EXHIBIT 1

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE, INC.,
Petitioner,

v.

GESTURE TECHNOLOGY PARTNERS, LLC,
Patent Owner.

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IPR2021-00922
Patent 8,553,079 B2

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Before JONI Y. CHANG, KRISTI L. R. SAWERT, and
BRENT M. DOUGAL, *Administrative Patent Judges.*

DOUGAL, *Administrative Patent Judge.*

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

IPR2021-00922
Patent 8,553,079 B2

I.   INTRODUCTION

A.   Background and Summary

Petitioner, Apple Inc., requests that we institute an *inter partes* review to challenge the patentability of claims 1–30 (the "challenged claims") of U.S. Patent 8,553,079 B2 (Ex. 1001, "the '079 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. 77; Paper 6, 1–2. Patent Owner identifies these related Board proceedings: IPR2021-00917; IPR2021-00920; and IPR2021-00923. Paper 6, 2.

C.   The '079 Patent

The '079 patent relates to "[a] method for determining a gesture," such as a hand or finger gesture, using a camera and a light source, where

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

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the gesture serves as an input for a computer. Ex. 1001, Abstract, 1:54–57, 1:64–2:2. Figure 2, reproduced below, depicts an embodiment in which a computer device (e.g., laptop) includes this method.

FIG. 2
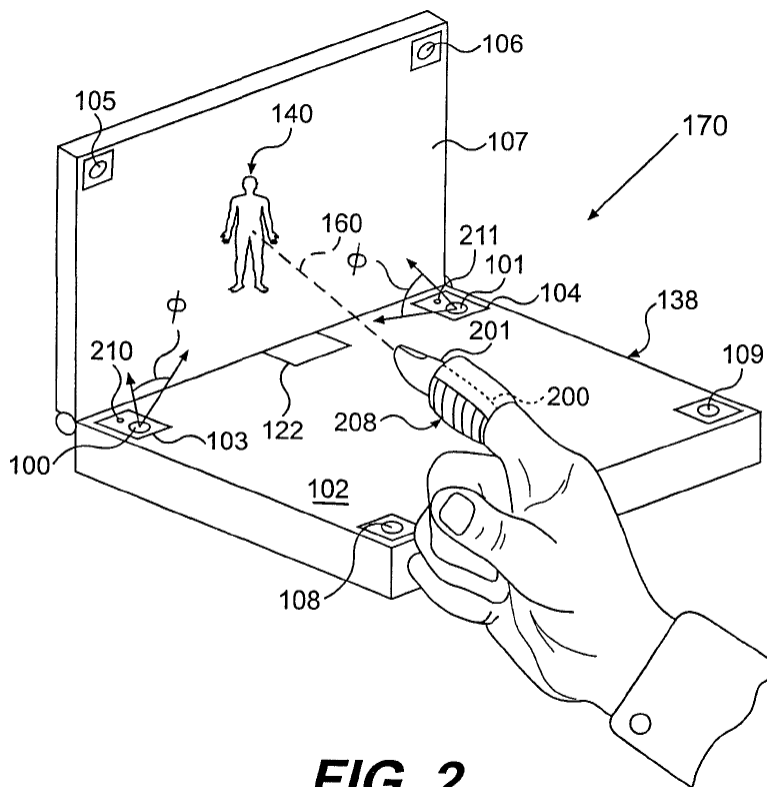
As illustrated in Figure 2, a laptop (138) may include camera locations (100, 101, 105, 106, 108, 109), a keyboard surface (102), a screen housing (107), a light (122), light emitting diodes (LEDs) (210, 211), and a work volume area (170) within which a user's movements are detected. *Id.* at 2:39–53. The system can detect a user's finger alone or the user may employ external objects such as a ring (208) to help detect and recognize gestures performed in the work volume area (170). *Id.* at 2:54–3:8. The '079 patent describes detecting point, pinch, and grip gestures using this configuration. *Id.* at 2:54–61, 3:48–51.

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D. Illustrative Claim

Petitioner challenges claims 1–30 of the '079 patent. Claims 1, 11, and 21 are independent. Claim 1 is illustrative:

> 1. A computer implemented method comprising:
>
>   providing a light source adapted to direct illumination through a work volume above the light source;
>
>   providing a camera oriented to observe a gesture performed in the work volume, the camera being fixed relative to the light source; and
>
>   determining, using the camera, the gesture performed in the work volume and illuminated by the light source.

Ex. 1001, 13:2–9.

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. 5), supported by the declaration of Dr. Benjamin B. Bederson (Ex. 1010):

Claim(s) Challenged	35 U.S.C. §	Reference(s)/Basis
1, 2, 4–14, 17, 19, 21, 22, 24–28, 30	103(a)[2]	Numazaki,[3] Knowledge of a PHOSITA[4]
3, 15, 23	103(a)	Numazaki, Numazaki '863[5]

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[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 was filed before March 16, 2013, we refer to the pre-AIA versions.
[3] U.S. Patent 6,144,366, issued Nov. 7, 2000 ("Numazaki") (Ex. 1004).
[4] A person of ordinary skill in the art ("PHOSITA").
[5] U.S. Patent 5,900,863, issued May 4, 1999 ("Numazaki '863") (Ex. 1005).

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