

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner

v.

GESTURE TECHNOLOGY PARTNERS LLC
Patent Owner

Case No. IPR2021-00921
U.S. Patent No. 8,878,949

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

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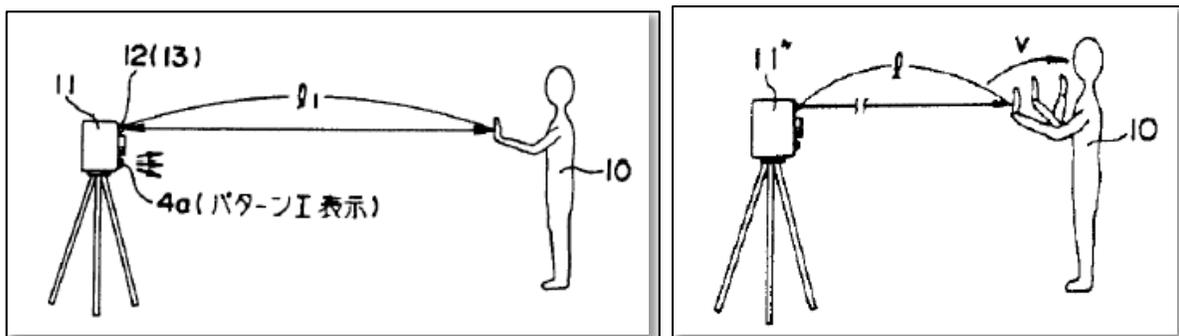
I. INTRODUCTION

The Challenged Claims are directed to a portable device with a two optical sensors mounted in a forward facing portion—(1) a gesture-detecting electro-optical sensor and (2) a digital camera. Using this arrangement, when the electro-optical sensor detects that the user performs a predetermined gesture, the system causes the digital camera to store an image to memory. Petitioner refers to this functionality herein as an “image capture gesture.”

The Petition is based primarily on a combination of Numazaki (Ex. 1004) and Nonaka (Ex. 1005). Numazaki includes three key teachings relevant to the proposed ground. Its third embodiment teaches a gesture camera for detecting that a user has performed preregistered gestures or hand positions and converting those gestures into commands such as turning on/off appliances or other equipment. Paper 1, 12-13. In its fifth embodiment, Numazaki describes a videoconferencing functionality that uses some of the same hardware as its third embodiment to reduce the bandwidth of a video stream by removing extraneous background information from the feed. *Id.* at 14-15. Finally, Numazaki’s eighth embodiment describes various portable computers such as laptops in which the earlier-described functionalities may be implemented. *Id.* at 16-17.

Nonaka teaches a “remote release device-equipped camera” that allows a user

to signal a desire for the camera to take a picture by “mak[ing] a predetermined motion.” *Id.* at 18 (quoting Ex. 1005, 15:11-14). Nonaka contemplates multiple predetermined gestures such as holding one’s hand out toward the camera (as depicted in Fig. 3 below left) or moving one’s hand toward the camera (as depicted in Fig. 7 below right):



Id. at 18-19 (citing Ex. 1005, Figs. 3, 7, 3:34-4:4). Nonaka explains that its image capture gestures improve upon existing remote trigger options such as timers and remote controls, “achieving a higher degree of freedom, good portability, and cost benefits.” Ex. 1005, 2:6-29.

The Petition establishes that a POSITA would have been motivated, pursuant to Nonaka’s teachings, to combine Numazaki’s embodiments in a single portable device such that a user could perform a gesture command (pursuant to its third embodiment) that causes video capture to initiate (pursuant to its fifth embodiment). Paper 1, 20-25.

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