

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY INTERACTIVE ENTERTAINMENT LLC,
Petitioner,

v.

TECHNO VIEW IP, INC.,
Exclusive Licensee of the Patent Owner.¹

Case IPR2018-01045
Patent 8,206,218 B2

Before WILLIAM V. SAINDON, PATRICK R. SCANLON, and
NORMAN H. BEAMER, *Administrative Patent Judges*.

SAINDON, *Administrative Patent Judge*.

DECISION
Institution of *Inter Partes* Review
35 U.S.C. §314(a)

¹ TD Vision Corporation S.A. de C.V is the Patent Owner. Paper 4; *see also infra* note 2.

I. INTRODUCTION

Sony Interactive Entertainment LLC (“Petitioner”) filed a petition requesting *inter partes* review of claims 1–11, 13, and 14 of U.S. Patent No. 8,206,218 B2 (Ex. 1001, “the ’218 patent”). Paper 2 (“Pet.”). Techno View IP, Inc. (“Patent Owner”)² filed a Preliminary Response. Paper 7 (“Prelim. Resp.”). We authorized (Paper 8), and Petitioner filed, a Reply to Patent Owner’s Preliminary Response. Paper 9 (“Reply”).

We have authority under 35 U.S.C. § 314, which provides that an *inter partes* review may not be instituted unless the information presented in the Petition and the 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.” 35 U.S.C. § 314; *see also* 37 C.F.R. § 42.4(a) (“The Board institutes the trial on behalf of the Director.”). Taking into account the arguments presented in the Petition and Preliminary Response, we conclude that the information presented in the Petition

² To follow the convention used by the parties and avoid confusion, for the purposes of this proceeding we will identify Techno View IP, Inc., the exclusive licensee of the ’218 patent, as the “Patent Owner.” *See Motorola Mobility LLC v. Patent of Michael Arnouse*, No. IPR2013-00010 (Paper 27), 2013 WL 5970127 at *3 (PTAB April 5, 2013) (applying Federal Circuit standing analysis to determine who “has the right to participate in proceedings at the Office”); *see also Sicom Sys. Ltd. v. Agilent Techs., Inc.*, 427 F.3d 971, 976 (Fed. Cir. 2005) (“[A]n exclusive license may be treated like an assignment for purposes of creating standing if it conveys to the licensee all substantial rights.”); *Prima Tek II, L.L.C. v. A-Roo Co.*, 222 F.3d 1372, 1377 (Fed. Cir. 2000) (holding that, with a transfer of “all substantial rights under the patent, the assignee may be deemed the effective ‘patentee’ under 35 U.S.C. § 281”).

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establishes a reasonable likelihood that Petitioner would prevail with respect to the challenged claim. Accordingly, we institute an *inter partes* review.

A. *Related Matters*

The parties identify the following matters related to the '218 patent (Pet. 55–60; Paper 6):

Techno View IP, Inc. v. Sony Interactive Entm't Am., No. 8:17-cv-01268 (N.D. Cal.);

Techno View IP, Inc. v. Oculus VR, LLC, and Facebook, Inc., No. 1:17-cv-00386 (D. Del.); and

Related U.S. Patent No. 7,666,096, of which the '218 patent is a continuation, has been challenged in *inter partes* review no. IPR2018-01044.

B. *Real Parties-In-Interest*

Petitioner identifies Sony Interactive Entertainment LLC as the real party-in-interest. Pet. 55. Petitioner further attests that:

Additional real parties in interest include Sony Interactive Entertainment America LLC (SIEA), a California limited liability company; Sony Interactive Entertainment Inc. (SIEI), a Japanese corporation; Sony Corporation of America (SCA), a New York corporation; Sony Electronics Inc. (SEL), a Delaware corporation; and Sony Corporation, a Japanese corporation. In the original Complaint of the above Central District of California lawsuit, Petitioner, SIEA, SCA, and a past-dissolved entity called Sony Interactive Entertainment Inc., a former Delaware corporation, were named as the defendants.

Id. at 55.

Patent Owner identifies Techno View IP, Inc. as the real party-in-interest. Paper 6. Patent Owner further attests that:

In 2016, TD VISION CORPORATION S.A. DE C.V., the assignee of U.S. Patent No. 8,206,218 (“the ‘218 patent”) provided TECHNO VIEW IP, INC. with an exclusive license,

including all substantial rights in and to the '218 patent. Further, TD VISION CORPORATIONS.A. DE C.V. has not contended it is a required party in litigation surrounding the '218 patent. 1 Therefore, the effective Patent Owner, and the real party-in-interest for the purposes of this *inter partes* review, is TECHNO VIEW IP, INC.

Id. (internal footnote omitted).

C. The '218 Patent

The '218 patent is directed to displaying “three-dimensional (3D) images, easily integrated to the existing television, personal computer and videogame system equipment.” Ex. 1001, 1:16–20. As explained in the '218 patent, problems with existing 3D imaging systems included presentation incompatibilities, collateral effects, and a lack of compatibility with existing technologies. *Id.* at 1:45–47. Addressing these problems, the '218 patent describes a system for determining whether to present an image in a 3D format, and if so, providing corresponding left and right eye images to a viewer to create the 3D image, and if not present the image in a 2D format. *Id.* at 8:56–9:2. Specifically, the '218 patent discloses a “3D videogame system capable of displaying . . . left-right sequences through a different, independent VGA or video channel, with a display device sharing a memory in an immerse manner.” *Id.* at Abstract. The system uses a backbuffer, which is a memory location where an image to be displayed is temporarily drawn without outputting it to a video card. *Id.* at 6:40–43. The information from the backbuffer is sent to a frontbuffer for subsequent display. *Id.* at Abstract, Fig. 4b.

D. Challenged Claims

Petitioner challenges claims 1–11, 13, and 14 of the '218 patent. Independent claims 1 and 7 are reproduced below.

1. A method in a videogame system for displaying three dimensional images, comprising the computer implemented steps of:
 - providing left and right backbuffers;
 - calculating first position coordinates of a first eye view; storing a first eye view image captured virtually from the calculated first position coordinates of the first eye view of an object in the videogame into the left backbuffer;
 - calculating, with a processor of the videogame system, second position coordinates of a second eye view of the object in three dimensional space using the calculated first position coordinates of the first eye view;
 - determining a second eye view image of the object captured virtually from the calculated second position coordinates of the second eye view;
 - storing the second eye view image in the right backbuffer; and
 - displaying the first eye view image and the second eye view image to the user to provide a three dimensional perspective of the object from the videogame system to a user.

7. A method in a videogame system for displaying three dimensional images, comprising the computer implemented steps of:
 - providing first and second buffers;
 - calculating first position coordinates of a first eye view;
 - storing a first eye view image captured virtually from the calculated first position of the first eye view of a virtual object in the videogame into the first buffer;
 - calculating, with a processor of the videogame system, second spatial coordinates of a second eye view of the virtual object in the videogame in three dimensional space by coordinate transformation equations using the calculated first position coordinates of the first eye view and the position of the virtual object in the videogame;
 - determining a second eye view image of the virtual object based on the calculated second spatial coordinates;
 - storing the second eye view image in the second buffer; and
 - outputting the first eye view image from the first buffer and the second eye view image from the second buffer to a display to

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