

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 IPR2015-00612
Patent 7,365,871 B2

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

CLEMENTS, *Administrative Patent Judge*.

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

I. INTRODUCTION

Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. (“Petitioner”) filed a Petition requesting *inter partes* review of claims 1–15 of U.S. Patent No. 7,365,871 B2 (Ex. 1001, “the ’871 patent”). e-Watch, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 7 (“Prelim. Resp.”). We have jurisdiction under 35 U.S.C. § 314, which provides that an *inter partes* review may be authorized only if “the information presented in the petition . . . and any [preliminary] response . . . 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.” 35 U.S.C. § 314(a). Upon consideration of the Petition and the Preliminary Response, we determine that Petitioner has not demonstrated a reasonable likelihood of prevailing in showing the unpatentability of any of claims 1–15 of the ’871 patent. Accordingly, we do not institute an *inter partes* review for any of these challenged claims.

A. Related Proceedings

The ’871 patent is involved in eleven co-pending district court cases that have been consolidated in the U.S. District Court for the Eastern District of Texas. Pet. 49–50; Paper 6, 2–3. The ’871 patent is the subject of a petition previously filed by Petitioner in IPR2015-00541. *Id.* The ’871 patent also is the subject of IPR2014-00439 (terminated), IPR2014-00987, IPR2015-00402, IPR2015-00404, IPR2015-00406, IPR2015-00411, IPR2015-00412, IPR201-00413, and IPR2015-0610. *Id.*

B. The '871 Patent

The '871 patent relates generally to “image capture and transmission systems and is specifically directed to an image capture, compression, and transmission system for use in connection with land line and wireless telephone systems.” Ex. 1001, 1:17–20. According to the '871 patent, the system “is particularly well suited for sending and/or receiving images via a standard Group III facsimile transmission system and permits capture of the image at a remote location using an analog or digital camera.” *Id.* at 5:3–6.

Figure 1 of the '871 patent is reproduced below.

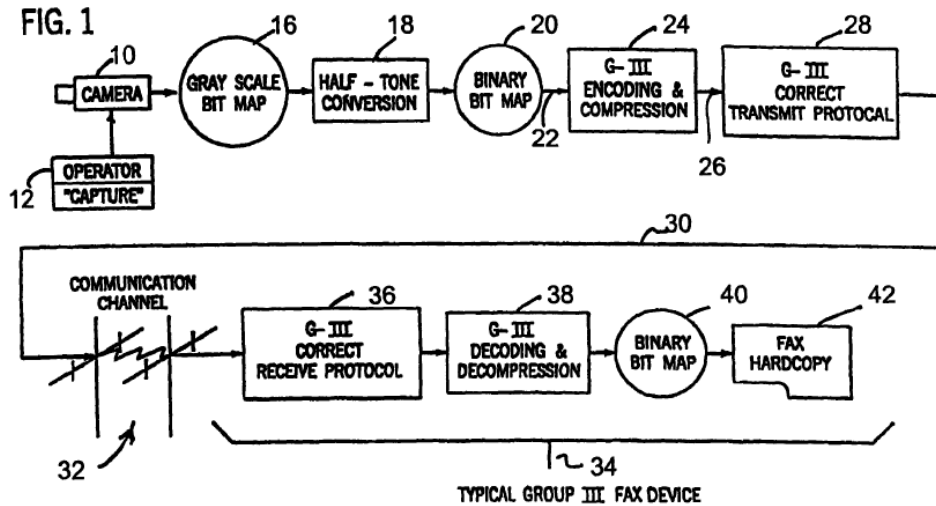


Figure 1 is a block diagram of a basic facsimile camera configuration for capturing an image via a camera and transmitting it via Group III facsimile transmission to a standard hard copy medium. *Id.* at 4:27–30.

Figure 7A of the '871 patent is reproduced below.

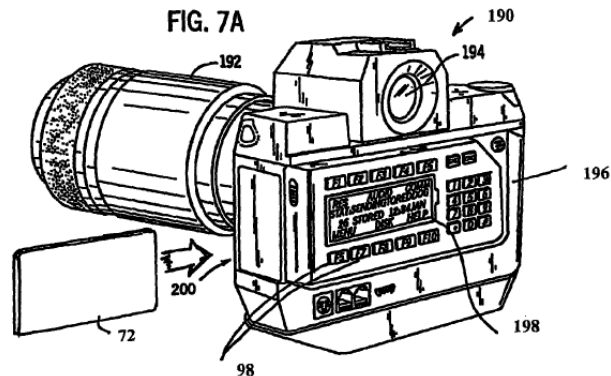


Figure 7A depicts “a hand[-]held device for capturing, storing, and transmitting an image in accordance with the invention.” *Id.* at 4:46–48, 11:3–20.

C. Illustrative Claim

Of the challenged claims, claims 1, 6, 9, and 12 are independent.

Claim 1 is reproduced below:

1. A handheld self-contained cellular telephone and integrated image processing system for both sending and receiving telephonic audio signals and for capturing a visual image and transmitting it to a compatible remote receiving station of a wireless telephone network, the system comprising:
 - a manually portable housing;
 - an integral image capture device comprising an electronic camera contained within the portable housing;
 - a display for displaying an image framed by the camera, the display being supported by the housing, the display and the electronic camera being commonly movable in the housing when the housing is moved by hand;
 - a processor in the housing for generating an image data signal representing the image framed by the camera;
 - a memory associated with the processor for receiving and storing the digitized framed image, accessible for selectively

displaying in the display window and accessible for selectively transmitting over the wireless telephone network the digitized framed image;

a user interface for enabling a user to select the image data signal for viewing and transmission;

a telephonic system in the housing for sending and receiving digitized audio signals and for sending the image data signal;

alphanumeric input keys in the housing for permitting manually input digitized alphanumeric signals to be input to the processor, the telephonic system further used for sending the digitized alphanumeric signals;

a wireless communications device adapted for transmitting any of the digitized signals to the compatible remote receiving station; and

a power supply for powering the system.

Ex. 1001, 14:49–15:13.

D. Prior Art Relied Upon

Petitioner relies on Int. Pub. Pat. App. WO 99/035818 (Ex. 1002, “Monroe”). Pet. 7.

E. The Asserted Ground of Unpatentability

Petitioner asserts that claims 1–15 of the ’871 patent are unpatentable under 35 U.S.C. § 102(b) as anticipated by Monroe. Pet. 7.

II. ANALYSIS

First, we review the status of Monroe as prior art against the ’871 patent. Monroe was published on July 15, 1999. Ex. 1002, at [43]. The ’871 patent issued from Application 10/336,470, filed on January 3, 2003 (“the child ’470 application”), and is a divisional application of Application 09/006,073 (“the parent ’073 application”), filed on January 12, 1998.

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