

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 IPR2017-00355
Patent No. 7,650,015

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

TABLE OF CONTENTS

I.	Introduction.....	1
II.	Overview of the '015 Patent.....	2
A.	Person of Ordinary Skill in the Art	7
B.	Claim Construction	7
1.	“Domain”	8
2.	“Class”	9
3.	“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”	12
4.	“Said at least one histogram referring to classes defining said target”	17
III.	Legal Standards	19
IV.	No Review Should be Instituted for Claim 6	23
A.	Petitioner Has Not Shown that the Asserted References Teach or Suggest All Elements of Claim 6 of the '015 Patent	23
1.	Ground 1: Petitioner Has Not Shown that Gilbert and Schaming Teach or Suggest All Elements of the Challenged Claim	24
2.	Ground 2: Petitioner Has Not Shown That Gilbert and Ueno Teach or Suggest All Elements of the Challenged Claim	31
3.	Ground 3: Petitioner Has Not Shown That Hashima and Schaming Teach or Suggest All Elements of the Challenged Claim.....	35
B.	Petitioner Has Not Shown That a POSA Would Have Selected and Combined the Asserted References	37
1.	Petitioner Has Not Shown That a POSA Would Have Combined Gilbert and Schaming	38

2.	Petitioner Has Not Shown That a POSA Would Have Combined Gilbert and Ueno.....	43
3.	Petitioner Has Not Shown That a POSA Would Have Combined Hashima and Schaming.....	47
C.	Petitioner’s Reasons for Combining the References Are Driven by Improper Hindsight Analysis	50
V.	Conclusion	53

TABLE OF AUTHORITIES

Cases

<i>Apple Inc. v. Contentguard Holdings, Inc.</i> , IPR2015-00442, Paper 9 (P.T.A.B. July 13, 2015)	20, 21, 22
<i>Google, Inc. v. Everymd.com LLC</i> , IPR2014-00347, Paper 9 (P.T.A.B. May 22, 2014).....	20
<i>Graham v. John Deere Co.</i> , 383 U.S. 1 (1966),.....	19, 20
<i>Grain Processing v. American-Maize Prods</i> , 840 F.2d 902 (Fed. Cir. 1988).....	23
<i>In re Magnum Oil Tools Int’l.</i> , 829 F.3d 1364 (Fed. Cir. 2016).....	20, 21
<i>In re NTP, Inc.</i> , 654 F.3d 1279 (Fed. Cir. 2011).....	23, 50
<i>In re Omeprazole Patent Litigation</i> , 536 F.3d 1361 (Fed. Cir. 2008).....	22
<i>Innogenetics, N.V. v. Abbott Labs.</i> , 512 F.3d 1363 (Fed. Cir. 2008))	51
<i>InTouch Tech., Inc. v. VGo Communs., Inc.</i> , 751 F.3d 1327 (Fed. Cir. 2014).....	23
<i>Kinetic Concepts, Inc. v. Smith & Nephew, Inc.</i> , 688 F.3d 1342 (Fed. Cir. 2012).....	20, 50
<i>KSR Int’l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007)	22, 23
<i>Liberty Mut. Ins. Co. v. Progressive Cas. Ins. Co.</i> , CBM-2012-00003, Paper 7 (P.T.A.B. Nov. 26, 2012)	20, 21
<i>Ortho-McNeil Pharm. v. Mylan Labs</i> , 520 F.3d 1358 (Fed. Cir. 2008).....	23, 50
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005).....	8

<i>Proctor & Gamble Co. v. Teva Pharm. USA, Inc.</i> , 566 F.3d 989 (Fed. Cir. 2009).....	21, 22
<i>SAS Institute, Inc. v. ComplementSoft, LLC</i> , 825 F.3d 1341 (2016).....	19
<i>Synopsys, Inc. v. Mentor Graphics Corp.</i> , 814 F.3d 1309 (2016).....	19
<i>Trivascular Inc. v. Samuels</i> , 812 F.3d 1056 (Fed. Cir. 2016).....	51
<i>Unigene Labs., Inc. v. Apotex, Inc.</i> , 655 F.3d 1352 (Fed. Cir. 2011).....	22
<i>W.L. Gore & Assoc., Inc. v. Garlock, Inc.</i> , 721 F.2d 1540 (Fed. Cir. 1983).....	38, 51
<i>Whole Space Indus Ltd.</i> , IPR2015-00488, Paper 14 (P.T.A.B. July 24, 2015)	20
Statutes	
35 U.S.C. § 103	19, 20
Exhibits	
Ex. 2001, <i>IEEE Standard Dictionary of Electrical and Electronics Terms</i> , 6th Ed., IEEE (1996)	9
Ex. 2002, <i>Webster’s New Universal Unabridged Dictionary</i> , Barnes & Noble Books (1996).....	12, 13
Ex. 2003, Copy of IPR Petition (Annotated with page numbers)	passim

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.