UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

OLYMPUS CORPORATION, OLYMPUS CORPORATION OF THE AMERICAS, and OLYMPUS AMERICA INC.,

Petitioners,

v.

MAXELL LTD., formerly known as HITACHI MAXELL, LTD., Patent Owner.

CASE: IPR2018-00904 Patent No. 8,339,493

PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,339,493

Mail Stop PATENT BOARD Patent Trial and Appeal Board P.O. Box 1450 Alexandria, VA 22313-1450

June 20, 2018



TABLE OF CONTENTS

		Page			
I.	INT	RODUCTION1			
II.	MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(B)2				
	A.	Real Party in Interest			
	В.	Related Matters2			
		1. The '493 Patent2			
		a. Lawsuits2			
		b. Patent Office Proceedings2			
		2. Related Patents and Applications			
		a. Lawsuits3			
		b. Patent Office Proceedings5			
	C.	Notice of Counsel and Service Information			
III.	REQ	UIREMENTS FOR IPR6			
	A.	Standing6			
	B.	Identification of Challenge6			
		1. Claims Challenged 6			
		2. The Prior Art7			
		3. Fee for IPR (§ 42.15(a))8			
		4. Supporting Evidence8			
		5. Statutory Grounds8			
		6. How Claims Are Unpatentable9			
IV.	OVERVIEW OF THE '493 PATENT				
	A.	Priority Date			
	B.	State of the Art Before the '493 Patent			
	C.	Summary of the '493 Patent1			
	D.	'493 Patent File History13			
	E.	Level of Ordinary Skill in the Art13			
V.	PRC	POSED CLAIM CONSTRUCTIONS14			



TABLE OF CONTENTS

(continued)

Page

	A.	"sign	nal processing unit"	15				
T.	THERE IS A REASONABLE LIKELIHOOD THAT AT LEAST							
	ONE	NE CLAIM OF THE '493 PATENT IS UNPATENTABLE						
	A.	Iden	tification and Overview of Prior Art References	18				
		1.	Misawa '482 (Ex.1005)	18				
		2.	Misawa '607 (Ex.1006)	21				
		3.	Parulski '218 (Ex.1007)	25				
		4.	Watanabe '236 (Ex.1008)	26				
	B.	Mot	ivation to Combine References	28				
	C.	Ground 1: Claims 1–9 Are Each Rendered Obvious by <i>Misawa</i> '482 and <i>Misawa</i> '607						
		1.	Claim 1	31				
		2.	Claim 2	42				
		3.	Claim 3	42				
		4.	Claim 4	43				
		5.	Claim 5	46				
		6.	Claim 6	48				
		7.	Claim 7	48				
		8.	Claims 8 and 9	49				
	D.	Ground 2: Claims 10-14 Are Each Rendered Obvious by Misawa '482, Misawa '607, and Parulski '21849						
		1.	Claim 10					
		2.	Claim 11					
		3.	Claim 12					
		<i>3</i> . 4.	Claim 13					
		4. 5.	Claim 14					
	Б			33				
	E.		and 3: Claims 1–9 Are Each Rendered Obvious by <i>Misawa</i> and <i>Watanabe</i> '236	56				
				_				



TABLE OF CONTENTS

(continued)

				Page
		1.	Claim 1	56
		2.	Claim 2	66
		3.	Claim 3	66
		4.	Claim 4	67
		5.	Claim 5	69
		6.	Claim 6	70
		7.	Claim 7	70
		8.	Claims 8 and 9	70
			und 4: Claims 10-14 Are Each Rendered Obvious by awa '482, Watanabe '236, and Parulski '218	71
		1.	Claim 10	71
		2.	Claims 11–13	74
		3.	Claim 14	74
1/11	CON	JCI II	SION	74



EXHIBIT LIST

Ex.1001	U.S. Patent No. 8,339,493 entitled <i>Electric Camera</i> , issued to Takahiro Nakano, Ryuji Nishimura, and Toshiro Kinugasa ("the '493 Patent")
Ex.1002	U.S. Patent No. 8,059,177 entitled <i>Electric Camera</i> , issued to Takahiro Nakano, Ryuji Nishimura, and Toshiro Kinugasa
Ex.1003	U.S. Patent No. 9,100,604 entitled <i>Electric Camera</i> , issued to Takahiro Nakano, Ryuji Nishimura, and Toshiro Kinugasa
Ex.1004	Declaration of Kenneth Parulski and Appendices
Ex.1005	U.S. Patent No. 5,444,482 entitled Digital electronic camera for selectively recording a frame of still image and movie fields of image in a recording medium, issued to Takeshi Misawa and Takeshi Ohta ("Misawa '482")
Ex.1006	U.S. Patent No. 6,700,607 entitled <i>Image sensor driving method and electronic camera</i> , issued to Takeshi Misawa (" <i>Misawa '607</i> ")
Ex.1007	U.S. Patent No 6,292,218 entitled <i>Electronic camera for initiating capture of still images while previewing motion images</i> , issued to Kenneth A. Parulski and Timothy J. Tredwell (" <i>Parulski '218</i> ")
Ex.1008	U.S. Patent No. 6,529,236 entitled <i>Digital camera for outputting digital image signals and image reproducing device connectable thereto</i> , issued to Mikio Watanabe ("Watanabe '236")
Ex.1009	U.S. Patent No. 5,990,947 entitled <i>Photographing apparatus and lens position control device</i> , issued to Tadashi Okino and Harunobu Ichinose (" <i>Okino '947</i> ")
Ex.1010	U.S. Patent No. 6,757,013 entitled <i>Image Pickup Apparatus with Electronic and Optical Zoom</i> , issued to Kazuhiro Matsuzaka (" <i>Matsuzaka</i> "013")
Ex.1011	Japanese Unexamined Patent Application Publication H3-117985



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.

