

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. IPR2021-00922
U.S. Patent No. 8,553,079

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 8,553,079**

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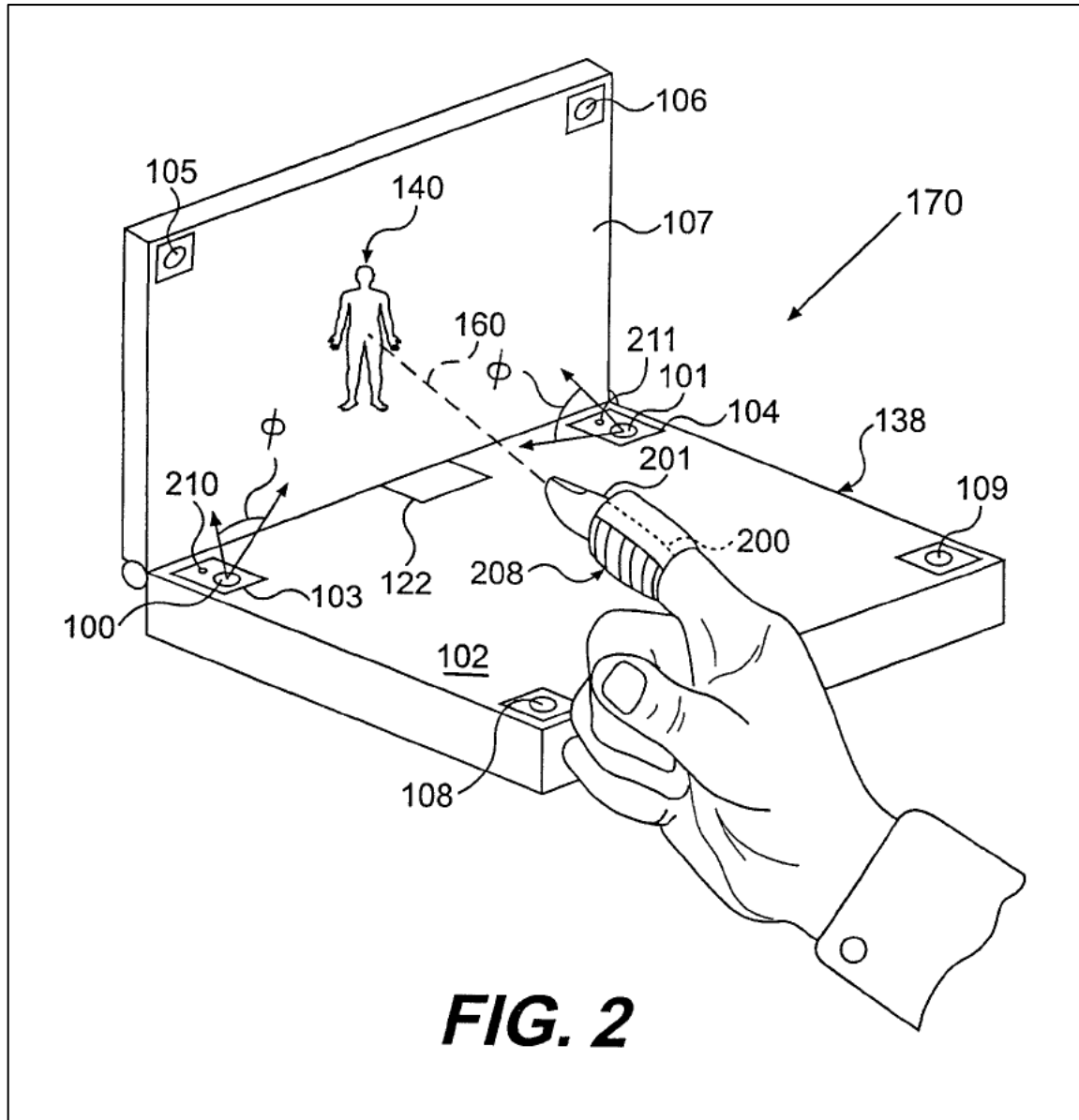
I. INTRODUCTION

Petitioner Apple Inc. (“Petitioner”) requests an *Inter Partes* Review (“IPR”) of claims 1–30 (the “Challenged Claims”) of U.S. Patent No. 8,553,079 (“the ’079 Patent”).

II. SUMMARY OF THE ’079 PATENT

A. The ’079 Patent’s Alleged Invention

The ’079 Patent generally describes computer input devices employing cameras and lights to observe points on the human body and optically sense human positions and/or orientations. *’079 Patent* (Ex. 1001), 1:54-2:6. Examples of input devices contemplated by the patent include a computer keyboard, puzzle toy, and handheld computer. *Id.* at 2:15-31. Fig. 2 below illustrates one exemplary embodiment implemented in a laptop computer:



Id. at Fig. 2. As illustrated, a laptop 138 may include camera locations 100, 101, 105, 106, 108, 109; keyboard surface 102; screen housing 107; light 122; light emitting diodes (LEDs) 210 and 211, and work volume area 170 within which a user's movements are detected. *Id.* at 2:39-53. The system can detect a user's finger alone or the user may employ external objects such as ring 208 to help detect and recognize gestures performed in work volume area 170. *Id.* at 2:54-3:8. The '079 Patent

describes detecting point, pinch, and grip gestures using this configuration. *Id.* at 3:48-51.

B. The '079 Patent's Prosecution

The Application that resulted in the '079 Patent was filed on December 14, 2012. The Application claims priority to provisional patent application No. 60/107,652, filed November 9, 1998, through a succession of continuation applications 09/433,297; 10/866,191; and 12/700,055. *Id.* For purposes of this petition and without waiving its right to challenge priority in this or any other proceeding, Petitioner adopts November 9, 1998 as the invention date for the Challenged Claims.

Applicant canceled twenty originally filed claims (1–20) by preliminary amendment and replaced them with thirty new claims (21–50). *'079 File History* (Ex. 1002), 134-138. A Notice of Allowance issued on July 24, 2013, in which the Examiner allowed all thirty claims (renumbered 1–30) in a first office action. *Id.* at 150, 175. Examiner amended the abstract and reasoned that none of Naoi et al. (US 5459793), Platzker et al. (US 5528263), Sellers (US 5864334 A), nor Fukushima et al. (US 6346929 B1) taught or suggested the independently claimed elements: (1) providing a camera oriented to observe a gesture performed in the work volume; (2) the camera being fixed relative to the light source; and (3) determining, using the

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