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 IPR2017-01218 Patent No. 8,983,134

IMAGE PROCESSING TECHNOLOGIES LLC'S PATENT OWNER RESPONSE PURSUANT TO 37 C.F.R. § 42.120



TABLE OF CONTENTS

I.	Introduction1						
II.	Constitutionality of <i>Inter Partes</i> Review						
III.	Overv	Overview of the '134 Patent					
IV.	Perso	n of	Ordinary Skill in the Art	.14			
V.	Prosecution History			.14			
	A.	The	The '001 Patent12				
	B.	The	e '134 patent	.18			
VI.	Claim Construction			.19			
	A.	det	"wherein forming the at least one histogram further comprises ermining X minima and maxima and Y minima and maxima of indaries of the target."	.20			
		1.	The Board's Preliminary Construction Would Conflict with the '134 Patent Prosecution History.				
		2.	Patent Owner's Proposed Construction is Consistent with the Plain Meaning of the Claim and the Patent Specification	.23			
		3.	There is No Requirement that the Scope of the Claim Encompa All Embodiments Taught in the Patent.				
		4.	The Board's Preliminary Construction Would Conflict with Principles of Claim Differentiation	.27			
	B.	_] "forming at least one histogram said at least one togram referring to classes defining said target"	.28			
		1.	"Comprising" Used Elsewhere in the Claim Does Not Expand the Scope of this Claim Element	.31			
		2.	Other Claim Language Already Requires that the Target be Included in the Histogram	.33			



		3. The Specification teaches limiting the data used to form histograms to data for pixels that meet classes that define the target, such as DP=1.	35	
	C.	[1a] "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"	38	
VII.	The Asserted Prior Art			
	A.	Gerhardt		
	B.	Bassman	41	
	C.	Gilbert	42	
	D.	Hashima	46	
VIII.	Legal	Standards	52	
IX.	Claim 3 Is Not Obvious Over The Asserted Prior Art Combinations			
	A.	Gerhardt in View of Bassman Does Not Teach or Suggest All Elements of Claim 3.	53	
		1. The references do not teach or suggest element [1a] "forming at least one histogram said at least one histogram referring to classes defining said target"		
		2. The references also do not teach or suggest element [1a] "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".	55	
		3. The references do not teach or suggest the claim element [1c] "forming the at least one histogram further comprises determining X minima and maxima and Y minima and maxima of boundaries of the target".	55	
	B.	Gilbert in View of Gerhardt and Further in View of Hashima Does Not Teach or Suggest All the Elements of Claim 3	57	



IPR2017-01218 ('134 Patent) Patent Owner Response

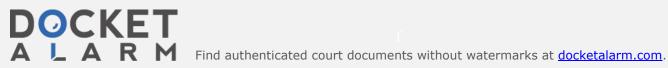
		1. The references do not teach or suggest the claim element [1c] "forming the at least one histogram further comprises determining X minima and maxima and Y minima and maxima of boundaries of the target".
		2. The references do not teach or suggest [1a] "forming at least one histogram of the pixels in the one or more of a plurality of classes in the one or more of a plurality of domains"
	C.	A POSA Would Not Have Selected and Combined the Asserted References to Reach Claim 3
		1. A POSA Would Not Have Combined Gerhardt and Bassman64
		A POSA Would Not Have Combined Gilbert, Gerhardt and Hashima
X	Cond	clusion 72



TABLE OF AUTHORITIES

Cases

Apple Inc. v. Contentguard Holdings, Inc., IPR2015-00442, Paper 9 (P.T.A.B. July 13, 2015)	53
Aylus Networks, Inc. v. Apple Inc., No. 13-CV-04700-EMC, 2016 WL 270387 (N.D. Cal. Jan. 21, 2016),	34
Blackboard, Inc. v. Desire2Learn, Inc., 574 F.3d 1371 (Fed. Cir. 2009)	28
Digital-Vending Servs. v. Univ. of Phoenix, 672 F.3d 1270 (Fed. Cir. 2012)	27
Dippin' Dots, Inc. v. Mosey, 476 F.3d 1337 (Fed. Cir. 2007)	32
Genentech, Inc. v. Chiron Corp., 112 F.3d 495 (Fed. Cir. 1997)	33
In re Magnum Oil Tools Int'l., 829 F.3d 1364 (Fed. Cir. 2016)	53
In re NTP, Inc., 654 F.3d 1279 (Fed. Cir. 2011)	63
<i>In re Smith</i> , 871 F.3d 1375 (Fed. Cir. 2017)	. 31, 36
INVISTA v. M&G USA, 951 F. Supp. 2d 604 (D. Del. 2013)	26
Liberty Ammunition, Inc. v. United States, 835 F.3d 1388 (Fed. Cir. 2016)	33
Ortho-McNeil Pharm. v. Mylan Labs, 520 F.3d 1358 (Fed. Cir. 2008)	63
Phillips v AWH Corp., 415 F.3d 1303 (Fed. Cir. 2005)	54



DOCKET

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.

