

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION
Petitioner

v.

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

Case IPR2013-00219 (SCM)
Patent 7,477,284 B2

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

ARPIN, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Petitioner, Sony Corporation, filed a petition requesting an *inter partes* review of claims 1-3, 10, 20, 27-29, 36, and 37 of Patent No. US 7,477,284 B2 (the “’284 Patent” or Ex. 1001). Paper 3 (“Pet.”). In response, Patent Owner, Yisum Research Development Company of the Hebrew University of Jerusalem, filed a patent owner preliminary response. Paper 13 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314.

The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a):

THRESHOLD – The Director may not authorize an *inter partes* review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

Pursuant to the defined threshold under 35 U.S.C. § 314(a), the Board institutes an *inter partes* review of claims 1-3, 10, 20, 27-29, 36 and 37 of the ’284 Patent.¹

A. Related Proceedings

The ’284 Patent and another related patent, Patent No. US 6,665,003 B2 (the “’003 Patent” or Ex. 1002), are involved in other *inter partes* review proceedings before the Board and litigation in the U.S. District Court of Delaware. *See* Pet. 1, citing *HumanEyes Technologies Ltd. v. Sony Electronics Inc. et al.*, 1-12-cv-00398 (D. Del. March 29, 2013). Related proceedings before the Board include IPR2013-00218, IPR2013-00326, and IPR2013-00327, and involve the same parties. In

¹ Petitioner filed a separate petition challenging claims 4, 7, and 38 of the ’284 Patent and a motion to join that proceeding with this one. *See* IPR2013-00327 (Papers 4 and 10). A decision on that petition and on the motion for joinder will be made in due course.

related IPR 2013-00327(the “’327 proceeding”), Petitioner describes the Delaware litigation as an infringement action currently based on at least claims 1-4, 7, 5, 10, 20, 27-29, and 36-38 of the ’284 Patent. *See* IPR2013-00327 (Paper 10, 2-3; Paper 11, 11). As noted above, Petitioner has moved to join the ’327 proceeding with this proceeding. *See* note 1, *supra*.

B. The ’284 Patent

The ’284 Patent describes methods and apparatus for generating mosaics of a scene from image data of the scene and displaying the mosaics to provide a sense of depth. *See* Ex. 1001, Abstract. In particular, the ’284 Patent relates generally to the field of recording and generating images and, more particularly, to the generation and display of panoramic images stereoscopically. *Id.* at col. 1, ll. 44-47. The ’284 Patent specifically describes generating and displaying a stereoscopic, panoramic image set, comprising respective at least two panoramic images of a scene, each having a different viewing direction, for contemporaneous viewing by respective left and right eyes of a viewer to provide an apparent stereoscopic image of the scene to the viewer. *Id.* at ll. 47-53.

