

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

IMAGE PROCESSING TECHNOLOGIES LLC,
Patent Owner

CASE IPR2017-00347
Patent No. 8,805,001

**PATENT OWNER IMAGE PROCESSING TECHNOLOGIES LLC'S
PRELIMINARY RESPONSE PURSUANT TO 37 C.F.R. § 42.107**

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Cases

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