

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

E-WATCH, INC.,
Patent Owner.

Case IPR2015-00607
Patent 7,643,168 B2

Before JAMESON LEE, GREGG I. ANDERSON, and
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

ANDERSON, *Administrative Patent Judge*.

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

I. INTRODUCTION

Samsung Electronics, Co., Ltd. and Samsung Electronics America, Inc. (“Samsung” or “Petitioner”) filed a Petition requesting *inter partes* review of claims 19 and 20 of U.S. Patent No. 7,643,168 B2 (Ex. 1001, “the ’168 patent”) (“Pet.,” Paper 1). On May 7, 2015, e-Watch, Inc. (“Patent Owner”), filed a Preliminary Response (“Prelim. Resp.,” Paper 6). We have jurisdiction under 35 U.S.C. § 314.

For the reasons explained below, we institute an *inter partes* review of claims 19 and 20 of the ’168 patent. We have not yet made a final determination with respect to the patentability of any claim.

A. Related proceedings

Patent Owner has asserted the ’168 patent and related U.S. Patent No. 7,365,871 (“the ’871 patent”) against Petitioner in Case No. 2:13-cv-01062, filed in the Eastern District of Texas on December 9, 2013. Pet. 2; Paper 5, 2–3. Patent Owner has filed several other lawsuits asserting the ’168 and ’871 patents in the Eastern District of Texas (case nos. 2:13-cv-01061, -01063, -01064, -01069, -01070, -01071, -01072, -01073, -01074, -01075, -01076, -01077, and -01078). Pet. 2; Paper 5, 2–3 (not separately listing -1069, -1070, and -1072).

In addition to the present proceeding, petitions for *inter partes* review of the ’168 patent have been filed as follows: IPR2014-00989 (instituted and joined with IPR2015-00543, filed by Petitioner, “the ’989 IPR”); IPR2015-00401; IPR2015-00407; IPR2015-00408; and IPR2015-00414. *Id.* Petitioner has filed a separate petition for *inter partes* review, IPR2015-

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00611, which substantially copies IPR2015-00414.¹ Pet. 3–4; Paper 5, 3–4. Separate petitions for *inter partes* review of the related '871 patent² have been filed as follows: IPR2014-00439; IPR2014-00987 (instituted and joined with IPR2015-00541); IPR2015-00402; IPR2015-00404; IPR2015-00406; IPR2015-00411; IPR2015-00412; and IPR2015-00413; IPR2015-00610; and IPR2015-00612. Pet. 3–4; Paper 5, 3–5.

B. The '168 patent (Ex. 1001)

The '168 patent describes an image capture, conversion, compression, storage and transmission system. Ex. 1001, Abstract. The system includes a camera and a transmission device; the camera captures an image that is transmitted to another device using, for example, cellular signal, satellite transmission and hard line telephonic. *Id.* at 5:66–6:5. Captured images can be from a digital or analog camera or a video camera (e.g., a camcorder). *Id.* at 2:37–39.

¹ Case No. IPR2015-00611 has been instituted and joined with IPR2015-00414.

² The '168 patent is a continuation of the '871 patent. Ex. 1001, at [63].

Figure 4 of the '168 patent is reproduced below.

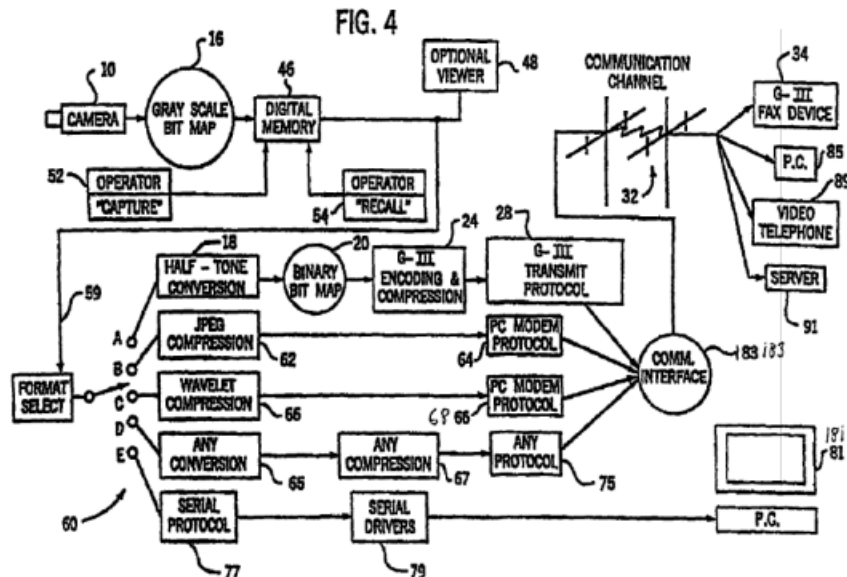


Figure 4 of the '168 patent illustrates the data path after an image is captured by camera 10 and conditioned by gray scale bit map 16. *Id.* at 7:65–8:41. The device includes memory 46, optional viewer 48, and format select interface switch 60 that permits automated or manual selection of the transmitting protocol, such as a Group-III facsimile format, a PC modem protocol, a wavelet compressor or others. *Id.* Depending on the selected protocol, the signal output is generated and provided to communications interface module 83 for transmission. *Id.*

C. Claims

Challenged claim 19 is dependent on independent claim 1 and challenged claim 20 is dependent on claim 19. Claims 1, 19, and 20 are reproduced below:

1. Apparatus comprising:
 - a portable housing, the portable housing being wireless;
 - an image collection device supported by the portable housing, the image collection device being operable to provide visual image data of a field of view;

a display supported by the portable housing, the display being operable to display for viewing by a user a perceptible visual image, the perceptible visual image being generated from the visual image data;

memory supported by the portable housing, the memory being suitable to receive visual image data in digital format, the memory being suitable to retain the visual image data in digital format,

an input device supported by the portable housing, the input device being operable by the user;

operation of the input device by the user enabling the memory to retain the visual image data in digital format, the memory being suitable to provide retained visual image data in digital format;

media supported by the portable housing, the media being suitable to embody at least one compression algorithm;

at least one processing platform supported by the portable housing, the at least one processing platform being operable to execute the at least one compression algorithm, the at least one processing platform being provided the retained visual image data in digital format, execution of the at least one compression algorithm providing compressed visual image data; and

a mobile phone supported by the portable housing, the mobile phone being operable to send to a remote recipient a wireless transmission, the wireless transmission conveying the compressed digital image data; and

movement by the user of the portable housing commonly moving the image collection device,

movement by the user of the portable housing commonly moving the display.

Ex. 1001, 15:14–50.

19. The apparatus according to claim 1 and further comprising:

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