

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. IPR2020-00861  
U.S. Patent No. 10,230,898

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PATENT OWNER'S PRELIMINARY RESPONSE

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## I. INTRODUCTION

The petition fails to demonstrate a reasonable likelihood of prevailing in its challenge to any claim of the '898 patent. As conceded by the petition, no cited prior art reference discloses the claimed limitations. Instead, Petitioner assembles increasingly speculative combinations of prior art in ways no person of ordinary skill would do. The arguments in the Petition are rooted in hindsight bias and a “jigsaw puzzle” approach to obviousness, which the Board should reject.

In addition, the petition fails to show that Petitioner’s combination of references disclose the “no-switching criteria” limitation of the '898 patent. The plain and ordinary meaning of “no-switching criteria” refers to “one more criteria determined based on inputs obtained from the two camera images.” The petition ignores this plain meaning and instead treats “no-switching criterion” in an overbroad manner, applying the limitation to any threshold used to switch. A POSITA based on the intrinsic evidence would not understand this term as broadly as asserted by Petitioner.

Once properly understood, the prior art does not disclose any of the challenged claims. Petitioner relies on the Togo reference to purportedly disclose

this claim limitation. But the Togo reference discloses the use of predetermined mechanical thresholds similar to the reference distinguished in the file history. Even if the references can be combined as argued by Petitioner, Petitioner has failed to show how they disclose the “no-switching criterion.”

The petition should be denied institution.

## II. OVERVIEW OF THE '898 PATENT

The '898 patent is generally directed to “thin digital cameras with optical zoom operating in both video and still mode.” Ex. 1001 at 3:18–22. It was issued on March 12, 2019 and claims priority to a provisional patent application filed on August 13, 2015. As the patent describes, in the prior art, optical zooming required mechanically moving lens elements together, which were “typically more expensive, larger and less reliable than fixed focal length lenses.” *Id.* at 1:44–46. This is a particular problem for cameras that can go in mobile devices, like smartphones. Another prior art alternative was digital zoom, i.e., cropping the image and using computational methods to create the appearance of zoom, but at the cost of resolution. *Id.* at 1:46–51.

The prior art discloses multi-aperture imaging systems attempting to simulate the effect of a zoom lens. *Id.* at 1:52–53. One such system created composite images but the solution requires “very large processing resources in

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