

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.

Petitioner

v.

IMMERVISION, INC.

Patent Owner

Case IPR2023-00471

Patent No. 6,844,990

PATENT OWNER'S SUR-REPLY TO PETITIONER'S REPLY

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EXHIBIT LIST

| Exhibit No. | Description |
|--------------------|---|
| 2001 | Declaration of James F. Munro |
| 2002 | Excerpt from Tinku Acharya & Ajoy K. Ray, <i>Image Processing Principles and Applications</i> (2005) (pp. 23-25) |
| 2003 | EV76C560 CMOS Image Sensor Datasheet from e2v Semiconductors SAS (2011) |
| 2004 | Excerpt from Michael P. Keating, <i>Geometric, Physical, and Visual Optics</i> (2 nd Ed. 2002) (pp. 347-350) |
| 2005 | U.S. Patent Application Publication No. 2004/0201764 |
| 2006 | February 15, 2024 Deposition Transcript of David Kessler, Ph.D. |

I. INTRODUCTION

Petitioner’s case for unpatentability of the challenged ‘990 Patent claims depends upon the PTAB adopting its reading of “magnification adjustment” in Shiota’s paragraph [0023]. To obtain institution, Petitioner unequivocally relied on paragraphs [0024]-[0026] for its interpretation of paragraph [0023]. The Reply now disavows Petitioner’s earlier arguments upon recognizing the error – that paragraphs [0024]-[0026] do *not* support its position – leaving Petitioner scrambling for evidence. At the very least, Petitioner’s sudden souring on paragraphs [0024]-[0026] strains the credibility of the arguments set forth in the Petition and in Dr. Kessler’s original declaration on whether Shiota teaches the claimed feature of “displaying the obtained panoramic image by correcting the non-linearity of the initial image, performed by retrieving image points on the obtained image...using at least...a size L of the obtained image.”

To fill this gap, Petitioner alleges that Patent Owner takes Dr. Kessler’s analysis out of context. In reality, Petitioner improperly isolates paragraph [0023] from the rest of Shiota’s disclosure, despite language that would cause a POSA to further consider Shiota’s remaining disclosure. Petitioner also introduces evidence showing normalization is common in optics. But not all of Petitioner’s evidence relates to image size, and none of the new evidence shows using image size in the manner Petitioner seeks to bestow upon Shiota’s “magnification adjustment.”

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