

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 IPR2015-01080  
Patent 8,890,954 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 1–30 of U.S. Patent No. 8,890,954 B2 (Ex. 1001, “the ’954 patent”) pursuant to 35 U.S.C. §§ 311–319. On October 28, 2015, we instituted an *inter partes* review of claims 1, 2, and 11–30 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 39, “Reply”). Petitioner filed a Motion to Exclude (Paper 43, “Pet. Mot.”) certain evidence submitted by Patent Owner. Patent Owner filed an Opposition (Paper 48, “PO Mot. Opp.”) and Petitioner filed a Reply (Paper 51, “Pet. Mot. Reply”). Patent Owner filed a Motion to Exclude (Paper 45, “PO Mot.”) certain evidence submitted by Petitioner. Petitioner filed an Opposition (Paper 49, “Pet. Mot. Opp.”) and Patent Owner filed a Reply (Paper 50, “PO Mot. Reply”). A combined oral hearing with Case IPR2015-01078<sup>2</sup> was held on June 22, 2016, and a transcript of the hearing is included in the record (Paper 54, “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, 2, and 11–30 are unpatentable.

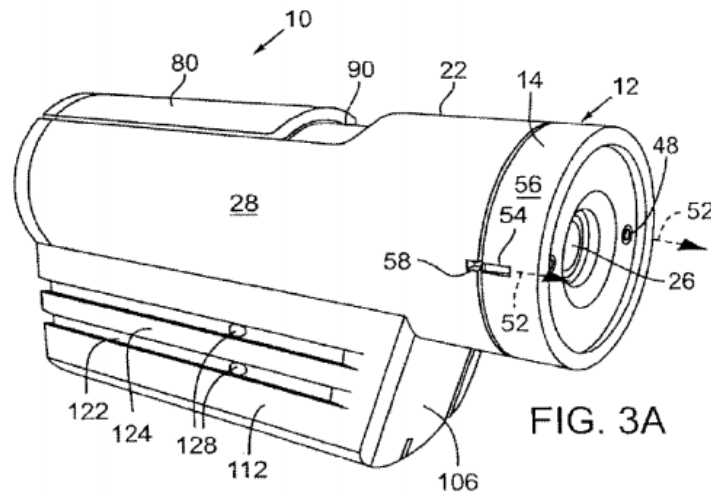
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<sup>1</sup> The original Patent Owner was Contour, LLC. Paper 5. During trial, Patent Owner filed a notice indicating that ownership of the challenged patent was transferred from Contour, LLC to Contour IP Holding LLC. See Papers 19, 28.

<sup>2</sup> U.S. Patent No. 8,896,694 B2 (Ex. 1002), which is being challenged in Case IPR2015-01078, is a continuation of the ’954 patent.

A. The '954 Patent

The '954 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. 1001, col. 1, ll. 14–17. According to the '954 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. 44–49, 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 video camera and to access image content stored on or streaming from [the] wearable video camera.” *Id.* at col. 1, ll. 53–62, col. 16, ll. 50–60. Figure 3A of the '954 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. 38–61, col. 8, l. 64–col. 9, l. 50. “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. 35–37. 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. 38–col. 20, l. 47.

### *B. Illustrative Claim*

Claim 1 of the '954 patent recites:

1. An integrated, hands-free, portable, viewfinderless point of view digital video camera, comprising:

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;

a wireless connection protocol device configured to send real time image content by wireless transmission directly to and receive control signals or data signals by wireless transmission directly from a wireless connection-enabled controller; and

a camera processor configured to:

receive the video image data directly or indirectly from the image sensor,

generate, from the video image data, first video image content at a first resolution and second video image content at a second resolution, wherein the first resolution is lower than the second resolution,

communicate the first video image content using the wireless connection protocol device to the wireless

connection-enabled controller without displaying the first video image content, the second video image content, or the video image data at the video camera,

receive the control signals from the wireless connection-enabled controller,

adjust image capture settings of the video camera prior to recording the scene based at least in part on at least a portion of the control signals, and

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

the wireless connection-enabled controller comprises executable instructions for execution on a handheld personal portable computing device, wherein when executed, the executable instructions cause the handheld personal portable computing device to:

receive the first video image content from the wireless connection protocol device,

display the first video image content on a display of the handheld personal portable computing device, the first video image content comprising a preview image of the scene, the preview image allowing a user of the video camera to manually adjust a position or orientation of the video camera to record the scene,

generate the control signals based at least on input received at the handheld personal portable computing device, wherein the control signals comprise at least one of a frame alignment, a multi-camera synchronization, remote file access, and a resolution setting and at least one of a lighting setting, an audio setting, and a color setting, and

communicate the control signals to the wireless connection protocol device.

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