	480	480
Publ. Fee- Early, Voluntary, or Normal	1504	1	0	0

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Extension-of-Time:				
Miscellaneous:				
Total in USD (\$)				480

Electronic Acknowledgement Receipt	
EFS ID:	20787773
Application Number:	11846217
International Application Number:	
Confirmation Number:	1026
Title of Invention:	Recording Device With Pre-Start Signal Storage Capability
First Named Inventor/Applicant Name:	Paul DeKeyser
Customer Number:	24392
Filer:	Joseph Aaron Andelin/Laryssa Weiland
Filer Authorized By:	Joseph Aaron Andelin
Attorney Docket Number:	102246.0002US1
Receipt Date:	24-NOV-2014
Filing Date:	28-AUG-2007
Time Stamp:	18:23:35
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$ 480
RAM confirmation Number	8571
Deposit Account	500341
Authorized User	
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Charge any Additional Fees required under 37 C.F.R. Section 1.20 (Post Issuance fees)					
Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)					
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Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Issue Fee Payment (PTO-85B)	Issue_Fee.pdf	1005482 1bae471caa446c4595701fcefbd8ab8244b05bf1	no	1
Warnings:					
Information:					
2	Fee Worksheet (SB06)	fee-info.pdf	31617 112dee8ec525567a4c74004002dfa08f48a6eda	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			1037099		
This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503. <u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application. <u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course. <u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.					

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		11846217
	Filing Date		2007-08-28
	First Named Inventor	Paul H. Dekeyser	
	Art Unit		
	Examiner Name		
	Attorney Docket Number	101488.0002US1	

	9							
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Examiner Initial*	Cite No	Publication Number	Kind Code ¹	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear		
Change(s) applied to document. /C.C.B./ 10/25/2014	1	~~20050005095~~ 20020005895		2002-01-17	Freeman et al.			
	2	20040183912		2004-09-23	Szolyga et al.			
	3	20070132773		~~2004-06-14~~ 06/2004	Plante			
	4	20070174538		2007-07-26	Christoffersson et al.			
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Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² j	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	0510968	EU		1992-10-28	Canon Kabushiki Kaisha		☐

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		11846217
	Filing Date		2007-08-28
	First Named Inventor	Paul H. Dekeyser	
	Art Unit		
	Examiner Name		
	Attorney Docket Number	101488.0002US1	

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Examiner Initial*	Cite No	Patent Number	Kind Code ¹	Issue Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	
	1	5381526		1995-01-10	Ellson		
	2	5689442		1997-11-18	Swanson et al.		
	3	5790427		1998-08-04	Greer et al.		
	4	6163338		2000-12-19	Johnson et al.		
	5	6317817		2001-11-13	Shichiku et al.		
	6	~~6831652~~ ~~9834652~~		2004-12-14	Orr		
	7	6950600		2005-09-27	Dietz		
	8	7162607		2007-01-09	Macy et al.		

Change(s) applied
to document,
J.H./
12/10/2014



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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/846,217	01/06/2015	8928752	102246.0002US1	1026

24392 7590 12/17/2014
FISH & TSANG LLP
ROBERT D. FISH
2603 Main Street
Suite 1000
Irvine, CA 92614-6232

ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 1619 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Application Assistance Unit (AAU) of the Office of Data Management (ODM) at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Paul DeKeyser, Irvine, CA;

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IR103 (Rev. 10/09)