

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Apple Inc.,
Petitioner,
v.
Chian Chiu Li,
Patent Owner.

Case No. IPR2023-00560
Patent No. 11,016,564 B2

Patent Owner's Demonstratives for Oral Argument

Grounds for Review

Petitioner asserts the following unpatentability grounds:

Claims Challenged	35 U.S.C. §	References/Basis
1–5, 8, 9, 11, 12, 14–16, 18, 20	103	Ryu, ¹ Hodge ²
1, 6, 8, 10, 14, 19	103	Ryu, Hodge, Stallings ³

Reproduction (Paper 6, Board Decision, p.4)

- Ground 1: Claims 1–5, 8, 9, 11, 12, 14–16, 18, and 20 are obvious under § 103(a) over **Ryu** in view of **Hodge**.
- Ground 2: Claims 1, 6, 8, 10, 14, and 19 are obvious under § 103(a) over **Ryu** in view of **Hodge** in further view of **Stalling**.

(Pet.p.4, 5)

Claim 1 of '564 Patent

1. A method for presenting information at an electronic device, comprising:

- 1) detecting an act made by a user involving physical contact with the electronic device or physical movement of the electronic device when a display of the electronic device has an idle screen or a screen in standby mode, inactive mode, or screen-saver mode;
- 2) performing gaze detection only after detecting the act;

(Exh. 1001, '564 patent, col. 12:56-63) (annotated)

Claim 1 of '564 Patent

1. A method for presenting information at an electronic device, comprising:
 - 1) detecting an act made by a user involving physical contact with the electronic device or physical movement of the electronic device when a display of the electronic device has an idle screen or a screen in standby mode, inactive mode, or screen-saver mode;
 - 2) performing gaze detection only after detecting the act;

(Exh. 1001, '564 patent, col. 12:56-63) (annotated)

Claim 1 recites the “only after” limitation:

“performing gaze detection **only after** detecting the act”.

(POR, p. 4)

Triggers for Performing Gaze Detection:

1. The act: Moving a device (e.g., shaking).
2. Proximity event: Approaching a device.

(POR, p. 9)

Comparison between the Act and Proximity Event:

- The act more accurately indicates a user's intention to view content at a device.
- Approaching a device does not mean a user wants to view content displayed on the device.

(POR, p. 3-4)

Drawbacks of Proximity Trigger:

- Privacy concern.
- Power consumption.

(POR, p. 7)

Merits of the “**only after**” Limitation:

- Better privacy protection.
- Lower power consumption.

(POR, p. 4)

Ryu's Method

FIG. 8 shows screens activating a preset function performed by the device 100 in operations S701 and S702 of FIG. 7, according to an exemplary embodiment. That is, when the device 100 is in the standby mode and a screen 810 is in a black screen state as shown in FIG. 8, when it is determined that the device 100 has rotated by 180° in a clockwise direction by using a sensing value, the processor 103 activates a function of a front camera 821. The processor 103 temporarily changes an operation mode of the device 100 to the active mode so as to execute an application related to the front camera 821 as shown by a screen 820. In this regard, the processor 103 may output a black screen via the information input/output unit 104 or the screen on which a camera mode is executed via the information input/output unit 104.

(Exh. 1004, Ryu, col. 19:49-63) (annotated)

Ryu's Method

Ryu recites,

“when it is determined that the device 100 has rotated by 180° in a clockwise direction by using a sensing value, the processor 103 activates a function of a front camera 821.”

(Exh. 1004, Ryu, col. 19:53-56)

Ryu **does not disclose** gaze detection is performed **only after** detecting the act.

(POR, p. 6)

Petition asserts Ryu discloses the “**only after**” limitation.

Because *Ryu* teaches in response to sensing rotation of the device 100, the processor 103 activates a function of the front camera to obtain an image of the user (i.e., performs gaze detection after detecting the act), and then determines whether the user is looking at the device 100 by performing either face recognition or eye estimation on an image taken by the front camera, a PHOSITA would have understood that *Ryu* teaches that gaze detection is performed only after detecting the act as claimed. *Dec.*, 58–59.

Petitioner's
Statement

Assertion

(Pet.p.24) (annotated)

Petition asserts Ryu discloses the “**only after**” limitation.

Petition recites following statement:

“Ryu teaches in response to sensing rotation of the device 100, the processor 103 activates a function of the front camera to obtain an image of the user (i.e., performs gaze detection **after** detecting the act), and then determines whether the user is looking at the device 100 [.]”

(Pet.p.24)

Petition’s assertion:

“a PHOSITA would have understood that Ryu teaches that gaze detection is performed **only after** detecting the act as claimed.”

(Pet.p.24)

Does Petitioner’s own statement **SUPPORT** the assertion?

(POR, p. 14-15)

Dr. Bederson asserts Ryu discloses the “**only after**” limitation.

59. Furthermore, because *Ryu* expressly teaches that it is in response to the device 100 sensing a user’s rotation (i.e., detecting the act) that the processor 103 **then** activates a function of the front camera to obtain an image of the user (i.e., performing gaze detection only after detecting the act) and finally determines whether the user is looking at the device 100 (e.g., by performing face recognition or eye estimation on the obtained image), a PHOSITA would have understood *Ryu* expressly teaches that the performing of gaze detection occurs only after the detecting of the act as claimed.

(Ex. 1003, Declaration, at ¶ 59) (annotated)

Any evidence for the “**only after**” limitation from Declaration?

(Sur-reply, p. 5-6)

Does Petition contend the “**only after**” limitation inherently exists?

It is the Petitioner’s burden to establish in the Petition that the claimed “**only after**” limitation is necessarily present and would be recognized as such. The Petition fails to do so.

(POR, p. 8)

Ryu also fails to anticipate the “**only after**” limitation.

- Ryu has no need and no intention to utilize the “**only after**” limitation;
- The “**only after**” limitation is not useful for Ryu;
- Ryu and the '564 Patent have different purposes.

(POR, p. 9)

Petition does not show Ryu, Hodge, and Stalling disclose the “**only after**” limitation, either alone or in combination.

(POR, p. 17)

Petitioner does not rebut that Ryu fails to anticipate the “**only after**” limitation in Petitioner’s Reply.

(Petitioner’s Reply to POR)

CERTIFICATE OF SERVICE

A true and correct copy of Patent Owner's Demonstratives for Oral Argument, was served on Petitioner's attorneys of record on April 17, 2024, at the electronic correspondence of Petitioner as follows:

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/ Chian Chiu Li /

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Patent Owner