

Filed: August 15, 2019

Filed on behalf of:

RED.COM, LLC

By: Joseph R. Re

Douglas G. Muehlhauser

KNOBBE, MARTENS, OLSON & BEAR, LLP

2040 Main Street, 14th Floor

Irvine, CA 92614

Tel: (949) 760-0404

Fax: (949) 760-9502

E-mail: BoxRedcom7C4LP@knobbe.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

RED.COM, LLC,
Patent Owner.

Case No. IPR2019-01065

Patent No. 9,245,314

**PATENT OWNER RED.COM, LLC'S
PRELIMINARY RESPONSE**

TABLE OF CONTENTS

	Page No.
I. INTRODUCTION	1
II. BACKGROUND	4
A. Reduction To Practice Of The RED ONE Motion-Picture Camera By At Least March 2007.....	4
1. The origin of RED’s first commercial digital motion-picture camera, the RED ONE	4
2. Research and development of the RED ONE Camera	7
3. Sir Peter Jackson’s March 2007 movie shoot with Boris and Natasha	15
B. Overview Of The ‘314 Patent	20
1. The ‘314 Patent Specification.....	20
2. The ‘314 Patent Claims.....	26
3. Claim Construction And Level Of Skill In The Art	28
4. Petitioner’s Asserted Grounds	28
5. Relationship To IPR2019-01064	29
III. ARGUMENT.....	30
A. Legal Standard.....	30
1. Threshold For Institution	30
2. Reduction To Practice.....	30
B. Presler Does Not Qualify As Prior Art	32

TABLE OF CONTENTS
(cont'd)

	Page No.
1. Claim 1	33
a. A video camera	33
b. A memory device	34
c. An image sensor	35
d. An image sensor outputting raw data at 2K and 23 frames per second	36
e. Image processing and compression modules	37
f. Processing module for processing the raw image data	37
g. Compression module utilizing mathematically lossy compression	38
h. Substantially visually lossless image at 2K resolution and 24 frames per second	39
2. Claim 2	41
3. Claim 3	42
4. Claim 4	42
5. Claim 5	43
6. Claim 6	43
7. Claim 7	44
8. Claim 8	44
9. Claim 9	44

TABLE OF CONTENTS
(cont'd)

	Page No.
10. Claim 10.....	45
11. Claim 11.....	45
12. Claim 12.....	46
13. Claim 13.....	47
14. Claim 14.....	48
15. Claim 15.....	48
16. Method Claims 16-30	48
17. Institution Should Not Be Granted On The Basis Of Dependent Claims 6, 8, 21 and 23.....	62
C. Petitioner Has Not Satisfied Its <i>Prima Facie</i> Case Of Obviousness.....	63
IV. CONCLUSION.....	70

TABLE OF AUTHORITIES

Page No(s).

<i>ActiveVideo Networks, Inc. v. Verizon Commc’n, Inc.</i> , 694 F.3d 1312 (Fed. Cir. 2012)	64
<i>Chevron Oronite Co. v. Infineum USA L.P.</i> , Case IPR2018-00923, Paper No. 9 (P.T.A.B. Nov. 7, 2018)	63
<i>Deeper, UAB v. Vexilar, Inc.</i> , Case IPR2018-01310, Paper No. 7 (P.T.A.B. Jan. 24, 2019).....	63
<i>Dynamic Drinkware LLC v. Nat’l Graphics, Inc.</i> , No. IPR2013-00131, Paper No. 42 (P.T.A.B. Sept. 12, 2014), <i>aff’d</i> , 800 F.3d 1375 (Fed. Cir. 2015).....	31
<i>Hyundai Motor Co. v. Blitzsafe Texas, LLC</i> , Case No. IPR2016-01476, Paper No. 12 (P.T.A.B. Jan. 24, 2017).....	69, 70
<i>Nintendo Am., Inc. v. iLife Techs., Inc.</i> , No. IPR2015-00112, Paper No. 39 (P.T.A.B. Apr. 29, 2016).....	31
<i>Purdue Pharma L.P. v. Boehringer Ingelheim GMBH</i> , 237 F.3d 1359 (Fed. Cir. 2001)	30
<i>Trivascular, Inc. v. Samuels</i> , 812 F.3d 1056 (Fed. Cir. 2016)	64

OTHER AUTHORITIES

35 U.S.C. § 103	29
35 U.S.C. § 313	1
35 U.S.C. § 314.....	30
37 C.F.R. § 42.107	1
37 C.F.R. § 42.108	30

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.