UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Samsung Electronics Co., Ltd., and
Samsung Electronics America, Inc.,
Petitioner

v.

Image Processing Technologies, LLC,
Patent Owner.

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CASE IPR2017-01218
Patent No. 8,983,134

PETITIONER'S SUPPLEMENTAL REPLY

TABLE OF CONTENTS

LIST OF EXHIBITS

Exhibit No.	Description	Filing/Service Status
1001	U.S. Patent No. 8,983,134 ("the '134 patent")	Filed and served on 03/31/2017
1002	Declaration of Dr. John C. Hart	Filed and served on 03/31/2017
1003	Curriculum Vitae for Dr. John C. Hart	Filed and served on 03/31/2017
1004	Prosecution File History of U.S. Patent No. 8,983,134	Filed and served on 03/31/2017
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")	Filed and served on 03/31/2017
1006	U.S. Patent 5,521,843 ("Hashima")	Filed and served on 03/31/2017
1007	Reserved	
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	Filed and served on 03/31/2017
1009	M. H. Glauberman, "Character recognition for business machines," Electronics, vol. 29, pp. 132-136, Feb. 1956	Filed and served on 03/31/2017
1010	Declaration of Gerard P. Grenier (authenticating Ex. 1005)	Filed and served on 03/31/2017
1011	Reserved	
1012	Reserved	

1013	U.S. Patent No. 5,481,622 to Gerhardt ("Gerhardt")	Filed and served on 03/31/2017
1014	U.S. Patent No. 6,044,166 to Bassman ("Bassman")	Filed and served on 03/31/2017
1015	Reserved	
1016	Reserved	
1017	Reserved	
1018	Reserved	
1019	Reserved	
1020	Reserved	
1021	Reserved	
1022	Prosecution File History of U.S. Patent No. 8,805,001	Filed and served on 03/31/2017
1023	Deposition of Alan C. Bovik in Case IPR2017-00353	Filed and served on 03/30/2018

I.   INTRODUCTION

This Supplemental Reply is submitted with the permission of the Board to address newly instituted claims 4-6. Paper 26 at 4-5. The Board originally did not institute review of claims 4-6 because it adopted, at least in part, Patent Owner's implicit construction of the phrase "wherein forming the at least one histogram further comprises …" (appearing in each of claims 4-6, as well as claim 1) that improperly excludes actions taken before or after data is put in the histogram and excludes actions taken over multiple frames. This overly narrow construction is inconsistent with the claim language and incorrectly excludes disclosed embodiments. Claims 4-6, as properly construed, are invalid over the instituted grounds and Patent Owner's own characterization of the prior art. And even under a narrower (and incorrect) construction argued by Patent Owner, the claims are rendered obvious under both instituted grounds.

II.   ARGUMENT

A.   Proper Construction of the Claims

Patent Owner's arguments regarding claims 4-5 hinge on its implicit construction of the claim language "wherein forming the at least one histogram further comprises …" to exclude (i) any actions taken before or after putting data in the histogram (creating the histogram), and (ii) any actions taken over multiple frames. Patent Owner is demonstrably wrong on both counts.

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