

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CANON INC.,
Petitioner,

v.

INTELLECTUAL VENTURES II LLC,
Patent Owner.

Case IPR2014-00631¹
Patent 7,817,914 B2

Before RICHARD E. RICE, JAMES B. ARPIN, and PETER P. CHEN,
Administrative Patent Judges.

RICE, *Administrative Patent Judge.*

FINAL WRITTEN DECISION
35 U.S.C. § 318(a) and 37 C.F.R. § 42.73(b)

¹ Case IPR2014-00632 has been consolidated with the instant proceeding.

I. INTRODUCTION

A. Background

Canon Inc. (“Petitioner”) filed separate petitions for inter partes review of claims 1–24 (the “challenged claims”) of U.S. Patent No. 7,817,914 B2 (Ex. 1001, “the ’914 Patent”) in Case IPR2014-00631 (“IPR ’631”) and Case IPR2014-00632 (“IPR ’632”). IPR ’631, Paper 1 (“Pet.”); IPR ’632, Paper 9. We instituted *inter partes* reviews in both IPR ’631 and IPR ’632. IPR ’631, Paper 9 (“Inst. Dec.”); IPR ’632, Paper 11 (“IPR ’632, Inst. Dec.”). We then consolidated the trial in IPR ’632 with the trial in IPR ’631. IPR ’631, Paper 11; IPR ’632, Paper 13. After institution and consolidation of the trials in IPR ’631 and IPR ’632, Intellectual Ventures II LLC (“Patent Owner”) filed a Patent Owner Response (Paper 28 (“PO Resp.”)), and Petitioner filed a Reply to Patent Owner’s Response (Paper 33 (“Pet. Reply”)).²

The parties rely on the following references, declarations, and deposition testimony:

Ono	US 2004/0170397 A1	Sept. 2, 2004	Ex. 1003
Kaneda	US 2006/0222214 A1	Oct. 5, 2006	Ex. 1004
Mishima	JP 2000-196934 A1	July 14, 2000	Ex. 1005
Misawa	JP H11-146317 A1	May 28, 1999	Ex. 1007
Yamaoka	JP 2004-56330	Feb. 19, 2004	Ex. 1008

² Unless otherwise noted, citations herein will be to IPR2014-00631.

Ueda	JP 2005-129994 A1	May 19, 2005	Ex. 1009
Tokiwa	JP 2001-78137 A1	Mar. 23, 2001	Ex. 1010
Walker	WO 2005/065283 A2	July 21, 2005	Ex. 1012
Halpern	WO 2006/040761 A2	Apr. 20, 2006	Ex. 1013
Declaration of Robert L. Stevenson, Ph.D.			Ex. 1002
Rebuttal Declaration of Robert L. Stevenson, Ph.D.			Ex. 1016
Transcript of deposition of Alan C. Bovik, Ph.D.			Ex. 1018
Declaration of Alan C. Bovik, Ph.D.			Ex. 2006
Transcript of deposition of Robert L. Stevenson, Ph.D.			Ex. 2007

The consolidated grounds for trial are as follows:

Reference(s)	Basis	Claims Challenged
Mishima	§ 102(b)	1, 2, 8, 11, 13–16, 19–21, and 24
Mishima and Misawa	§ 103(a)	3–6
Mishima, Misawa, and Walker	§ 103(a)	7
Mishima and Yamaoka	§ 103(a)	9
Mishima and Walker	§ 103(a)	10
Mishima and Ueda	§ 103(a)	12
Mishima and Tokiwa	§ 103(a)	15 and 16
Mishima and Ono	§ 103(a)	17 and 18
Mishima and Kaneda	§ 103(a)	22
Mishima and Halpern	§ 103(a)	23
Ono	§ 102(b)	1, 2, 12–15, 17–20, and 24

Reference(s)	Basis	Claims Challenged
Ono and Yamaoka	§ 103(a)	3–6, 8, 9, and 11
Ono, Yamaoka, Walker	§ 103(a)	7, 10, and 11
Ono and Mishima	§ 103(a)	16 and 21
Ono and Kaneda	§ 103(a)	22
Ono and Halpern	§ 103(a)	23
Halpern	§ 102(b)	1, 2, 13, 14, 19, 20, 23, and 24
Halpern	§ 103(a)	14
Halpern, Mishima, and Misawa	§ 103(a)	3–6
Halpern, Mishima, Misawa, and Walker	§ 103(a)	7
Halpern and Mishima	§ 103(a)	8, 11, 15, 16, and 21
Halpern, Mishima, and Yamaoka	§ 103(a)	9
Halpern, Mishima, and Walker	§ 103(a)	10
Halpern and Ono	§ 103(a)	12
Halpern, Mishima, and Ono	§ 103(a)	17 and 18
Halpern and Kaneda	§ 103(a)	22

A consolidated oral hearing was held on May 14, 2015. The transcript of the oral hearing has been entered into the record. Paper 49 (“Tr.”).

We have jurisdiction under 35 U.S.C. § 6(c). This Final Written Decision is issued pursuant to 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73.

For the reasons explained below, we determine that Petitioner has shown, by a preponderance of the evidence, that the challenged claims are unpatentable.

B. Related Lawsuit

The parties represent that *Intellectual Ventures I LLC v. Canon Inc.*, No. 1:13-cv-00473-SLR (D. Del.), involves the '914 Patent. Pet. 1; *see also* Paper 5, 2.

C. The '914 Patent

The '914 Patent, titled “Camera Configurable for Autonomous Operation,” generally relates to image capture and, more particularly, to methods of operating a camera apparatus that responds to sensed conditions, without direct operator intervention. Ex. 1001, 1:15–18. The Specification describes an autonomous image capture device that “captures digital images automatically, in response to prompts sensed by the device, [and] according to instructions entered by a user, training provided by the user, or environmental events detected as suitable image trigger conditions by the device.” *Id.* at 4:28–33.

Figure 1 of the '914 Patent is reproduced below.

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