

REMARKS

Claims 1, 2 and 4-20 are pending in the application. Claims 1, 2 and 4-20 stand rejected. Upon entry of the present amendments, claims will be amended; claims 2, 7, 12-13, and 15-17 will be cancelled without prejudice; and claims 21-27 will be newly presented. Applicant requests further review and examination of the application.

Claim Rejections – 35 USC § 102

Claims 1-2, 4-9, and 12-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Albertson et al. (hereinafter "Albertson," U.S. Pub. No. 2008/0059578 A1).

Applicant amends **claim 1** to recite:

adjusting the output to have a new value, the new value being more indicative of invoking the input recognized by the system than the old value is indicative of invoking the input recognized by the system; and

sending the adjusted output to an application that is configured to process the input recognized by the system

Similar subject matter was previously presented in claim 2. The Office asserts that this similar subject matter is disclosed by Albertson as follows:

As to claim 2, Albertson discloses the method of claim 1, wherein the output has a value, and wherein providing assistance comprises:

adjusting the output to have a new value {e.g., the database is capable of learning and adjusting additional or new gesture definitions via user feedback, parameters, etc., [0067-0074], [0093], and [0109]}, the new value being more indicative of invoking the input recognized by the system than the old value is indicative of invoking the input recognized by the system {based on user feedback and/or profile, the system will learn, record or update new gesture definitions, e.g., [0067-0074], [0093-0097], [0109]; [0155] shows the system depicts the gesture interpreter system detecting at least one gesture definition with a closest match to the 3D object properties for one or more of the tracked objects. Thereafter, block 1410 illustrates calculating a percentage certainty that the 3D object properties communicate each predicted gesture. Next, block 1412 depicts generating predicted gesture

records with metadata including the percentage certainty that each predicted gesture is accurately predicted. Thereafter, block 1414 depicts transmitting each predicted gesture and metadata to a particular gesture-enabled application, and the process ends (emphasis added) } _;_ and

sending the adjusted output to an application that is configured to process the input recognized by the system {e.g., [0070-0072], Albertson shows application specific gesture definitions 416 include gesture definitions specific to the application to which the predicted gesture will be sent. For example, if gesture interpreter controller 404 will transmit the predicted gesture to an instant messaging service provider, then gesture interpreter controller 404 selects gesture definitions associated with instant messaging communication from application specific gesture definitions 416. In another example, if gesture interpreter controller 404 is set to transmit the predicted gesture to a mobile user, then gesture interpreter controller 404 selects gesture definitions associated with an application that supports communications to a mobile user from application specific gesture definitions 416}.

Applicant submits that Albertson fails to disclose at least this amended subject matter of claim 1. In sum, the subject matter of claim 1 involves adjusting the output itself, whereas Albertson discloses adjusting something that processes gesture data to produce an output.

This difference between the claimed subject matter and Albertson is present in the portions of Albertson that the Office has specifically excerpted: *e.g.*, “the database is capable of learning and adjusting additional or new ***gesture definitions***,” and “based on user feedback and/or profile, the system will learn, record or update new ***gesture definitions***.” Even if modifying these gesture definitions may result in these modified gesture definitions producing a different output, that is not the same as directly modifying the output itself. As such, Applicant submits that Albertson fails to disclose the claimed, “adjusting the output to have a new value.” For at least these reasons, Applicant submits that Albertson fails to anticipate the invention recited in claim 1, or dependent **claims 4-6, and 8-9**. Additionally, Applicant cancels **claims 2, 7, and 12-13** without prejudice, which renders the rejection of these claims moot. Applicant requests that the Office reconsider the rejections.

Claim 4 recites:

in response to determining that the second output may not be adjusted, sending the second output to the application without adjusting the second output.

