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 IPR2017-00353
Patent No. 8,983,134

PETITIONER'S REPLY

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LIST OF EXHIBITS

Exhibit No.	Description
1001	U.S. Patent No. 8,983,134 ("the '134 patent")
1002	Declaration of Dr. John C. Hart
1003	Curriculum Vitae for Dr. John C. Hart
1004	Prosecution File History of U.S. Patent No. 8,983,134
1005	Alton L. Gilbert et al., *A Real-Time Video Tracking System*, PAMI-2 No. 1 IEEE Transactions on Pattern Analysis and Machine Intelligence 47 (Jan. 1980) ("Gilbert")
1006	U.S. Patent 5,521,843 ("Hashima")
1007	U.S. Patent 5,150,432 ("Ueno")
1008	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
1009	M. H. Glauberman, "Character recognition for business machines," Electronics, vol. 29, pp. 132-136, Feb. 1956
1010	Declaration of Gerard P. Grenier (authenticating Ex. 1005)
1011	Deposition Transcript of Patent Owner's Expert, Dr. Alan Bovik, December 15, 2017.

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I. INTRODUCTION

The Board instituted review of the '134 Patent on two grounds: A) Claims 1 and 2 are obvious over Gilbert and Hashima; and B) Claims 1 and 2 are obvious over Ueno and Gilbert. Institution Decision (Paper 12) at 29.

Regarding Ground A, Patent Owner IPT does not dispute that Gilbert and Hashima disclose element 1[pre] or that they disclose claim 2. Patent Owner challenges only claim elements 1[a], 1[b], and 1[c]. P.O. Resp. at 2, 27-28; Ex. 2007 (Bovik Decl.) ¶ 45. That the combination of Gilbert and Hashima discloses 1[pre] and claim 2 should be deemed admitted. 37 CFR § 42.23(a) ("Any material fact not specifically denied may be considered admitted.").

Regarding Ground B, Patent Owner disputes only that Ueno and Gilbert disclose claim element 1[c]. P.O. Resp. at 2, 27-28; Ex. 2007 (Bovik Decl.) ¶ 45. That the combination of Ueno and Gilbert discloses 1[pre], 1[a], 1[b], and claim 2 should be deemed admitted. 37 CFR § 42.23(a).

As discussed below, Patent Owner provides no argument that claims 1 and 2 are not rendered obvious under either Ground A or Ground B under the proper constructions preliminarily adopted by the Board in its Institution Decision. Accordingly, to the extent Patent Owner's incorrect claim constructions are rejected, claims 1 and 2 are invalid. Furthermore, even under Patent Owner's

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improper claim constructions, claims 1 and 2 are still invalid as obvious under Grounds A and B.

II. ARGUMENT

A. IPT's Proposed Claim Constructions Are Wrong

Patent Owner IPT offers constructions for two terms:

(1) "forming at least one histogram . . . said at least one histogram referring to classes defining said target" (claim element 1[a]); and

(2) "wherein forming the at least one histogram further comprises determining X minima and maxima and Y minima and maxima of boundaries of the target" (claim element 1[c]). P.O. Resp. at 5-14.

While Patent Owner states it disagrees with the Board's preliminary constructions of three other terms (P.O. Resp. at 4-5 ("forming at least one histogram of the pixels in the one or more of a plurality of classes in the one or more of a plurality of domains," "class," and "domain")), Patent Owner nevertheless applies the Board's constructions for the purposes of this Review and does not distinguish the prior art based on those constructions. Petitioner likewise agrees that the Board's preliminary constructions of those three terms should be applied for the purposes of this Review.

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