

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

COREPHOTONICS, LTD.,
Patent Owner.

Case No. IPR2020-00905
U.S. Patent No. 10,225,479

PATENT OWNER'S PRELIMINARY RESPONSE

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I. INTRODUCTION

This Petition should be denied because Petitioner has failed to make out a *prima facie* case for invalidity. Both of the challenged independent claims require the use of two images to create a “fused” image. However, the sole reference Petitioner relies on for this limitation, Parulski, teaches only using one image to “enhance” or improve the “focus” of the second image. It contains no discussion of fusing images as taught by the ’479 Patent. For this reason, all of the Petition’s challenges necessarily fail.

Moreover, the Petition fails to show that its proposed combination renders obvious claim 1. Petitioner’s argument as to the claim limitations styled [1.4] and [1.5] are contradicted by Parulski. Petitioner argues that this limitation, which requires “a first autofocus (AF) mechanism” on the Wide lens, is disclosed by Parulski because a POSITA “would have known” to use a first AF mechanism with the Wide lens. But Petitioner ignores that the lack of a first AF mechanism is actually a feature of Parulski. It was an intentional design choice, made to minimize the cost and size of Parulski’s device. Petitioner ignores this disclosure, let alone explains why a POSITA would have implemented a first AF mechanism despite Parulski teaching away from the use of such a mechanism. Petitioner’s further reliance on Konno fails as it

teaches only the use of one AF mechanism and not two as required by the claims.

For at least these reasons, Petitioner has failed to establish a likelihood of prevailing and the Petition should not be instituted.

Moreover, the Board should exercise its discretion to deny institution, even if it does find a likelihood of prevailing. This is one of two IPRs filed simultaneously by Petitioner to challenge the claims of the '479 patent. Petitioner has failed to establish that this is one of the “rare” cases where multiple simultaneous petitions against the same patent are justified.

II. OVERVIEW OF THE '479 PATENT

The '479 patent is generally directed to “thin digital cameras with both still image and video capabilities.” Ex. 1001 at 1:24-26. It was issued on March 5, 2019, and claims priority to a provisional patent application filed on June 13, 2013. As the patent described, the prior art included “[a]ttempts to use multi-aperture imaging systems to approximate the effect of a zoom lens.” *Id.* at 1:59-60. One problem with such prior art systems was that they led to parallax effects when taking video. *Id.* at 2:39-55. Other solutions led to degraded image quality. *Id.* at 2:56-67. The patent owner, Corephotonics, developed an innovative dual-aperture camera technology “with fixed focal length

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