

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re *Inter Partes* Review of:)
U.S. Patent No. 7,907,793)
Issued: March 15, 2011)
Application No.: 12/542,498)
Filing Date: 8/17/2009)
Priority Date: 5/4/2001)

For: IMAGE SEQUENCE DEPTH ENHANCEMENT SYSTEM AND
METHOD

Filed via Patent Trial Appeal Board End-to-End (PTAB-E2E) system

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Prime Focus Creative Services Canada Inc.,

Petitioner

v.

Legend3D, Inc.,

Patent Owner

Case IPR2016-01243

**PATENT OWNER PRELIMINARY RESPONSE FOR *INTER PARTES*
REVIEW OF U.S. PATENT NO. 7,907,793
PURSUANT TO 37 C.F.R. § 42.107**

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EXHIBIT LIST

- 2005 U.S. Patent No. 8,922,628 (Petitioner's '628 Patent)
- 2006 Article: Jonathan Sachs, *Digital Image Basics*, Digital Light & Color, 1996-1999.
- 2007 Article: Paul Bourke, *HSL colour space*, June 2000
- 2008 Archived web page: *ColorModels.html*, available at <http://cs.brown.edu/courses/cs092/VA10/HTML/ColorModels.html>, from Brown University course CS092, archived Jan 24, 2000.
- 2009 Book: Lenny Lipton, *Foundations of the Stereoscopic Cinema – A Study in Depth*, 1982.
- 2010 Article: Dorothy A. Kleffner and V. S. Ramachandran, *On the Perception of Shape from Shading*, *Perception & Psychophysics* 1992, 52 (1), 18-36.
- 2011 Book: *Windows API Guide, Volume 3, Version d.1 for the MS-DOS and PC-DOS operating System*, Chapter 1, Borland International, 1992
- 2012 Archived web page: *GIMP core_blend_tool.html*, available at http://www.gimp.org/core_blend_tool.html, archived August 17, 2000.
- 2013 Archived web page: *GIMP transforms.html*, available at <http://manual.gimp.org/manual/GUM/transforms.html>, archived March 5, 2001.
- 2014 Book: *Adobe Photoshop 6.0 User Guide*, Adobe Systems Incorporated, 2000.
- 2015 U.S. Patent No. 8,396,328 (First child Patent to the '793 Patent)
- 2016 Internet Archive Affidavit for Exhibits 2008, 2012 and 2013

I. STATEMENT OF PRECISE RELIEF REQUESTED

The Board should not institute *inter partes* review (IPR) on claims 1-20 of U.S. Patent No. 7,907,793 (“ ‘793 Patent,” Ex. 1001) because petitioner Prime Focus Creative Services Canada Inc. (“Petitioner”) has not met its burden of showing it has a reasonable likelihood of prevailing on at least one claim with respect to any of its proposed grounds of unpatentability. Specifically, Petitioner has failed to apply the broadest reasonable construction in light of the specification for “depth parameter”, has read limitations from the specification into the claims that are not claimed, and has ignored support in U.S. Patent No. 7,181,081 (‘081) and U.S. Patent No. 7,333,670 (‘670) (hereinafter “ ‘793 Parent Patents”) to which the ‘793 Patent claims priority for claimed subject matter. Thus, Petitioner has erred in asserting that the ‘793 Patent is not entitled to the ‘793 Parent Patents priority filing dates. As detailed herein, without the ‘793 Parent Patents to rely on as prior art, all eight grounds for obviousness in the petition fail.

II. REQUIREMENTS FOR PATENT OWNER PRELIMINARY RESPONSE FOR *INTER PARTES* REVIEW

A. Statutory Requirements

Patent Owner certifies that the instant response contains 13611 words, as counted by the word-processing program used to generate this Response, where such word count excludes the table of contents, table of authorities, certificate of service, exhibit list, and this section on word count. See 37 C.F.R. § 42.24.

III. INTRODUCTION

A. Patent Owner Legend3D

Patent Owner Legend3D, Inc., (hereinafter Legend3D) is an innovator at the forefront of movie effects and virtual reality technology. The subject of this petition, namely the ‘793 Patent (Ex. 1001), is one of **39 patents** in Legend3D’s patent portfolio, which includes 30 U.S. patents and 9 foreign patents awarded to Legend3D and its predecessor Legend Films, Inc. Legend3D has been setting and applying color and depth to 2D movies since at least 2001, and to 3D stereoscopic movies since at least 2009, using the same novel technology for creating, moving, and reshaping masks developed before entering the 3D stereoscopic movie effects market. Other patents in the Legend3D portfolio are directed at masking technology that initially was used for applying color and depth within masked areas as well as 2D to 3D conversion, real-time editing of stereoscopic 3D movies, virtual reality, importing computer generated elements, gap fill in stereoscopic depth conversion, project management for movie projects, including project control, disk savings, grouping of items for use across scenes for consistency, and animation, for example.

B. The ‘793 Patent

Petitioner asserts that the ‘793 Parent Patents are prior art to the ‘793 Patent and that the ‘793 Patent is not entitled to the priority date of the ‘793 Parent

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