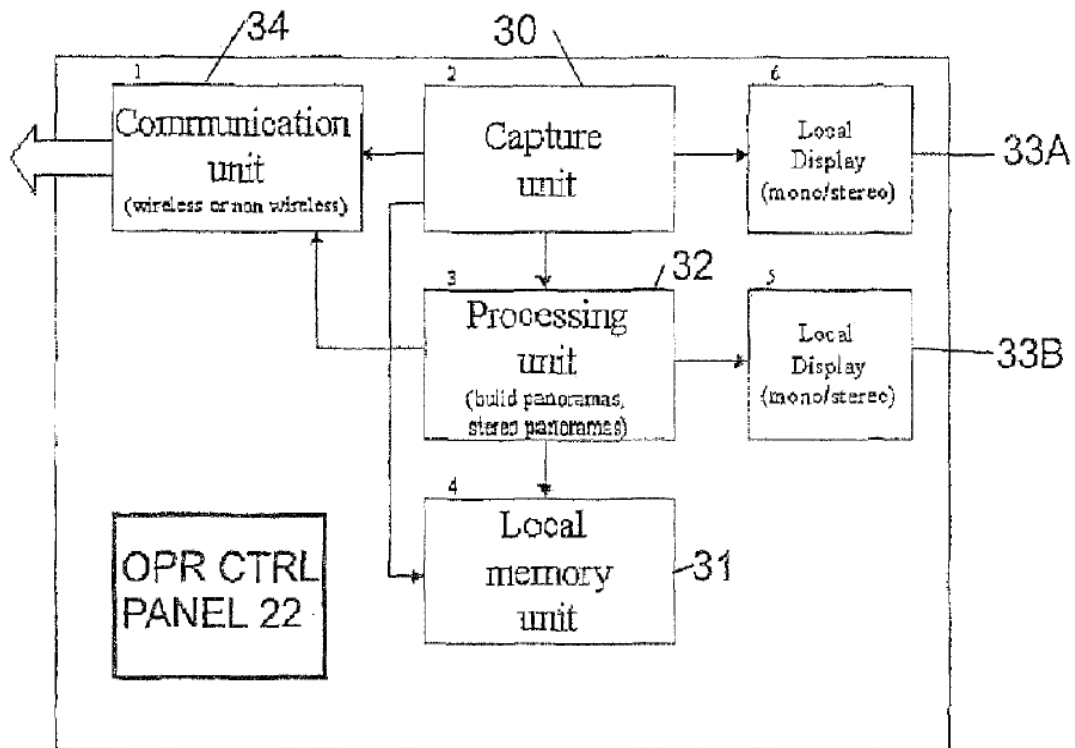
According to the ’003 Patent,² creating and displaying non-panoramic, stereoscopic images was known in the prior art, but “currently, there are no such arrangements for generating and displaying stereoscopically *panoramic* images.” Ex. 1002, col. 1, ll. 40-43(emphasis added); *see also* Ex. 1001, col. 1, l. 66-col. 2, l. 1. Common dictionary definitions corroborate that stereoscopic image systems were known prior to the filing date of the ’284 Patent. For example, a definition of the term “stereoscopic” is “[o]f or pertaining to stereoscopy; especially, three-dimensional,” or “[o]f or pertaining to a stereoscope.” THE AMERICAN HERITAGE

²The ’284 Patent claims the benefit of and incorporates by reference the disclosure of the application from which the ’003 Patent issued. Ex. 1001, col. 1, ll. 27-33.

DICTIONARY OF THE ENGLISH LANGUAGE 1264 (1976) (Ex. 3001).³ The '284 Patent relates specifically to "human stereo panoramic perception." See Ex. 1001, col. 2, ll. 9-11.

Figure 3 of the '284 Patent is reproduced below:

FIG. 3



In Figure 3, a functional block diagram of the stereoscopic data source, such as data source 11n of Figure 2 (not reproduced), is depicted. Stereoscopic data

³ A definition of the term "stereoscopy" is "[t]he phenomenon of simultaneous vision with two eyes in which there is a vivid perception of the distances of objects from the viewer; it is present because the two eyes view objects in space from two points, so that the retinal image patterns of the same object are slightly different in the two eyes. Also known as stereopsis; stereoscopic vision." MCGRAW-HILL DICTIONARY OF SCIENTIFIC AND TECHNICAL TERMS, 1920 (5th ed. 1994) (Ex. 3002).

source 11n of Figure 2 “includes an image capture unit 30, a local memory unit 31, a processing unit 32, one or more local displays 33A, 33B, . . . , and a communication unit 34, as well as [an] operator control panel 22.” *Id.* at col. 6, ll. 55-61. Image capture unit 30, local memory unit 31, processing unit 32, and local displays 33A and 33B may be housed together and form a video camera 21, such as that described in connection with Figure 2. *See id.* at ll. 61-64, Fig. 2. Capture unit 30 may include, for example, an image sensor, aperture, lenses, and/or the like to facilitate capturing or acquiring of images. *Id.* at ll. 64-67. A suitable image sensor may be any of a number of “conventional” image sensors, including, for example, charge coupled devices, film, and the like. *Id.* at col. 6, l. 67-col. 7, l. 3

The '003 Patent describes stereoscopic viewing and images as follows:

A person can see stereoscopically because his or her eyes are displaced horizontally (when standing) which, will provide a perception of depth when viewing a scene, which would not be present otherwise. *Stereoscopic images comprise two images recorded of a scene recorded from slightly displaced positions, which, when viewed simultaneously by the respective eyes, provides a perception of depth.*

Ex. 1002, col. 1, ll. 32-39 (emphasis added).

Figure 5 of the '284 Patent, which depicts the generation of a stereoscopic panoramic set of images that may be used to display a scene or portions of a scene to provide a sense of depth of the scene to a viewing person, is reproduced below:

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