

UNITED STATES PATENT AND TRADEMARK OFFICE

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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Samsung Electronics Co., Ltd., and  
Samsung Electronics America, Inc.,  
Petitioner

v.

Image Processing Technologies, LLC,  
Patent Owner.

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CASE IPR2017-00336  
Patent No. 6,989,293

**PETITIONER'S REPLY**

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**LIST OF EXHIBITS**

<b>Exhibit No.</b>	<b>Description</b>
1001	U.S. Patent No. 6,959,293
1002	Declaration of Dr. John C. Hart
1003	Curriculum Vitae of Dr. John C. Hart
1004	Prosecution File History of U.S. Patent No. 6,959,293
1005	WO 99/36893, Patrick Pirim and Thomas Binford, "Method and Apparatus for Detection of Drowsiness," published July 22, 1999
1006	Robert Rogers, "Real-Time Video Filtering with Bit-Slide Microprogrammable Processors," Ph.D. Dissertation, New Mexico State University (December 1978)
1007	U.S. Patent No. 5,546,125 to Tomitaka, et al., issued August 1996
1008	Alton L. Gilbert et al., "A Real-Time Video Tracking System," IEEE Transactions on Pattern Analysis and Machine Intelligence, Vol. PAMI-2, No. 2, January 1980
1009	Declaration of Susan E. Beck (authenticating Ex. 1006)
1010	D. Trier, A. K. Jain and T. Taxt, "Feature Extraction Methods for Character Recognition-A Survey", Pattern Recognition, vol. 29, no. 4, 1996, pp. 641-662.
1011	M. H. Glauberman, "Character recognition for business machines," Electronics, vol. 29, pp. 132-136, Feb. 1956
1012	Declaration of Gerard P. Grenier (authenticating Ex. 1008)

## I. INTRODUCTION

Patent Owner IPT admits Pirim PCT discloses every limitation of claim 22 except for element 22[b], “an input multiplexer adapted to receive data describing one or more parameters of the event being detected . . .” IPT also admits that Pirim PCT discloses an input multiplexer that receives data describing at least one parameter (“data (V)”) of the event being detected. IPT, thus, admits that claim 22 is fully disclosed by the Pirim PCT, applying the plain and ordinary meaning of claim element 22[b].

IPT's only response is based on its incredible argument that the claim term “one or more” actually means “two or more” and that Pirim PCT, therefore, does not disclose claim 22. IPT's argument is meritless. It cannot explain, especially under the broadest-reasonable-interpretation claim-construction standard it agrees applies, how “one or more” could possibly mean “two or more.” One is not the same as two, and if the claimed multiplexer were required to receive two or more parameters, the claim would have recited “two or more.” It does not; it recites “one or more.”

## II. ARGUMENT

### A. IPT Admits Pirim PCT Discloses all but one Element of Claim 22

IPT's Patent Owner Response and supporting declaration of Dr. Agouris (Ex. 2009) challenge only Pirim PCT's disclosure of element 22[b], “an input

multiplexer adapted to receive data describing one or more parameters of the event being detected . . .” P.O. Resp. at 22-26; Ex. 2009 (Agouris Decl.) at §§ I.5, III.A.1, III.B, III.C, III.D. Because Patent Owner does not respond to Petitioner's application of Pirim PCT to any other element of claim 22, including 22[pre], 22[a], 22[c], 22[d], 22[e], or 22[f], Petitioner's showing that Pirim PCT discloses these limitations (Petition at 40-45, 49-51; Ex. 1002 (Hart Decl.) at ¶¶ 80-85, 94-101) should be deemed admitted. 37 CFR § 42.23(a) (“Any material fact not specifically denied may be considered admitted.”). Thus, the only issue that remains for trial is whether Pirim PCT discloses element 22[b].

### **B. IPT's Proposed Claim Construction Is Wrong**

Patent Owner urges a construction of claim element 22[b] that (1) is contradicted by the plain and ordinary meaning of the claim language, (2) reads out all of the disclosed embodiments except for one, which is instead improperly read into the claim, and (3) is not supported by the extrinsic evidence it cites. IPT's proposed construction of claim element 22[b] is incorrect. That term should be accorded its plain and ordinary meaning, consistent with the BRI standard IPT agrees should apply.

#### **1. The Claim Language Contradicts IPT's Construction**

Patent Owner's Response relies on a unique application of claim element 22[b], “an input multiplexer adapted to receive data describing one or more

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