

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

COREPHOTONICS, LTD.,  
Patent Owner.

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Case No. IPR2018-01133  
U.S. Patent No. 9,538,152

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PATENT OWNER'S REQUEST  
FOR REHEARING BY THE DIRECTOR

TABLE OF CONTENTS

I.	BACKGROUND .....	1
II.	THE MEANING OF “POINT OF VIEW” IS DISPOSITIVE .....	5
III.	THE BOARD ERRONEOUSLY FAILED TO CONSTRUE “POINT OF VIEW” .....	8
IV.	THE DIRECTOR SHOULD REVIEW AND REVERSE THE BOARD’S FINAL WRITTEN DECISION.....	10
V.	CONCLUSION .....	12

TABLE OF AUTHORITIES

**Cases**

*Corephotonics, Ltd. v. Apple Inc.*,  
No. 2020-1425, 2021 WL 2012601 (Fed. Cir. May 20, 2021) ..... 5

*In re Sang Su Lee*,  
277 F.3d 1338 (Fed. Cir. 2002)..... 10

*Phillips v. AWH Corp.*,  
415 F.3d 1303 (Fed. Cir. 2005)..... 10

*Trivascular, Inc. v. Samuels*,  
812 F.3d 1056 (Fed. Cir. 2016)..... 10

*United States v. Arthrex, Inc.*,  
141 S.Ct. 1970 (2021) ..... 1, 11

*Vivid Techs., Inc. v. Am. Sci. & Eng’g, Inc.*,  
200 F.3d 795 (Fed. Cir. 1999)..... 9, 10

**Statutes**

5 U.S.C. §§ 3345, *et seq.* ..... 11

Case No. IPR2018-01133

U.S. Patent No. 9,538,152

Patent Owner Corephotonics Ltd. (“Corephotonics”) respectfully requests review by the Director of the Final Written Decision issued by the Board in this matter. Pursuant to the Supreme Court’s recent decision in *United States v. Arthrex, Inc.*, 141 S.Ct. 1970 (2021), such review must be conducted by a principal officer properly appointed by the President and confirmed through advice and consent of the Senate. This matter has been remanded to the Patent and Trademark Office for purposes of requesting such review. *See Order at 2, Corephotonics, Ltd. v. Apple Inc.*, No. 20-1425, ECF No. 68 (Fed. Cir., July 29, 2021).

Corephotonics submits that the Board’s Final Written Decision in this matter must be reviewed and rejected because the Board failed to apply a proper construction for “point of view” in the patent. Indeed, the Board refused to construe that term, even though Corephotonics proposed construction for it would be dispositive of non-obviousness. That was clear legal and procedural error that requires the Board’s Final Written Decision of unpatentability be reversed and is the type of straightforward and important error that warrants Director review.

## **I. BACKGROUND**

The ’152 patent at issue in this proceeding involves an innovative a dual-aperture imaging (“DAI”) system that captures and combines image data from two separate cameras (a wide-angle camera and a tele-zoom camera), to output a single high-quality zoomed image. A “different magnification image of the same scene is

Case No. IPR2018-01133

U.S. Patent No. 9,538,152

grabbed by each [camera], resulting in field of view (FOV) overlap between the two [images],” as shown below in annotated Fig. 1B from the patent. ’152 patent (3:11–14, 6:3–5); Fig. 1b (label 110 indicting the “overlap area” and 112 the “non-overlap area” between the two images). Here, the red annotation indicates a desired output image field of view that is intermediate between the fields of view of the two images:

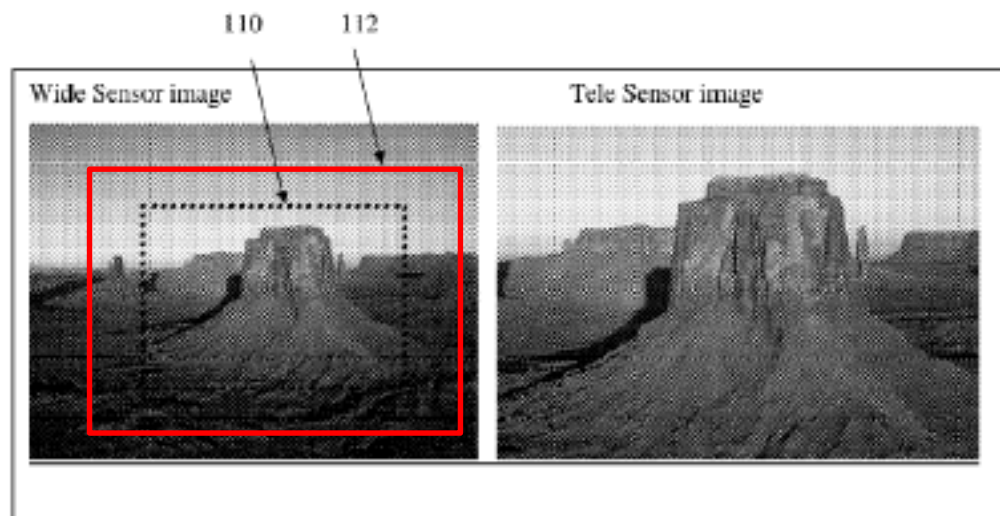


FIG. 1B

Since each camera is at a different spatial position, the images taken from the wide-angle and tele-zoom cameras also each have, even if only slightly, a different point of view (“POV”), which the patent expressly defines as the “camera angle” from which an image is captured. ’152 patent (9:26–28). As illustrated in the annotated images reproduced below from a textbook cited in Apple’s petition (Ex. 1008 at 29), the same objects in images taken at different camera angles (i.e., with different points of view) will appear to have (1) different relative positions (i.e., appear

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