

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC., LG ELECTRONICS, INC.,
LG ELECTRONICS U.S.A., INC., AND GOOGLE LLC,
Petitioner,

v.

GESTURE TECHNOLOGY PARTNERS, LLC,
Patent Owner.

IPR2021-00923
Patent 8,194,924 B2

Record of Oral Hearing
Held: September 14, 2022

Before PATRICK R. SCANLON, GREGG I. ANDERSON, and
BRENT M. DOUGAL, Administrative Patent Judges.

IPR2021-00923
Patent 8,194,924 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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ON BEHALF OF THE PATENT OWNER:

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The above-entitled matter came on for hearing Wednesday,
September 14, 2022, commencing at 2:10 p.m. EDT, via Video-conference.

P-R-O-C-E-E-D-I-N-G-S

2:10 p.m.

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2
3 JUDGE DOUGAL: Okay. This is the oral hearing for IPR 2021-
4 00923, U.S. Patent 8,194,924 between Apple et al and Gesture Technology
5 Partners.

6 As before, I am Judge Brent Dougal. I have with me Judges Scanlon
7 and Anderson.

8 We will start with appearances. Who do we have from petitioner?

9 MR. HART: Thank you, Your Honor. Paul Hart for petitioner,
10 Apple, Inc. Also in the room is Adam Seitz.

11 JUDGE DOUGAL: All right. Thank you, Mr. Hart. And who do we
12 have today for patent owner?

13 MR. WITTENZELLNER: Good afternoon, Your Honor. My name is
14 John Wittenzellner with the law firm Williams, Simons and Landis, PLLC.

15 Here on behalf of the patent owner, I'm joined by my colleague, Mr.
16 Todd Landis, lead counsel in this proceeding.

17 JUDGE DOUGAL: Great, thank you. Petitioner, would you like to
18 reserve any time for rebuttal?

19 MR. HART: Yes, Your Honor. I'll do 20 minutes for rebuttal.

20 JUDGE DOUGAL: Okay. And patent owner, would you like to
21 reserve any time for rebuttal?

22 MR. WITTENZELLNER: I would also like to reserve 20 minutes,
23 Your Honor. Thank you.

24 JUDGE DOUGAL: Okay. Thank you. Well, as this is, I guess at
25 least for now, the last of a series of hearings.

26 I'll refer back to our previous discussions in other hearings about our
27 desire that you are heard.

1 And we want to make sure you're heard. If you have any questions or
2 have any problems with that, please reach out to the contact numbers that
3 you have. And with that, petitioner, please begin.

4 MR. HART: Thanks very much, Your Honor. As with all these
5 proceedings between the parties here, the general issue is gesture based
6 control of a device.

7 You need to the '924 patent that is the subject of this proceeding the
8 claims focus on devices with two cameras that face in different directions
9 and enable the user to implement a gesture command before one of those
10 cameras.

11 DX2 provides a summary of the grounds in this proceeding. The
12 primary combination at issue proposes that a POSITA would've been
13 motivated to combine the starkly similar teachings of Mann and Numazaki.

14 Both reference teach camera-equipped PDAs and camera-equipped
15 watches.

16 Both accept user gestures as controlling inputs. Mann's devices are
17 used to covertly capture video of a subject using the subject facing camera.

18 To initiate these covert recordings, Mann requires the user to perform
19 a touch based gesture on the display of its devices.

20 Numazaki as we've discussed at length in all these proceedings
21 teaches controlling its devices using no touch gestures performed over or in
22 front of a user facing camera.

23 The petition establishes that Numazaki's no touch gestures improve
24 the covert nature of Mann's system by allowing a user to casually swipe a
25 finger over the device to initiate the video recording.

1 DX3 provides a summary of the remaining disputes between the
2 parties.

3 The first is a dispute we've seen in every proceeding here, namely
4 whether Numazaki's figure 2 falls outside the claims because it uses two
5 cameras rather than one.

6 The board rejected its argument and institution, and patent owner
7 provides no reason to depart from that preliminary conclusion.

8 Next, the parties dispute whether a POSITA would've been motivated
9 to replace Mann's touch based gestures with Numazaki's no touch gestures.

10 Relying on Dr. Bederson, the petition established that no touch
11 gestures provide numerous benefits, including that they are less likely to
12 draw the subject's attention when the video recording is initiated.

13 Turning to the third dispute regarding claim 2, the petition establishes
14 that a POSITA would've understood Mann's wristwatch telephone and its
15 communication equipped PDA device satisfy the claimed mobile phone
16 element.

17 Turning to ground 2, patent owner and its expert argue that
18 incorporating Amir's pupil detection functionality on demand is too
19 complex.

20 But they ignore critical evidence in support, including one, the
21 Numazaki already teaches multiple cameras incorporated into devices that
22 are watches and PDAs as Mann's devices are, and two, that Amir teaches its
23 technology can be easily incorporated into, quote, extremely compact
24 packages.

25 The final dispute between the parties is whether Mann, Amir, and
26 Aviv are analogous art.

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