

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner,

v.

GESTURE TECHNOLOGY PARTNERS, LLC,
Patent Owner.

IPR2021-00923
Patent 8,194,924 B2

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

DOUGAL, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314, 37 C.F.R. § 42.4

I. INTRODUCTION

A. *Background and Summary*

Petitioner, Apple Inc., requests that we institute an *inter partes* review to challenge the patentability of claims 1–14 (the “challenged claims”) of U.S. Patent 8,194,924 B2 (Ex. 1001, “the ’924 patent”). Paper 1 (“Petition” or “Pet.”). Patent Owner, Gesture Technology Partners, LLC, argues that Petitioner’s request is deficient and should not be granted. Paper 8 (“Preliminary Response” or “Prelim. Resp.”).

Applying the standard set forth in 35 U.S.C. § 314(a), which requires demonstration of a reasonable likelihood that Petitioner would prevail with respect to at least one challenged claim, we institute an *inter partes* review.¹

B. *Related Matters*

The parties identify these related matters: *Gesture Technology Partners, LLC v. Huawei Device Co., Ltd.*, No. 2:21-cv-00040 (E.D. Tex.); *Gesture Technology Partners, LLC v. Samsung Electronics Co.*, No. 2:21-cv-00041 (E.D. Tex.); *Gesture Technology Partners, LLC v. Apple Inc.*, No. 6:21-cv-00121 (W.D. Tex.); *Gesture Technology Partners, LLC v. Lenovo Group Ltd.*, No. 6:21-cv-00122 (W.D. Tex.); and *Gesture Technology Partners, LLC v. LG Electronics, Inc.*, No. 6:21-cv-00123 (W.D. Tex.). Pet. 75; Paper 6, 1. Patent Owner identifies these related Board proceedings: IPR2021-00917; IPR2021-00920; and IPR2021-00922. Paper 6, 2.

C. *The ’924 Patent*

The ’924 patent is entitled “Camera Based Sensing in Handheld, Mobile, Gaming or Other Devices.” Ex. 1001, code (54). The ’924 patent is

¹ Our findings and conclusions at this stage are preliminary, and thus, no final determinations are made.

directed towards methods and apparatuses “to enable rapid TV camera and computer-based sensing in many practical applications, including, but not limited to, handheld devices, cars, and video games.” *Id.* at Abstract.

The '924 patent describes the use of computer devices and one or more cameras that “optically sens[e] human input.” *Id.* at 2:7–11. In general, the '924 patent discloses numerous applications in which a user or an object held by a user can control a computer with one or more cameras as depicted in Figure 1A below.

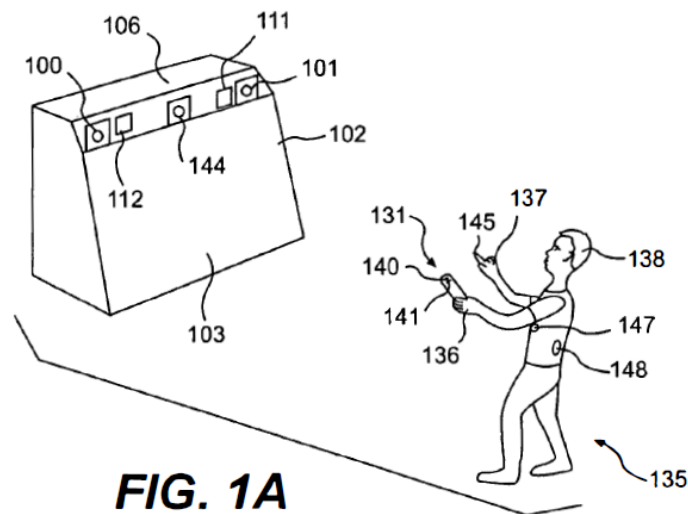


Figure 1A shows “a combination of one or more TV cameras (or other suitable electro-optical sensors) and a computer to provide various position and orientation related functions of use.” *Id.* at 3:19–23. As shown, there are multiple cameras (100, 101, 144) located on a monitor (102) with a screen (103) facing a user and connected to a computer (106). *Id.* at 3:27–57.

The '924 patent discloses a handheld computer with multiple cameras (1902, 1910) depicted in Figure 18 below. *Id.* at 25:40–45.

