

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

IPR2017-01190
Patent No. 6,717,518

PETITIONER'S REPLY

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LIST OF EXHIBITS¹

Ex. No.	Description	Filing/Service Status
1001	U.S. Patent No. 6,717,518 (“the ’518 Patent”)	Filed and served on 03/29/2017
1002	Declaration of Dr. John C. Hart	Filed and served on 03/29/2017
1003	Curriculum Vitae for Dr. John C. Hart	Filed and served on 03/29/2017
1004	Prosecution File History of U.S. Patent No. 6,717,518	Filed and served on 03/29/2017
1005	Martin Eriksson et al., <i>Eye Tracking For Detection Of Driver Fatigue</i> , IEEE Conference on Intelligent Transportation Systems (Nov. 1997) (“Eriksson”)	Filed and served on 03/29/2017
1006	Luigi Stringa, <i>Eyes Detection For Face Recognition</i> , Applied Artificial Intelligence (1993) (“Stringa”)	Filed and served on 03/29/2017
1007	U.S. Patent No. 5,805,720, <i>Facial Image Processing System</i> (Filed Mar. 11, 1996) (“Suenaga”)	Filed and served on 03/29/2017
1008	U.S. Patent No. 5,293,427, <i>Eye Position Detecting System and Method Therefor</i> (Filed Dec. 11, 1991) (“Ueno”)	Filed and served on 03/29/2017
1009	U.S. Patent No. 5,008,946, <i>System For Recognizing Image</i> (Filed Sept. 9, 1988) (“Ando”)	Filed and served on 03/29/2017
1010	Declaration of William Garrity from U.C. Davis Regarding Stringa	Filed and served on 03/29/2017
1011	Declaration of Dr. Umit Ozguner Regarding Eriksson	Filed and served on 03/29/2017
1012	Excerpts from the Infringement Expert Report of Dr. Alan C. Bovik	Filed and served on 08/03/2017
1013	[Proposed] Protective Order	Filed and served on 08/03/2017

¹ Citations to non-patent publications are to the original page numbers of the publication, and citations to U.S. patents are to column:line number of the patents.

Petitioner's Reply in IPR2017-01190 (U.S. Patent No. 6,717,518)

1014	Redline Comparison of [Proposed] Protective Order	Filed and served on 08/03/2017
1015	Deposition of Gerard P. Grenier (Supplemental Evidence regarding Exhibit 1005)	Served on 11/01/2017
1016	Declaration of Gerard P. Grenier (Supplemental Evidence regarding Exhibit 1005)	Served on 11/01/2017
1017	Martin Eriksson et al., <i>Eye Tracking For Detection Of Driver Fatigue</i> - Abstract (Supplemental Evidence regarding Exhibit 1005)	Served on 11/01/2017
1018	Martin Eriksson et al., <i>Eye Tracking For Detection Of Driver Fatigue</i> - Abstract (Supplemental Evidence regarding Exhibit 1005)	Served on 11/01/2017
1019	Martin Eriksson et al., <i>Eye Tracking For Detection Of Driver Fatigue</i> , IEEE Conference on Intelligent Transportation Systems (Nov. 1997) (Supplemental Evidence regarding Exhibit 1005)	Served on 11/01/2017

I. INTRODUCTION

The Board instituted review of the '518 Patent on two grounds: A) Claim 39 is obvious over Eriksson and Stringa; and B) Claim 39 is obvious over Ando and Suenaga. Paper 11 at 26.

Regarding Ground A, Patent Owner Image Processing Technologies ("IPT") relies on attorney argument alone to assert that Erikson and Stringa do not disclose "histograms." But IPT has already repeatedly admitted in this proceeding that the data representations cited in these references are histograms. Further, Eriksson, a peer reviewed, IEEE publication, expressly calls the cited data representations "histograms."

For Ground B, IPT argues that Suenaga does not disclose a "facial characteristic" other than the feature to be detected, but does not dispute that the primary Ground B reference, Ando, discloses this limitation.

IPT is thus left to argue that none of the references disclose Claim 39, because they all select and form histograms of *all* pixels in a particular area, rather than *only* pixels of the feature of the eye (iris, pupil, or cornea) being detected. This argument relies on an interpretation of the claim that has already been rejected by the Board and is contrary to the specification. Regardless, IPT's argument ignores disclosures in the references that plainly satisfy the claim, even under IPT's rejected interpretation.

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