UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.,
Petitioner

v.

VEDANTI SYSTEMS LIMITED,
Patent Owner

Case IPR2016-00212
Patent 7,974,339 B2

PETITIONER'S OPPOSITION TO
PATENT OWNER'S MOTION TO AMEND

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Petitioner Google Inc. ("Google") hereby opposes Patent Owner's Contingent Motion to Amend (Paper 16 ("Mot.")) by Vedanti Systems Limited ("Vedanti").

I. Introduction

Vedanti filed a Motion to Amend that seeks to substitute claims 14-17 in place of canceled claims 7, 9, 10, and 12, respectively. Claim 14 adds a requirement for "different aspect ratios"—a term without support in the '339 specification. Claim 16 adds that regions are defined by region data, and Vedanti contrives an indefinite term—"non-predetermined" set of pixel data—in its attempt to avoid prior art. As the evidence here shows, none of these limitations adds anything patentable to the independent claims. Claims 15 and 17 also add nothing patentable, as they simply correspond to issued claims 9 and 12 respectively, with just their dependencies updated.

The Motion to Amend is itself deficient in several respects and should be denied. The Motion does not provide a proper claim construction for two new claim limitations: "different aspect ratios" and "non-predetermined." This is troublesome, as these terms are not in the original specification, lack adequate written description support and enablement, and are indefinite.

Vedanti also fails to demonstrate the patentability of the proposed substitute claims over known material prior art, including Spriggs, Golin, and Keith. This failure is acute, as Vedanti overlooks teachings of blocks with different aspect

ratios in Spriggs (GOOG 1005), and a specific teaching in Golin (GOOG 1006) (and Keith (Ex. 2015)) describing randomly selecting pixels. Vedanti alleges a lack of motivation to combine Spriggs and Golin (or Keith), but falls short. Vedanti's arguments are misdirected at fill codes taught in Golin and Keith, rather than the actual block division teachings used to render the claims obvious. In this way, Vedanti has not shown claims 14-17 to be patentable over Spriggs in view of Golin (or Keith).

Further, substitute claims 14-15 would have been obvious based on new material prior art by Shin. Shin (GOOG 1035) teaches subdividing an image into blocks with different aspect ratios, and is properly combinable with Spriggs in view of Golin to render claims 14-15 obvious. Alternatively, claims 14-15 are unpatentable using Shin as a primary reference combined with the pixel selection teaching of Spriggs.

Because Vedanti fails to set forth a *prima facie* case for the relief requested or satisfy its burden of proof, its motion should be denied in its entirety.

II. Argument

In a motion to amend, the Patent Owner bears the burden of proof to demonstrate patentability of its proposed substitute claims over the prior art, and, thus, entitlement to add these claims to its patent. *Idle Free Sys., Inc. v. Bergstrom, Inc.*, IPR2012-00027, Paper 26, at 7 (PTAB 2014); *see also Microsoft Corp. v.*

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