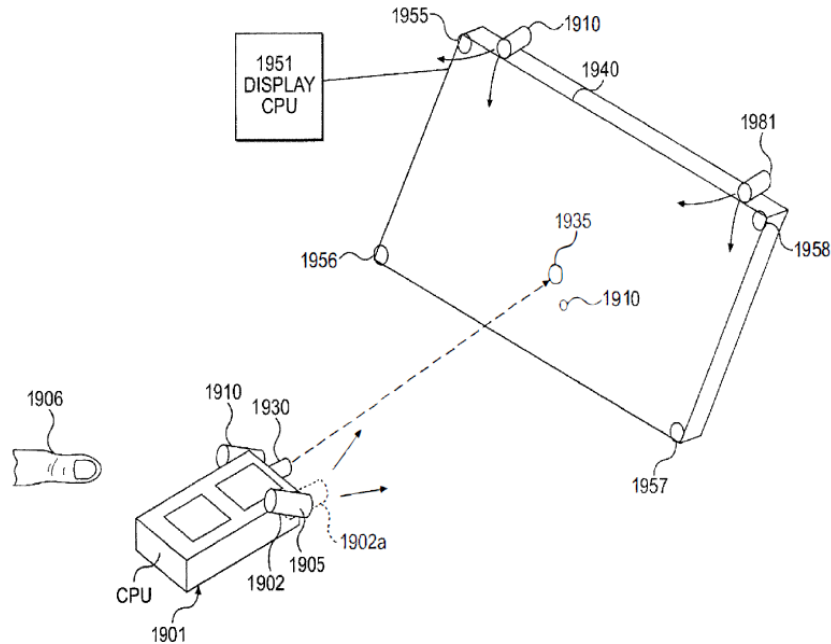


Fig. 18

As illustrated in Figure 18, a handheld computer (1901) with central processing unit (CPU) houses a camera (1902) that can be paired in stereo with another camera (1910), either of which may rotate about an axis to view a user or aspect of that user like a finger (1906). *Id.* at 25:40–43. When aimed at the user, the camera(s) can be used to obtain images and video images of a user’s fingers, hand, objects in the hand, gestures, and facial expressions. *Id.* at 25:50–63. Facing one or more of the cameras away from the user, they “can also be used to see gestures of others.” *Id.* at 26:25.

D. Illustrative Claim

Petitioner challenges claims 1–14 of the ’924 patent. Claim 1 is the sole independent claim and is illustrative:

1. A handheld device comprising:
 - a housing;
 - a computer within the housing;

a first camera oriented to view a user of the handheld device and having a first camera output; and

a second camera oriented to view an object other than the user of the device and having a second camera output, wherein the first and second cameras include non-overlapping fields of view, and wherein the computer is adapted to perform a control function of the handheld device based on at least one of the first camera output and the second camera output.

Ex. 1001, 26:54–65.

II. ANALYSIS

A. Summary of Issues

In the below analysis, we first address the grounds of unpatentability. We then address Patent Owner’s jurisdiction arguments.

B. Grounds of Unpatentability

Petitioner asserts the following grounds of unpatentability (Pet. 6), supported by the declaration of Benjamin B. Bederson (Ex. 1003):

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1–6, 11, 14	103(a) ²	Mann, ³ Numazaki ⁴
7, 8, 10, 12, 13	103(a)	Mann, Numazaki, Amir ⁵
6, 9	103(a)	Mann, Numazaki, Aviv ⁶

² The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112-29, 125 Stat. 284, 285–88 (2011), revised 35 U.S.C. § 103 effective March 16, 2013. Because the challenged patent claims priority before March 16, 2013, we refer to the pre-AIA versions.

³ Canadian Published Patent Application 2,237,939, published Aug. 28, 1998 (“Mann”) (Ex. 1004).

⁴ U.S. Patent 6,144,366, issued Nov. 7, 2000 (“Numazaki”) (Ex. 1005).

⁵ U.S. Patent 6,539,100 B1, issued Mar. 25, 2003 (“Amir”) (Ex. 1006).

⁶ U.S. Patent 5,666,157, issued Sept. 9, 1997 (“Aviv”) (Ex. 1007).

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