(Emphasis added). The Office asserts that this claim language is disclosed by Albertson as follows:

in response to determining that the second output may not be adjusted {thresholds and percentages of gesture determinations, e.g., [0111-1116]}, sending the second output to the application without adjusting the second output {e.g., [0070-0072]}, Albertson shows application specific gesture definitions 416 include gesture definitions specific to the application to which the predicted gesture will be sent. For example, if gesture interpreter controller 404 will transmit the predicted gesture to an instant messaging service provider, then gesture interpreter controller 404 selects gesture definitions associated with instant messaging communication from application specific gesture definitions 416. In another example, if gesture interpreter controller 404 is set to transmit the predicted gesture to a mobile user, then gesture interpreter controller 404 selects gesture definitions associated with an application that supports communications to a mobile user from application specific gesture definitions 416} __

Office Action, at 6. Applicant disagrees. Even if these portions of Albertson disclose what the Office asserts they disclose, they still do not disclose the claimed subject matter. The claimed subject matter involves determining whether or not an output may be adjusted, and adjusting an output only where that output may be adjusted. This subject matter is described in the following portion of the original disclosure:

[0167] In an embodiment, providing assistance comprises adjusting the output, and sending the adjusted output to an application corresponding to the user-performed gesture. This may be akin to relaxing the parameters or tolerance of an application. Where it is determined that the user intended to perform the gesture, the outputs for the corresponding gesture filter may be changed to be outputs that correspond to the gesture likely being performed, while still maintaining the user's intent. For instance, where the user appears to intend to steer a vehicle sharply to the left, but has incorrect hand position, the outputs corresponding to hand position may be adjusted, while still corresponding to the

vehicle steering sharply to the left (as opposed to a turn to the soft left, or a turn to the right).

Specification, at [0167]. The Office asserts that this subject matter is disclosed by Albertson's "thresholds and percentages of gesture determinations." These thresholds and percentages are used to determine whether a gesture is recognized – they go to creating the original output. However, they are not used in adjusting that original output to a new value, nor to determining whether that original output may be adjusted at all. For at least these reasons, Applicant submits that Albertson fails to anticipate the invention recited in claim 4, and requests that the Office reconsider the rejection.

Claim 8 recites:

suspending an application corresponding to the input recognized by the system.

The Office asserts that this claim language is disclosed by Albertson as follows:

suspending an application corresponding to the input recognized by the system {Gesture interpreter 106 may pass predicted gesture output 108 to one or more gesture enabled applications at one or more systems, e.g., [0033], it means one of selected multiple and appropriate applications can be used, forwarded, passed, or received information based on a particular condition during the process, [0130-0132]}

Office Action, at 7. Applicant disagrees. Even if these portions of Albertson disclose what the Office asserts they disclose, they still do not disclose the claimed subject matter. Passing predicted gesture output 108 to one or more gestured enabled applications is not suspending those applications in the process of passing along that gesture output. Likewise, using an application, forwarding an output to an application, passing an output to an application, or the application receiving information based on a particular condition all do not disclose that the application itself is suspended during this process. On the contrary, it appears as though Albertson discloses continuing to execute the application that is sent the gesture output, so that the application may perform tasks associated with receiving this gesture output. For at least these reasons, Applicant submits that Albertson fails to anticipate the invention recited in claim 8, and requests that the Office reconsider the rejection.

Applicant amends independent **claim 14** in a similar manner as Applicant has amended independent claim 1. For reasons similar to those analyzed above with respect to claim 1, Applicant submits that the invention recited claim 14 is likewise not anticipated by Albertson, nor are dependent **claims 18-19**. Additionally, Applicant cancels **claims 15-17** without prejudice, which renders the rejection of these claims moot. Applicant requests that the Office reconsider the rejections.

Applicant amends independent **claim 20** in a similar manner as Applicant has amended independent claim 1. For reasons similar to those analyzed above with respect to claim 1, Applicant submits that the invention recited claim 20 is likewise not anticipated by Albertson. Applicant requests that the Office reconsider the rejection.

Claim Rejections – 35 USC § 103

Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albertson et al. (hereinafter "Albertson," U.S. Pub. No. 2008/0059578 A1) in view of Mullahkhel et al. (hereinafter "Mullahkhel," U.S. Pub. No. 2008/0234023 A1). Claims 10-11 depend from independent claim 1, which stands rejected as being anticipated by Albertson. Mullahkhel fails to cure the deficiencies of Albertson as applied to claim 1. For at least this reason, Applicant submits that the combination of Albertson and Mullahkhel fails to render obvious the invention recited in claims 10-11. Applicant requests that the Office reconsider the rejections.

New Claims

Claims 21-27 are newly presented. Support for claims 21-27 is found in the original disclosure in at least original claims 4-6 and 8-11, respectively.

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CONCLUSION

In the view of the foregoing amendments and remarks, Applicant respectfully submits that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the application for any reason, the Examiner is encouraged to contact Applicant's representative.

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