

Exhibit A

IPR2021-00921
Patent 8,878,949

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.

Petitioner,

v.

GESTURE TECHNOLOGY PARTNERS, LLC

Patent Owner

***Inter Partes* Review No. IPR2021-00921**

Patent No. 8,878,949

**PATENT OWNER'S RESPONSE TO THE PETITION
FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,878,949
PURSUANT TO 37 C.F.R. § 42.120**

Filed on behalf of Patent Owner by:

Todd E. Landis (Reg. No. 44,200)
2633 McKinney Ave., Suite 130
Dallas, TX 75204

John Wittenzellner (Reg. No. 61,662)
1735 Market Street, Suite A #453
Philadelphia, PA 19103

Adam B. Livingston (Reg. No. 79,173)
327 Congress Avenue, Suite 490
Austin, TX 78701

WILLIAMS SIMONS & LANDIS PLLC

TABLE OF CONTENTS

- I. INTRODUCTION1
- II. STATEMENT OF THE PRECISE RELIEF REQUESTED3
- III. THE PETITION SHOULD BE DENIED BECAUSE IT DOES NOT ESTABLISH A REASONABLE LIKELIHOOD OF SUCCESS ON ANY CHALLENGED CLAIM3
 - A. The '949 Patent.....4
 - B. Level of Ordinary Skill in the Art5
 - C. Claim Construction.....5
 - 1. Independent Claim 16
 - i. [1(a)] a device housing including a forward facing portion, the forward facing portion of the device housing encompassing an electro-optical sensor having a field of view and including a digital camera separate from the electro-optical sensor;6
 - ii. [1(b)] a processing unit within the device housing and operatively coupled to an output of the electro-optical sensor, wherein the processing unit is adapted to: determine a gesture has been performed in the electro-optical sensor field of view based on the electro-optical sensor output,.....10
 - iii. [1(c)] control the digital camera in response to the gesture performed in the electro-optical sensor field of view, wherein the gesture corresponds to an image capture command, and wherein the image capture command causes the digital camera to store an image to memory.....13
 - 2. Dependent Claim 2.....17
 - 3. Dependent Claim 3.....17

4. Dependent Claim 4.....18

5. Dependent Claim 5.....18

6. Dependent Claim 6.....19

7. Dependent Claim 7.....19

8. Independent Claim 819

 i. [8(a)] providing a portable device including a forward facing portion encompassing a digital camera and an electro-optical sensor, the electro-optical sensor having an output and defining a field of view;.....19

 ii. [8(b)] determining, using a processing unit, a gesture has been performed in the electro-optical sensor field of view based on the electro-optical sensor output, wherein the determined gesture corresponds to an image capture command; and.....20

 iii. [8(c)] capturing an image to the digital camera in response to the determined gesture corresponding to the image capture command.....21

9. Dependent Claim 9.....22

10. Dependent Claim 1022

11. Dependent Claim 1122

12. Dependent Claim 1223

13. Independent Claim 1324

 i. [13(a)] a device housing including a forward facing portion, the forwarding facing portion encompassing a digital camera adapted to capture an image and having a field of view and

encompassing a sensor adapted to detect a gesture in the digital camera field of view24

ii. [13(b)] a processing unit operatively coupled to the sensor and to the digital camera, wherein the processing unit is adapted to: detect a gesture has been performed in the electro-optical sensor field of view based on an output of the electro-optical sensor, and24

iii. [13(c)] correlate the gesture detected by the sensor with an image capture function and subsequently capture an image using the digital camera, wherein the detected gesture is identified by the processing unit apart from a plurality of gestures25

14. Dependent Claim 1426

15. Dependent Claim 1526

16. Dependent Claim 1627

17. Dependent Claim 1727

18. Dependent Claim 1827

IV. THE PETITION SHOULD BE DENIED BECAUSE THE BOARD DOES NOT HAVE JURISDICTION OVER EXPIRED PATENTS.....28

VI. CONCLUSION.....29

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.