UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ROBERT BOSCH LLC,
Petitioner,

v.

MONUMENT PEAK VENTURES, LLC,
Patent Owner.

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IPR2019-01473
Patent 6,654,507 B2

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Before JONI Y. CHANG, MICHAEL R. ZECHER, and
JULIET MITCHELL DIRBA, *Administrative Patent Judges*.

DIRBA, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

I.   INTRODUCTION

Robert Bosch LLC ("Petitioner") filed a Petition seeking institution of *inter partes* review of claims 1, 8, and 14 of U.S. Patent No. 6,654,507 B2 (Ex. 1001, "the '507 patent"). Paper 1 ("Pet."). Monument Peak Ventures, LLC ("Patent Owner") filed a Waiver of Preliminary Response. Paper 5.

To institute an *inter partes* review, we must determine that the information presented in the Petition "shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." 35 U.S.C. § 314(a). Based on the information presented in the Petition and the supporting evidence, we determine that Petitioner has demonstrated a reasonable likelihood that it would prevail in establishing the unpatentability of at least one of claims 1, 8, and 14. Accordingly, we institute an *inter partes* review of these challenged claims.

A.   *Related Matters*

The parties identify the following related proceeding as previously pending in district court: *Monument Peak Ventures, LLC v. Bosch Security Systems, Inc.*, 1:18-cv-01335 (D. Del.). Pet. 37; Paper 3, 2 (Mandatory Notice). According to Petitioner, Patent Owner voluntarily dismissed this action without prejudice. Pet. 37. Petitioner identifies no other related matters. *Id.*

Patent Owner states that U.S. Patent No. 7,092,573 (which is the subject of IPR2019-01020) includes claim terms that may be relevant to claims of the '507 patent. Paper 3, 2. The Board denied institution of this proceeding. *General Electric Co. v. Monument Peak Ventures, LLC,*

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IPR2019-01020, Paper 7 (PTAB Sept. 23, 2019) (Decision Denying Institution).

In addition to the matters identified by the parties, we identify the following other matters that may be related. *See* 37 C.F.R. § 42.8(b)(2). The '507 patent incorporates by reference two patent applications that each list, as the first named inventor, the sole inventor of the '507 patent. Ex. 1001, 1:7–15, code (75). These applications issued as U.S. Patent Nos. 6,282,317 and 6,654,506, and Petitioner has filed *inter partes* review petitions seeking review of these patents (in IPR2019-01472 and IPR2019-01474, respectively). Today, the Board enters decisions granting institution of both. *Robert Bosch LLC v. Monument Peak Ventures, LLC*, IPR2019-01472, Paper 6 (PTAB March 9, 2020); *Robert Bosch LLC v. Monument Peak Ventures, LLC*, IPR2019-01474, Paper 6 (PTAB March 9, 2020).

Also, Petitioner filed *inter partes* review petitions relating to other patents owned by Patent Owner: U.S. Patent No. 7,035,461 (IPR2019-01475) and U.S. Patent No. 7,148,908 (IPR2019-01476). A decision whether to institute has not been entered in either of these proceedings.

B. The Petition's Asserted Ground

Petitioner asserts the following ground of unpatentability:

Claims Challenged	35 U.S.C. §	References
1, 8, 14	103(a)[1]	Toyama,[2] Itti,[3] Neubauer[4]

Petitioner also relies on the testimony of Dr. John R. Grindon, D.Sc., to support its contentions. Ex. 1004.

C. Summary of the '507 Patent

The '507 patent is titled "Automatically Producing an Image of a Portion of a Photographic Image." Ex. 1001, code (54). The application that led to the '507 patent was filed on December 14, 2000. *Id.* at code (22).

The Specification of the '507 patent explains that existing techniques for automatically cropping an image "cannot deal with images with nonuniform background." Ex. 1001, 2:3–51. But, by identifying "the main subject within the digital image" and using "the identified main subject . . . to automatically zoom and crop the image," the Specification claims that "the present invention produces high-quality zoomed or cropped images

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[1] The Leahy-Smith America Invents Act ("AIA"), Pub. L. No. 112-29, 125 Stat. 284, 285–88 (2011), revised 35 U.S.C. § 103 effective March 16, 2013. Because the challenged patent was filed before March 16, 2013, we refer to the pre-AIA version of § 103.

[2] Toyama, US 6,792,135 B1, filed Oct. 29, 1999, issued Sept. 14, 2004 (Ex. 1005).

[3] Itti et al., "A Model of Saliency-Based Visual Attention for Rapid Scene Analysis," IEEE TRANSACTIONS ON PATTERN ANALYSIS AND MACHINE INTELLIGENCE, vol. 20, no. 11, Nov. 1998 (Ex. 1006).

[4] Neubauer et al., US 6,553,131 B1, filed Sept. 15, 1999, issued Apr. 22, 2003 (Ex. 1007).

automatically, regardless whether the background is uniform or not." *Id.* at 3:54–61.

"MSD" (or "main subject detection") identifies which regions in an image are most likely to contain a main subject of the image and "provides a measure of saliency or relative importance" of the different regions of the image. Ex. 1001, 4:42–50, 5:29–33. "In particular, a large number of features are extracted . . . to represent a wide variety of visual saliency properties," and these features are "input into a tunable, extensible probability network to generate a belief map containing a continuum of values." *Id.* at 4:67–4.

> The output of MSD used by the invention is a list of segmented regions ranked in descending order of their likelihood (or belief) as potential main subjects for a generic or specific application. This list can be readily converted into a *map in which the brightness of a region is proportional to the main subject belief of the region. Therefore, this map can be called a main subject "belief" map.* This "belief" map is more than a binary map that only indicates location of the determined main subject. The associated likelihood is also attached to each region so that regions with large values correspond to regions with high confidence or belief of being part of the main subject.

Ex. 1001, 5:17–28 (emphasis added). The belief map may then be clustered into belief levels to quantize MSD beliefs and "reduce the (unnecessary) variation in the belief map." *Id.* at 9:17–10:18; *see id.* at 7:16–22 (disclosing a process of clustering regions in a belief map). For example, "three levels allow for the main subject (high), the background (low), and an intermediate level (medium) to capture secondary subjects, or uncertainty, or salient regions of background." *Id.* at 9:27–32.

After creating the belief map, the '507 patent "determines a zoom factor (e.g. 1.5x) and a crop window" for the image. Ex. 1001, 7:1–4; *see id.*

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