

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, 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*.

DECISION  
Institution of *Inter Partes* Review  
37 C.F.R. § 42.108

Petitioner GoPro, Inc. filed a Petition (Paper 1, “Pet.”) requesting *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(a). Patent Owner Contour, LLC filed a Preliminary Response (Paper 6, “Prelim. Resp.”) pursuant to 35 U.S.C. § 313. We have jurisdiction under 35 U.S.C. § 314 and 37 C.F.R. § 42.4(a). Pursuant to 35 U.S.C. § 314(a), the Director may not authorize an *inter partes* review unless the information in the petition and preliminary response “shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” For the reasons that follow, we have decided to institute an *inter partes* review as to claims 1–20 on certain grounds of unpatentability.

## I. BACKGROUND

### A. The ’694 Patent<sup>1</sup>

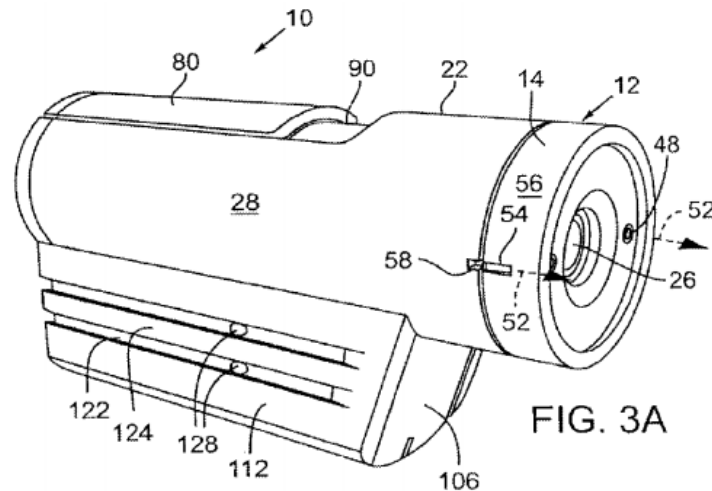
The ’694 patent describes an “integrated hands-free, [point-of-view (POV)] action sports video camera or camcorder that is configured for remote image acquisition control and viewing.” Ex. 1002, col. 1, ll. 16–19. According to the ’694 patent, “integrated hands-free, POV action sports video cameras” available at the time of the invention were “still in their infancy and may be difficult to use.” *Id.* at col. 1, ll. 46–51, Figs. 2A, 2B. The disclosed device uses global positioning system (GPS) technology to track its location during recording and a wireless connection protocol, such as Bluetooth, to “provide control signals or stream data to [the] wearable

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<sup>1</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.

video camera and to access image content stored on or streaming from [the] wearable video camera.” *Id.* at col. 1, ll. 55–64, col. 16, ll. 52–62.

Figure 3A of the ’694 patent is reproduced below.



As shown in Figure 3A, digital video camera 10 comprises camera housing 22, rotatable lens 26, image sensor 18 (not shown), such as a complementary metal-oxide semiconductor (CMOS) image capture card, microphone 90, and slidable switch activator 80, which can be moved to on and off positions to control recording and the storage of video. *Id.* at col. 5, 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,

display the video image content at the first resolution on a display of the portable computing device for adjustment of the image capture settings prior to the user of the video camera recording the activity, the video image content at the first resolution comprising a preview image of the scene which is not recorded on the camera or the personal portable computing device, the preview image allowing the user of the video camera to manually adjust an angle of the video camera with respect to the user of the video camera, and

generate the control signals to the wireless connection protocol device on the video camera to allow the user of the personal portable computing device to remotely adjust the image capture settings prior to the video camera recording the activity, wherein the control

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