

# *Inter Partes* Review of Patent No. 10,225,479

Apple Inc. v. Corephotonics, LTD., Case No. IPR2020-00906

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## Overview of Topics

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Patent Owner's proposed construction is not supported by a plain reading or the embodiments in the specification.

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A POSITA would have looked to Ogata and Kawamura because they satisfy Parulski's suggested FOVs for each claim.

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None of Patent Owner's evidence addresses how a POSITA would have scaled Ogata and Kawamura for a Digital Camera.

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Patent Owner's evidence of secondary considerations has no nexus with the claims of the '479 patent.

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Patent Owner's evidence is not credible and no evidence demonstrates commercial success, failure of others, or

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## Patent Owner's construction of limitation 19(e) is not supported by a plain reading

- Petitioner's Construction of 19(e)

e) a camera controller operatively coupled to the first and second AF mechanisms and to the Wide and Tele image sensors and configured to control the AF mechanisms, to process the Wide and Tele images to find translations between matching points in the images to calculate depth information and to create a fused image suited for portrait photos, the fused image having a DOF shallower than  $DOF_T$  and having a blurred background.

APPL-1001, 15:40-50.

- The camera controller is configured to do three separate things:
  - to control the AF mechanism,
  - to process Wide and Tele images to find translations between matching points to calculate depth information and
  - to create a fused image suited for portrait photos.

Petitioner Reply at 1-4;  
Petition at 8-10.

- Patent Owner's Construction

e) a camera controller operatively coupled to the first and second AF mechanisms and to the Wide image sensors and configured to control the AF mechanisms, to process the Wide and Tele images to find translations between matching points in the images to calculate depth information and to create a fused image suited for portrait photos, the fused image having a DOF shallower than  $DOF_T$  and having a blurred background.

APPL-1001, 15:40-50.

- The camera controller is configured to do two separate things:
  - to control the AF mechanism,
  - to process Wide and Tele images to find translation between matching points (1) to calculate depth information and (2) to create a fused image suited for portrait photos.

## Petitioner's construction properly treats limitation 19 as a list of three distinct steps

- Petitioner's Construction

e) a camera controller operatively coupled to the first and second AF mechanisms and to the Wide and Tele image sensors and configured to control the AF mechanisms, to process the Wide and Tele images to find translations between matching points in the images to calculate depth information and to create a fused image suited for portrait photos, the fused image having a DOF shallower than  $DOF_T$  and having a blurred background.

APPL-1001 at 15:25-32.

The "configured" clause includes a list of three distinct steps (red, yellow, and green) indicated by a comma.

- the word "to" beginning each step, the word "and" between steps 1 and 2, and the word "and" between steps 2 and 3.

- Patent Owner's Construction

e) a camera controller operatively coupled to the first and second AF mechanisms and to the Wide and Tele image sensors and configured to control the AF mechanisms, to process the Wide and Tele images to find translations between matching points in the images to calculate depth information and to create a fused image suited for portrait photos, the fused image having a DOF shallower than  $DOF_T$  and having a blurred background.

The "configured" clause includes a list of two distinct steps (red, yellow) indicated by a comma. The "and" between the first and second steps is implied.

Petitioner's construction is consistent with how the rest of the claims recite a list of features

Petitioner's Construction of 19(e):

e) a camera controller operatively coupled to the first and second AF mechanisms and to the Wide and Tele image sensors and configured to control the AF mechanisms, to process the Wide and Tele images to find translations between matching points in the images to calculate depth information and to create a fused image suited for portrait photos, the fused image having a DOF shallower than  $DOF_T$  and having a blurred background.

Limitation 19(e) is a list that does not use the oxford comma. Use of the comma after Step 1 establishes that this limitation consists of three steps.

APPL-1001 at 15:25-32.

Claim 20

20. The dual-aperture digital camera of claim 19, wherein the Tele lens includes five lens elements along an optical axis from an object side to an image side, starting from the object side with a first lens element with positive power, a second lens element with negative power, a fourth lens element with negative power and a fifth lens element, wherein the largest distance between consecutive lens elements along the optical axis is a distance between the fourth lens element and the fifth lens element.

Claim 20 similarly does not use the oxford comma and is treated by Patent Office as a list of four elements.

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