

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.

IPR2021-00923¹
Patent 8,194,924 B2

Before PATRICK R. SCANLON, BRENT M. DOUGAL, and
SCOTT RAEVSKY, *Administrative Patent Judges*.

DOUGAL, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining No Challenged Claims Unpatentable
35 U.S.C. § 318(a)

¹ IPR2022-00093 (LG Electronics, Inc. and LG Electronics U.S.A., Inc.) and IPR2022-00361 (Google LLC) have been joined with this proceeding.

I. INTRODUCTION

A. *Background and Summary*

Applying the standard set forth in 35 U.S.C. § 314(a), we instituted an *inter partes* review challenging the patentability of claims 1–14 (“the challenged claims”) of U.S. Patent 8,194,924 B2 (Ex. 1001, “the ’924 patent”). Paper 10 (“Decision” or “Dec.”). Apple Inc., filed the request for an *inter partes* review (Paper 1, “Petition” or “Pet.”), which Patent Owner, Gesture Technology Partners, LLC, opposed (Paper 8). We subsequently granted requests filed by LG Electronics, Inc., LG Electronics U.S.A., Inc., and Google LLC to join this proceeding as a petitioner.² Papers 13, 15.

After institution, Patent Owner filed a Response (Paper 12, “PO Resp.”), Petitioner filed a Reply (Paper 17, “Reply”), and Patent Owner filed a Sur-reply (Paper 18, “Sur-reply”). An oral hearing was held on September 14, 2022, and a copy of the transcript is in the record. Paper 26 (“Tr.”).

We have jurisdiction under 35 U.S.C. § 6. This Decision is a Final Written Decision under 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73 as to the patentability of the claims on trial. Having reviewed the arguments of the parties and the supporting evidence, we determine that Petitioner has not shown by a preponderance of the evidence that claims 1–14 are unpatentable.

B. *Related Matters*

The following are identified as related District Court cases: *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.*,

² Apple Inc., LG Electronics, Inc., LG Electronics U.S.A., Inc., and Google LLC are referred to collectively hereinafter as “Petitioner.”

IPR2021-00923
Patent 8,194,924 B2

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.); *Gesture Technology Partners, LLC v. LG Electronics, Inc.*, No. 6:21-cv-00123 (W.D. Tex.); *Gesture Technology Partners, LLC v. Motorola Mobility LLC*, No. 1:22-cv03535 (N.D. Ill); and *Gesture Technology Partners, LLC v. Katherine K. Vidal*, No. No. 1:22-cv-622 (E.D. VA). Paper 19, 1–3. Patent Owner identifies these related Board proceedings: IPR2021-00917; IPR2021-00920; IPR2021-00921; and IPR2021-00922. Paper 6, 2. Patent Owner identifies these related *Ex Parte* Reexaminations: No. 90/014,900; No. 90/014,901; No. 90/014,902; and No. 90/014,903. Paper 19, 3–4.

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 “relates to simple input devices for computers, . . . and operating by optically sensing a human input to a display screen or other object and/or the sensing of human positions or orientations.” *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.

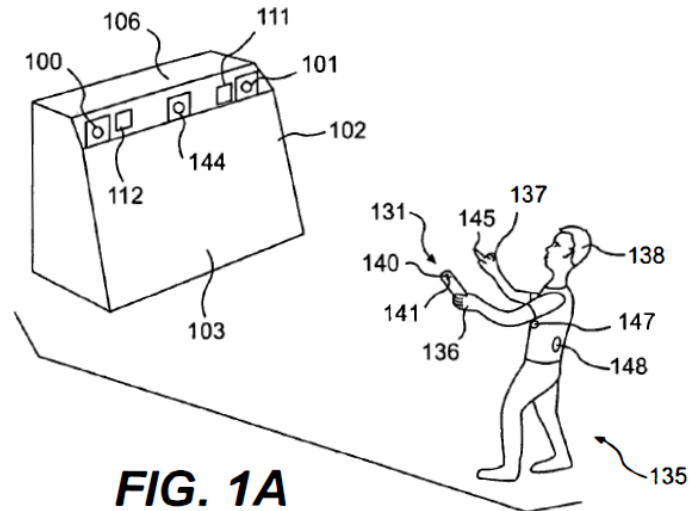


Figure 1A shows “a combination of one or more TV cameras (or other suitable electro-optical sensors) and a computer to provide various position and orientation related functions of use.” *Id.* at 3:19–23. As shown, there are multiple cameras (100, 101, 144) located on a monitor (102) with a screen (103)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

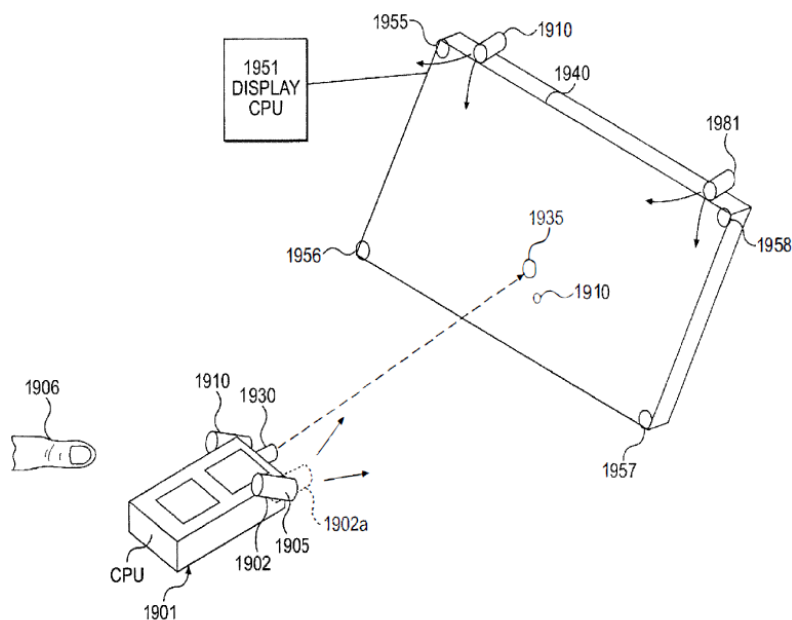


Fig. 18

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 argument.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.