Paper No._____

UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE PATENT TRIAL AND APPEAL BOARD

_____

SONY CORPORATION
Petitioner

v.

Patent of YISSUM RESEARCH DEVELOPMENT COMPANY OF THE HEBREW UNIVERSITY OF JERUSALEM
Patent Owner

_____

Case IPR2013-00219 (SCM)[1]
Patent 7,477,284
Title: SYSTEM AND METHOD FOR CAPTURING AND VIEWING STEREOSCOPIC PANORAMIC IMAGES

_____

Before SALLY C. MEDLEY, KARL D. EASTHOM, and JAMES B. ARPIN, *Administrative Patent Judges*.

_____

PATENT OWNER'S MOTION FOR OBSERVATION REGARDING CROSS-EXAMINATION OF PETITIONER'S REPLY WITNESS DR. TREVOR DARRELL

[1] The IPR2013-00327 proceeding has been joined with this proceeding.

I. INTRODUCTION

Yissum Research Development Company of the Hebrew University of Jerusalem ("Patent Owner") submits the following observations regarding the cross-examination of Sony ("Petitioner") reply declarant Dr. Trevor Darrell, pursuant to the teleconference with the Board on April 23, 2014, and the Order of April 25, 2014, (Paper 42).

Patent Owner requests that the Board enter the instant Motion and consider the observations. Observations 1-7 below pertain to the cross-examination deposition testimony of Dr. Trevor Darrell, obtained on April 15, 2014, after Patent Owner had filed its Response. In addition, and in accordance with the Trial Guide, each of the observations provide in a single paragraph a concise statement of the relevance of the precisely identified testimony to a precisely identified argument.

II. KAWAKITA OBSERVATIONS

1. In YRD-2014 on page 17 lines 13-16, Dr. Darrell testified that he was unable to fuse the printed image of YRD-2007 "because of the printing artifacts and other normal reproduction issues" and at page 18 lines 3-5 Dr. Darrell admitted that his "perception of stereo has **never been a strong** one." This testimony is relevant to the testimony at ¶ 22 of SONY-1044, where Dr. Darrell stated the he was "unable to fuse many elements of the image [of YRD-2007]. . .

these parts of the image appear as overlapping or double images" and based on this apparent fusion failure, Dr. Darrell's concluded that an image pair is stereoscopic "even if stereo fusion is not possible as to all objects along all lines of sight in the image." The testimony is relevant because it demonstrates that the image of YRD-2007 does not actually have overlapping objects, but rather that the combination of Dr. Darrell's poor sense of stereovision and printing artifacts/reproduction issues lead him to see overlapping images. This testimony is further relevant because it demonstrates that Dr. Darrell's conclusion that an image is stereoscopic "even if stereo fusion is not possible as to all objects" is not based on any fact or data, and consequently "is entitled to little or no weight," pursuant to 37 C.F.R. § 42.65(a).

2. In YRD-2014 on page 63 lines 4-10, Dr. Darrell testified that he puts "**significant** weight" on the relative terms "faithful" and "faithfully" in the Kawakita translation of SONY-1004 because "it was **clearly used** in the disclosure," at page 139 lines 19-22 and at page 141 lines 4-5, Dr. Darrell later admitted that in YRD-2013, the original certified Kawakita translation produced by Sony in previous litigation, the relative terms "faithfully" and "faithful" are **not used**. (*See* YRD-2013 at 5-8 "a normal panorama image can be viewed," "normal stereo vision is not possible," "in order to achieve proper stereo vision while viewing the actual panoramic image," and "the results showed that the object in focus was not seen in double vision, and the sense of depth could be properly

reproduced.") This testimony is relevant to ¶¶ 21-22 of SONY-1044, where Dr. Darrell's relies heavily on the relative terms "faithful" and "faithfully" in concluding that Kawakita used these terms to refer to accurate depth perception and that a perception of depth is possible when stereo fusion is not possible as to all objects. The testimony is relevant because it undermines Dr. Darrell's conclusion since the original Kawakita translation produced by Sony did not use the relied upon relative terms "faithful" and "faithfully." (Compare YRD-2013 at sections 5-7 to SONY-1004 at sections 5-7)

III. ASAHI OBSERVATIONS

3. In YRD-2014 on page 31 lines 10-16, Dr. Darrell testified that if an image has 100 vertical lines, "there **needs** to be at least **99 percent overlap** from frame to frame where a single line is being taken" and on page 108 lines 1-24 Dr. Darrell admitted that in Asahi "the photographing position therefore need[s] to advance from frame to frame no more than one line . . . similar to what we described earlier. . . needing almost **99 percent overlap**." This testimony is relevant to ¶ 23 of SONY-1044, where Dr. Darrell concludes that the images of Asahi "could be viewed . . . and provide a perception of depth." The testimony is relevant because the Asahi reference, SONY-1010 at ¶¶ [0030]- [0035], expressly teaches extracting a single forward, middle, rearward line from each frame, where "the **overlap percentage is 60%**" from scene to scene (in Asahi a frame consists of two fields

and a field is a scene). Accordingly, Dr. Darrell's testimony that 99% overlap is required contradicts his conclusion at ¶ 23 of SONY-1044, because the images of Asahi cannot be viewed to provide a perception of depth since they are created from scenes that only have 60% overlap.

4. In YRD-2014 on page 124 lines 14-19, Dr. Darrell noted that the original Asahi translation, produced by Sony in previous litigation and identified as YRD-2012, at ¶ [0035] does **not** use the term "stereoscopic viewing." (*See* YRD-2012 at ¶ [0035] discussing a "3D image.") This testimony is relevant to Petitioner's Reply (Paper 37 at page 9) where Petitioner asserts that "[t]he fact that [in ¶ 0035] 'stereoscopic viewing' is used in a particular unique context in Asahi underscores that its meaning is distinct." The testimony is relevant because it contradicts Petitioner's assertion by demonstrating that the original Asahi translation produced by Sony (YRD-2012) actually did not use the term "stereoscopic viewing." This testimony is also relevant because the Board in its Decision to Institute IPR (Paper 16 at 32) relied on this term as allegedly used in Asahi (SONY-1010).

5. In YRD-2014 on page 83 lines 3-6, Dr. Darrell testified that Asahi's "digital elevation map [is] a **3D image** of the scene;" on page 84 line 16 to page 85 line l20 Dr. Darrell testified that image No. 2 illustrated in YRD-2011 is a typical 3D image that would result from Asahi's method; on page 95 lines 19-25 Dr. Darrell testified that the **3D image** map of Asahi is **different** than a **stereoscopic image**;

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.