

UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SONY CORPORATION  
Petitioner

v.

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

Case No. IPR2013-00219 (SCM)<sup>1</sup>

Patent No. 7,477,284  
Issue Date: Jan. 13, 2009  
Title: SYSTEM AND METHOD FOR CAPTURING AND VIEWING  
STEREOSCOPIC PANORAMIC IMAGES

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**REQUEST FOR REHEARING**  
**PURSUANT TO 37 C.F.R. § 42.71(d)**

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<sup>1</sup> Case IPR2013-00327 has been merged with this case.

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## I. Introduction

Petitioner Sony Corporation (“Sony”) requests rehearing of the Decision regarding Institution of *Inter Partes* Review of U.S. Patent No. 7,477,284 (the “’284 Patent”), IPR2013-000219 Paper No. 16 (P.T.A.B. Sep. 23, 2013) (the “First Decision”) and the Decision regarding Institution of *Inter Partes* Review of the ’284 Patent, IPR2013-00327, Paper No. 14 (P.T.A.B. Sep. 24, 2013) (the “Second Decision”).

In the First Decision and Second Decision (collectively, the “Decisions”), the Board instituted *inter partes* review of all claims of the ’284 Patent challenged by Sony. With respect to all challenged claims except claims 20 and 37, the Board instituted *inter partes* review on grounds of unpatentability based on Kawakita, Sony-1003 and Sony-1004. However, the Board declined to institute *inter partes* review of the same claims on grounds based on Ishiguro, Sony-1005, because the Board found that such grounds were redundant. Also, as noted, the Board declined to institute *inter partes* review with respect to claims 20 and 37 on grounds based on Kawakita because the Board found that Sony failed “to demonstrate that Kawakita teaches or suggests the mosaicing of at least three series of image strips *together*.” *See* First Decision at 26 (emphasis in original). Although the Board instituted *inter partes* review of independent apparatus claims 1 and 27 on grounds of anticipation by Asahi (*see* First Decision at 29-33), the Board declined to institute *inter partes* review with respect to

corresponding independent method claim 38 based on Asahi because the Board found the ground to be redundant. *See* Second Decision at 12.

## II. Request for Hearing

Sony respectfully requests that the Board reconsider the decision not to institute *inter partes* review on the following grounds set forth in Sony's petitions:

- Claims 1, 3, 27, 29, and 38 would have been obvious under 35 U.S.C. § 103 over Ishiguro. *See* Sec. II.A.
- Claims 1, 2, 3, 10, 27, 28, 29, 36 and 38 would have been obvious under 35 U.S.C. § 103 over Ishiguro in view of Chen, Sony-1006. *See* Sec. II.A.
- Claims 3 and 29 would have been obvious under 35 U.S.C. § 103 over Ishiguro in view of Chen and Kodak, Sony-1007. *See* Sec. II.A.
- Claims 4 and 7 would have been obvious under 35 U.S.C. § 103 over Ishiguro in view of Chen and Allen, Sony-1039. *See* Sec. II.A.
- Claims 20 and 37 would have been obvious under 35 U.S.C. § 103 over Kawakita. *See* Sec. II.B.
- Claims 20 and 37 would have been obvious under 35 U.S.C. § 103 over Kawakita in view of Chen. *See* Sec. II.B.
- Claims 20 and 37 would have been obvious under 35 U.S.C. § 103 over Ishiguro. *See* Sec. II.C.
- Claims 20 and 37 would have been obvious under 35 U.S.C. § 103 over Ishiguro in view of Chen. *See* Sec. II.C.

- Claims 38 is anticipated by Asahi under 35 U.S.C. § 102. *See* Sec. II.D.

**A. Grounds Challenging Claims 1, 2, 3, 4, 7, 10, 27, 28, 29, 36 and 38 Based on Ishiguro Are Not Redundant.**

In order to “secure the just, speedy, and inexpensive resolution of every [*inter partes* review] proceeding,” the Board may decline to consider grounds of unpatentability if the grounds “are presented in a redundant manner.” *See* CBM2012-00003, Paper No. 7 at 2 (P.T.A.B. Oct. 25, 2012) (quoting 37 C.F.R. § 42.1(b)). However, the Board has indicated that a reference is not redundant where the petitioner has shown it to be “better in some respect” than a reference on which the Board has based the grant of the petition. *Id.* at 3.

Here, the Board has granted Sony’s petitions with respect to claims 1, 2, 3, 4, 7, 10, 27, 28, 29, 36 and 38 of the ’284 Patent on grounds based on Kawakita (alone or in combination with other references), but not on corresponding grounds based on Ishiguro,<sup>2</sup> because of perceived redundancy. *See* First Decision at 35, Second Petition at 12. The corresponding grounds based on Ishiguro are not redundant for at least one key reason discussed below. Moreover, consideration of the grounds based on Ishiguro will not significantly expand the scope of *inter partes* review because the Board

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<sup>2</sup> A list of the grounds presented in Sony’s petitions that correspond to the Kawakita-based grounds that the Board has decided to review is included in the Appendix hereto.

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