Paper No. 39

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

COREPHOTONICS, LTD.,
Patent Owner.

Case No. IPR2018-01140
U.S. Patent No. 9,402,032

PATENT OWNER'S PETITION FOR REVIEW BY THE DIRECTOR

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Patent Owner Corephotonics Ltd.. ("Corephotonics") respectfully requests review by the Director of the Final Written Decision issued by the Board in this matter. Pursuant to the Supreme Court's recent decision in *United States v. Arthrex, Inc.*, 141 S.Ct. 1970 (2021), such review must be conducted by a principal officer properly appointed by the President and confirmed through advice and consent of the Senate. This matter has been remanded to the Patent and Trademark Office for purposes of requesting such review. Corephotonics submits that the Board's Final Written Decision in this matter must be reviewed and rejected because it impermissibly relied on modification of a prior art reference in finding anticipation as to challenged claims 1 and 13, and it failed to perform the proper analysis of the motivation to combine teachings of two references in finding obviousness as to challenged claims 14 and 15. These actions by the Board require that its Final Written Decision of unpatentability be reversed.

I. BACKGROUND

The '032 patent at issue in this proceeding involves innovative camera technology for optical zoom lenses that can fit inside a small mobile device (like a mobile phone) and provide better performance than prior art lenses. The '032 patent particularly involves claims directed to fixed focal-length telephoto lens assemblies that have a small total track length (TTL), which influences how thick the mobile device must be to accommodate the lens, and a higher effective focal length (EFL), which

allows the camera to capture images of distant objects at higher resolution. To achieve such a lens, the '032 patent teaches the use of multiple individual lens elements with particular design rules for their shape, thickness, individual lens focal length, and material properties. These individual lens elements are combined into an overall lens assembly. Exemplary Figure 3A from the '032 patent (reproduced below) shows such a lens assembly with light passing from left to right toward an image sensor in the figure. As shown in Figure 3A, the lens assembly also includes a rectangular element labeled 312, which is a cover glass over the image sensor. This cover glass serves the important function of protecting the sensitive surface of the sensor, and also filters out damaging infrared light before it reaches the sensor.

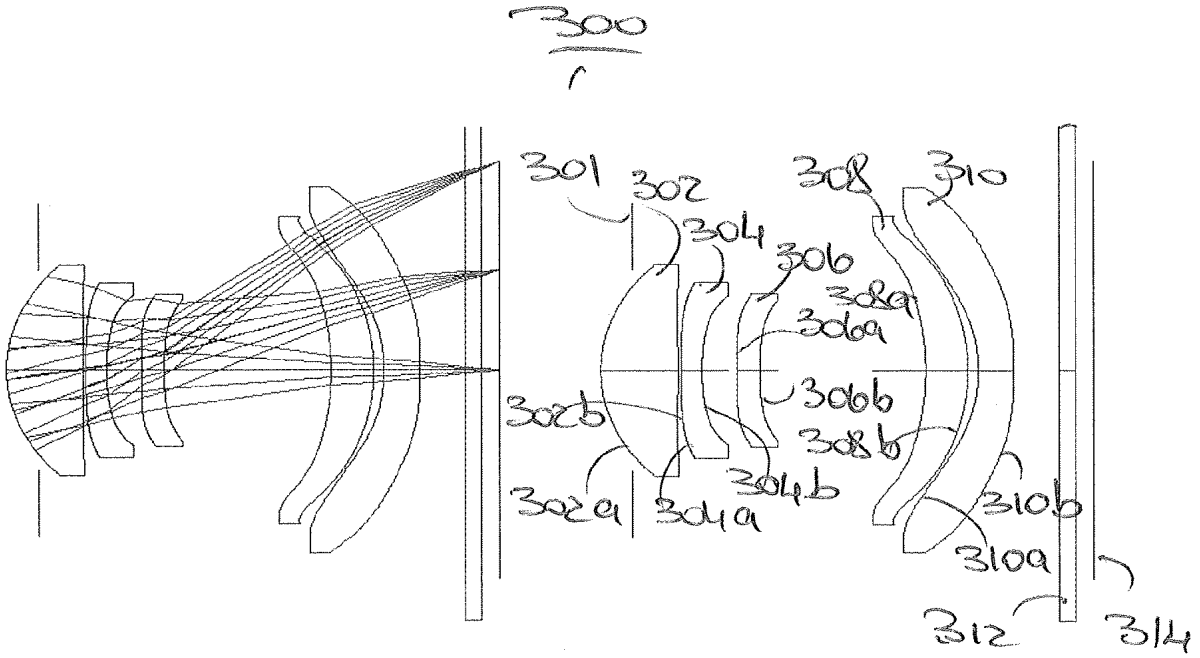

FIG. 3A

The Petition here challenged independent claim 1, and claims 13-15, all of

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