UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION

Petitioner

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

SECOND PETITION FOR *INTER PARTES* REVIEW

OF U.S. PATENT NO. 7,477,284

No. IPR2013-00327

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I. Mandatory Notices (37 C.F.R. § 42.8)

Real Party-in-Interest: Sony Corporation ("Sony" or "Petitioner"), Sony Electronics Inc., Sony Corporation of America, Sony Mobile Communications AB, and Sony Mobile Communications (USA) Inc. are the real parties-in-interest.

Related Matters: The following matter would affect or be affected by the decision in this proceeding: *HumanEyes Technologies Ltd. v. Sony Electronics Inc. et al.*, 1-12-CV-00398 (D. Del.); *Sony Corp. v. HumanEyes Technologies Ltd.*, IPR2013-00219 (P.T.A.B.).

Counsel: Lead Counsel: Walter Hanley (Reg. No. 28,720); Backup Counsel: Michelle Carniaux (Reg. No. 36,098).

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II. Grounds for Standing (37 C.F.R. § 42.104(a))

Petitioner certifies that the patent for which review is sought, U.S. Patent No. 7,477,284 (the "'284 Patent," Sony-1101) is available for *inter partes* review and that the Petitioner is not estopped from requesting an *inter partes* review challenging the patent claims on the grounds identified in this petition. Although Petitioner was served more than one year ago with a complaint asserting infringement of the '284 Patent, Petitioner submits that, pursuant to 35 U.S.C. § 315(b), it is not barred from filing this petition because Petitioner timely filed a prior petition (IPR2013-00219) for *inter partes*

review of the '284 Patent and has accompanied the present petition with a request for joinder under 35 U.S.C. § 315(c).

III. Identification of Challenge (37 C.F.R. § 42.104(b)(1)-(3)) and Relief Requested (37 C.F.R. § 42.22(a)(1))

Petitioner challenges claims 4, 7, and 38 of the '284 Patent, and cancellation of those claims is requested.

A. Procedural Background

HumanEyes Technologies Ltd. ("HumanEyes") has alleged that Sony has infringed the '284 Patent in the civil action in the District of Delaware identified as a related matter in Section I above (the "Delaware action"), which was filed on March 29, 2012. At about the same time that HumanEyes initiated the Delaware action, HumanEyes also filed a Complaint against Sony in the International Trade Commission ("ITC"), in which it asserted specifically that Sony was infringing claims 1, 2, 3, 10, 20, 27, 28, 29, 36, and 37 of the '284 Patent. On March 29, 2013, Sony filed a petition for *inter partes* review requesting cancellation of those asserted claims. IPR2013-00219.

On April 19, 2013, Sony filed a motion in the Delaware action for a stay pending IPR2013-00219. On May 6, 2013, in response to the stay motion, HumanEyes contended that Sony was infringing additional claims of the '284 Patent that were not asserted in the ITC Complaint nor otherwise previously asserted against Sony, namely claims 4, 7, and 38. *See* Answering Brief in Opposition to Sony's Motion to Stay

Pending the Outcome of Inter Partes Review of the Patents-In-Suit, *HumanEyes Technologies Ltd. v. Sony Electronics Inc. et al.*, 1-12-CV-00398, D.I. 34 (D. Del. May 6, 2013) (Sony-1102).

Accordingly, Sony is filing its second petition for *inter partes* review of the '284 Patent, IPR2013-00327, requesting cancellation of the additional claims HumanEyes asserted for the first time on May 6, 2013. Concurrently, Sony is filing a motion seeking joinder of this petition with IPR2013-000219.

B. Background of the '284 Patent

The '284 Patent states that "the invention provides an arrangement for recording images for use in generating and utilizing images comprising a stereoscopic image set." '284 Patent, 2:22-24. A "stereoscopic image set" comprises at least two images of a scene recorded from slightly displaced positions. *Id.* 1:47-53. A "stereoscopic data source records images from which a stereoscopic image set can be generated." *Id.* 2:26-28. The stereoscopic image set can consist of either panoramic or non-panoramic images generated from the images recorded by the stereoscopic data source. *Id.* 12:48-53.

The Detailed Description in the '284 Patent is directed to a "stereoscopic panoramic image arrangement" in particular. The specification describes the generation of a set of stereoscopic panoramic images using strips from each of a series of images recorded by a stereoscopic data source. *Id.* 8:21-28. Figure 5 of the '284 Patent (below) depicts a series of successive images 50(1), 50(2), . . . 50(3) that are

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