

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOPRO, INC.,  
Petitioner,

v.

CONTOUR IP HOLDING LLC,  
Patent Owner.

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Case IPR2015-01078  
Patent 8,896,694 B2

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Before JUSTIN T. ARBES, MICHAEL J. FITZPATRICK, and  
NEIL T. POWELL, *Administrative Patent Judges*.

ARBES, *Administrative Patent Judge*.

FINAL WRITTEN DECISION  
*35 U.S.C. § 318(a)*

## I. BACKGROUND

Petitioner GoPro, Inc. filed a Petition (Paper 1, “Pet.”) seeking *inter partes* review of claims 1–20 of U.S. Patent No. 8,896,694 B2 (Ex. 1002, “the ’694 patent”) pursuant to 35 U.S.C. §§ 311–319. On October 28, 2015, we instituted an *inter partes* review of claims 1–20 on two grounds of unpatentability (Paper 8, “Dec. on Inst.”). Patent Owner Contour IP Holding LLC<sup>1</sup> filed a Patent Owner Response (Paper 30, “PO Resp.”), and Petitioner filed a Reply (Paper 38, “Reply”). Petitioner filed a Motion to Exclude (Paper 42, “Pet. Mot.”) certain evidence submitted by Patent Owner. Patent Owner filed an Opposition (Paper 47, “PO Mot. Opp.”) and Petitioner filed a Reply (Paper 50, “Pet. Mot. Reply”). Patent Owner filed a Motion to Exclude (Paper 44, “PO Mot.”) certain evidence submitted by Petitioner. Petitioner filed an Opposition (Paper 48, “Pet. Mot. Opp.”) and Patent Owner filed a Reply (Paper 49, “PO Mot. Reply”). A combined oral hearing with Case IPR2015-01080<sup>2</sup> was held on June 22, 2016, and a transcript of the hearing is included in the record (Paper 53, “Tr.”).

We have jurisdiction under 35 U.S.C. § 6. This final written decision is issued pursuant to 35 U.S.C. § 318(a). For the reasons that follow, we determine that Petitioner has not shown by a preponderance of the evidence that claims 1–20 are unpatentable.

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<sup>1</sup> The original Patent Owner was Contour, LLC. Paper 5. During trial, Patent Owner filed a notice indicating that ownership of the challenged patent was transferred from Contour, LLC to Contour IP Holding LLC. See Papers 19, 28.

<sup>2</sup> The ’694 patent is a continuation of U.S. Patent No. 8,890,954 B2 (Ex. 1001), which is being challenged in Case IPR2015-01080.



ll. 41–64, col. 8, l. 66–col. 9, l. 52. “When recording video or taking photographs in a sports application, digital video camera 10 is often mounted in a location that does not permit the user to easily see the camera.” *Id.* at col. 19, ll. 37–39. Digital video camera 10, therefore, includes wireless communication capability to allow another device, such as a smartphone or tablet computer executing application software, to control camera settings in real time, access video stored on the camera, and act as a “viewfinder” to “preview what digital video camera 10 sees” and allow the user to check alignment, light level, etc. *Id.* at col. 19, l. 40–col. 20, l. 49.

### *B. Illustrative Claim*

Claim 1 of the '694 patent recites:

1. A point of view digital video camera system, comprising:

an integrated hands-free portable viewfinderless video camera, the video camera including a lens and an image sensor, the image sensor capturing light propagating through the lens and representing a scene to be recorded, and the image sensor producing real time video image data of the scene without displaying the scene to a user of the video camera, wherein the real time video image data of the scene relates to an activity in which the user of the video camera is about to engage, the video camera comprising:

a camera processor for receiving the video image data directly or indirectly from the image sensor, and

a wireless connection protocol device operatively connected to the camera processor to send real time video image content by wireless transmission directly to and receive control signals or data signals by wireless transmission directly from a wireless connection-enabled controller, wherein

the camera processor is configured to:

generate the video image content simultaneously at a first resolution and at a second resolution, the video image content at the first resolution and the second resolution corresponding to the video image data representing the scene to be recorded, wherein the first resolution is lower than the second resolution,

stream the real time video image content at the first resolution using the wireless connection protocol device to the wireless connection-enabled controller without displaying the video image content at the video camera,

receive the control signals for adjusting image capture settings of the video camera,

adjust the image capture settings of the video camera prior to recording the scene, and

in response to a record command, cause the video image content at the second resolution to be stored at the video camera;

a mounting interface coupled to the video camera;

a mount configured to be mounted to the body, a garment, or a vehicle of the user of the video camera, the mount configured to receive the mounting interface for rotatably mounting the camera on the body, the garment, or the vehicle of the user of the video camera, the mounting interface and the mount further configured for manual adjustment of the video camera with respect to the user of the video camera; and

the wireless connection-enabled controller for controlling the video camera, the controller comprising executable instructions for execution on a personal portable computing device operable by a user of the personal portable computing device, wherein when executed, the executable instructions cause the personal portable computing device to:

receive video image content at the first resolution directly from the video camera,

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