

RECORD OF ORAL HEARING  
UNITED STATES PATENT AND TRADEMARK OFFICE  
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BEFORE THE PATENT TRIAL AND APPEAL BOARD  
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CANON, INC.,  
Petitioner,  
v.  
INTELLECTUAL VENTURES II LLC,  
Patent Owner.  
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Case Nos. IPR2014-00631 and IPR2014-00632  
U.S. Patent No. 7,817,914  
Technology Center 2800  
Oral Hearing Held on Thursday, May 14, 2015

Before: RICHARD E. RICE, JAMES B. ARPIN (via video link) and  
PETER P. CHEN (via video link), Administrative Patent Judges.

The above-entitled matter came on for hearing on Thursday, May 14,  
2015, at 1:06 p.m., in Hearing Room A, taken at the U.S. Patent and  
Trademark Office, 600 Dulany Street, Alexandria, Virginia.

APPEARANCES:

ON BEHALF OF THE PETITIONER:

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P R O C E E D I N G S

(1:06 p.m.)

JUDGE RICE: Please be seated. Good afternoon.

This is the hearing in IPR2014-00631. It has been consolidated with IPR2014-00632.

I am Judge Rice. I am the only judge in this Panel, who is in Alexandria today. Two of the other judges on the Panel are appearing remotely: Judge Arpin from Denver and Judge Chen from Menlo Park, California.

You must, because of the remote participation of the other two judges, speak into the microphone at the podium for them to hear you. Please remember that.

With that caution, will counsel for Petitioner introduce themselves.

MR. OLIVER: Your Honor, Justin Oliver of Fitzpatrick, Cella, counsel for Petitioner, Canon.

JUDGE RICE: And who is with you?

MR. OLIVER: Stephen Yam, also with Fitzpatrick, Cella.

JUDGE RICE: Thank you. If you would please be seated. Welcome to the PTAB. We're happy to have you.

Would counsel for Patent Owner please introduce themselves?

MR. HART: Good afternoon, Your Honors. I'm Herbert Hart here on behalf of Patent Owner as lead counsel.

1                   With me today is Steven Hampton, who will be  
2     presenting our argument. And also with me today are backup  
3     counsel James Hietala and David Petty.

4                   JUDGE RICE: Welcome. We're glad to have you.

5                   MR. HART: Your Honor, we have a printed copy  
6     of our demonstratives. Would it be helpful for you to have  
7     that in front of you?

8                   JUDGE RICE: Why don't you provide them after  
9     the hearing.

10                  MR. HART: Very well. Thank you very much.

11                  JUDGE RICE: Just a few preliminaries before we  
12     start. As set forth in the hearing order, each party will have  
13     45 minutes for argument.

14                  Please keep in mind that whatever you project on  
15     the screen will not be viewable by Judges Arpin and Chen. So  
16     it is important when you refer to an exhibit from the record to  
17     state the record exhibit number and the page number. And, for  
18     demonstratives, please refer to the slide or screen number

19                  Petitioner may reserve time for rebuttal of Patent  
20     Owner's argument, and Patent Owner may also reserve time,  
21     but only in case Petitioner refers to the motion to exclude.

22                  Just one further reminder, no interruptions. Under  
23     no circumstances is a party to interrupt the other party while  
24     that party is presenting its arguments. And if a party believes

1 that a demonstrative, for example, is objectionable, that  
2 objection may be raised only during the party's argument time.

3 So with that, let's hear from counsel for Petitioner.  
4 First, do you wish to reserve some rebuttal time?

5 MR. OLIVER: Yes, Your Honor. 12 minutes,  
6 please.

7 JUDGE RICE: Please begin.

8 MR. OLIVER: Good afternoon. May it please the  
9 Board. I am Justin Oliver, counsel for Petitioner, Canon.

10 The patent at issue today in this IPR is the '914  
11 patent. It is directed to a method of automatically capturing  
12 an image. It has one independent claim, a method claim for  
13 that automatic capture.

14 The claim recites steps including selecting an  
15 automatic trigger condition. A trigger condition may be, for  
16 instance, a sound or image content, such as a smile. It also  
17 includes a step of entering a threshold level corresponding to  
18 that trigger condition. For instance, when the trigger  
19 condition is a sound, the threshold level may be a decibel  
20 level.

21 In addition, the method also recites the step of  
22 automatically operating the device to capture an image upon  
23 detection of meeting the threshold level. However, these  
24 features were all known in the prior art as established by the  
25 three primary references applied against independent claim 1

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