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BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte IMAGE PROCESSING TECHNOLOGIES, LLC
Patent Owner and Appellant

Appeal 2019-004305
Reexamination Control 90/014,056
United States Patent 6,959,293 B2
Technology Center 3900

Before JOHN A. JEFFERY, JONI Y. CHANG, and
JENNIFER L. MCKEOWN, *Administrative Patent Judges*.

JEFFERY, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellant appeals under 35 U.S.C. §§ 134 and 306 the Examiner's decision to reject claim 1.[1] We have jurisdiction under 35 U.S.C. §§ 134 and 306, and we heard the appeal on August 1, 2019.

We REVERSE.

STATEMENT OF THE CASE

This proceeding arose from a request for *ex parte* reexamination filed on December 15, 2017, of United States Patent 6,959,293 ("'293 patent"), issued to Patrick Pirim, on October 25, 2005.

The '293 patent describes a visual perception processor with histogram calculation units that (1) receive data via a single data bus, and (2) supply classification information to a time coincidences bus. In a preferred embodiment, the histogram calculation units are organized into a matrix. *See generally* '293 patent, Abstract. Claim 1 is illustrative of the invention and reproduced below:

> 1. A visual perception processor for automatically detecting an event occurring in a multidimensional space (i, j) evolving over time with respect to at least one digitized parameter in the form of a digital signal on a data bus, said digital signal being in the form of a succession aijT of binary numbers associated with synchronization signals enabling to define a given instant (T) of the multidimensional space and the position (i, j) in this space, the visual perception processor comprising:
>
> the data bus;

[1] Appellant identifies Image Processing Technologies, LLC as the real party in interest. App. Br. 5.

a control unit;

a time coincidences bus carrying at least a time coincidence signal; and

at least two histogram calculation units for the treatment of the at least one parameter, the histogram calculation units being configured to form a histogram representative of the parameter as a function of a validation signal and to determine by classification a binary classification signal resulting from a comparison of the parameter and a selection criterion C, wherein the classification signal is sent to the time coincidences bus, and wherein the validation signal is produced from time coincidences signals from the time coincidence bus so that the calculation of the histogram depends on the classification signals carried by the time coincidence bus.

RELATED PROCEEDINGS

This appeal is said to be related to various proceedings, namely: (1) two district court cases, one of which is said to be currently pending; and (2) two *inter partes* review proceedings. App. Br. 5.[2] In one cited *inter partes* review proceeding, *Samsung Electronics Co., Ltd. v. Image Processing Technologies LLC*, IPR2017-00336 (PTAB May 9, 2018) ("'336 IPR"), another panel of this Board held, among other things, that claim 1 of the '293 patent was not shown to be unpatentable as obvious over Pirim—a

[2] Throughout this opinion, we refer to: (1) the Final Office Action, mailed September 7, 2018 ("Final Act."); (2) the Appeal Brief, filed January 7, 2019 ("App. Br."); (3) the Examiner's Answer mailed February 12, 2019 ("Ans."); and (4) the Reply Brief filed April 11, 2019 ("Reply Br.").

prior art reference at issue here—combined with various other prior art references that are not at issue here. *See* '336 IPR, 10–76.

In the other cited *inter partes* review proceeding, *Samsung Electronics Co., Ltd. v. Image Processing Technologies LLC*, IPR2017-01189 (PTAB Aug. 18, 2017) ("'1189 IPR"), another panel of this Board denied institution of *inter partes* review because the Petitioner did not demonstrate a reasonable likelihood that various claims of the '293 patent other than claim 1 were unpatentable as obvious over either Pirim alone, or Pirim combined with various other prior art references that are not at issue here. *See* '1189 IPR, 8–27.

THE REJECTIONS

The Examiner rejected claim 1 under 35 U.S.C. § 103 as unpatentable over Pirim (WO 99/36893 A1; published July 22, 1999) and Howard Jay Siegel et al., *PASM: A Partitionable SIMD/MIMD System for Image Processing and Pattern Recognition*, 30 IEEE Trans. on Computers 934–45 (1981) ("Siegel"). Final Act. 9–15.

The Examiner rejected claim 1 under 35 U.S.C. § 103 as unpatentable over Pirim and Hirota (US 6,118,895; issued Sept. 12, 2000). Final Act. 15–18.

THE OBVIOUSNESS REJECTION OVER PIRIM AND SIEGEL

Regarding independent claim 1, the Examiner finds that Pirim discloses, among other things, a visual perception processor with at least two histogram calculation units, namely histogram formation blocks 24–29 in

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