



ELECTRONIC ACKNOWLEDGEMENT RECEIPT

APPLICATION #
90/019,119

RECEIPT DATE / TIME
07/19/2023 02:49:24 PM ET

ATTORNEY DOCKET #
5173.001REX0

Title of Invention

METHOD AND APPARATUS TO CONTROL DISPLAY BRIGHTNESS WITH AMBIENT LIGHT CORRECTION

Application Information

APPLICATION TYPE Utility / ex parte reexam

PATENT # 8223117

CONFIRMATION # 2917

FILED BY Simran Parmar

PATENT CENTER # 62467505

FILING DATE 10/07/2022

CUSTOMER # 26111

FIRST NAMED
INVENTOR - 8223117

CORRESPONDENCE
ADDRESS -

AUTHORIZED BY Jason Fitzsimmons

Documents

TOTAL DOCUMENTS: 9

DOCUMENT	PAGES	DESCRIPTION	SIZE (KB)
2023-07-19-Cover-Letter-5173-001RPO0.pdf	1	Transmittal Letter	175 KB
2023-07-19-Pleading-5173-001RPO0.pdf	3	Transmittal Letter	167 KB
2023-07-19-SB08a-5173-001RPO0.pdf	1	Information Disclosure Statement (IDS) Form (SB08)	176 KB

Warning: This is not a USPTO supplied IDS fillable form. Data in the form cannot be automatically loaded to other USPTO systems.

2023-07-19-SB08b-5173-001RPO0.pdf	1	Information Disclosure Statement (IDS) Form (SB08)	170 KB
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Polaris EX2025
Nintendo v. Polaris
IPR2023-00778

Warning: This is not a USPTO supplied IDS fillable form. Data in the form cannot be automatically loaded to other USPTO systems.

FP1_JP_H6308891.pdf	31	Foreign Reference	658 KB
NPL1_Petition_IPR2023-00778.pdf	87	Non Patent Literature	1001 KB
NPL3_Kerman.pdf	54	Non Patent Literature	1133 KB
NPL4_Rosenzweig.pdf	56	Non Patent Literature	1137 KB
NPL2_Expert_Declaration_IPR2023-00778.pdf	256	Non Patent Literature	2702 KB

Digest

DOCUMENT	MESSAGE DIGEST(SHA-512)
2023-07-19-Cover-Letter-5173-001RPO0.pdf	628415902988835DF5DD60DE212C20A71F7D3F338118D54692067B2FBFF06A6A3439BC357C7475537CB7FAF6747C00EE3DA80C2E686F0797A9C63601CDFE7572
2023-07-19-Pleading-5173-001RPO0.pdf	56DC7C3B4B9C6F48A198D81E341DF44147F3210B06D3DF262B04F1C31EFA93BE44A75C4D1F89401FA7B298DB21B7011CDB5EE3562594D14F084381D5E113748
2023-07-19-SB08a-5173-001RPO0.pdf	869BDFBA2D6D88F0441B65FC087BAB3565F8B658EDEC36974386D08DC773DC4C52204D9350D1840EB9CD203A9C82C1EF043119040CBB9466064617D9B22AC038
2023-07-19-SB08b-5173-001RPO0.pdf	8468383593D2CD16ACBAEDDD397683FACF44B498016173997FC5286E1CF65CDF2FF7C87EB5B4A1C7EF86C4FE2DCFA972F400A913202297D37B5674B9D17801F0
FP1_JP_H6308891.pdf	1BFF5594B62ADD57936B62437BC527F784F9C8D8DDECDD653458D9EE79134261CD928068D18212F005EEAB387DD67F22C100BBFB371F2FB2A7FAC23F0C3941D0

NPL1_Petition_IPR2023-00778.pdf	E27F291E2EFFF6B0CE06D9A6B7942FEBC744065B1F782C62B D6473C61B618A5B790CB53CCCD9B8BBA03190776E4EF8767B 4C67426F6B3BA5C8F61AD4BDEFB155
NPL3_Kerman.pdf	A755DAAE504708197DE7C0268A9620DBE9B39E892C67BE659 A0B0EF08EB2312E2D47F746DEA2FEB3B37601BEFB8657203C 554EF68C723A28B6E96B11EA738954
NPL4_Rosenzweig.pdf	357F7C18E764B8053772229204AF98C934121EAB2430647B92E D645A7D46346A74A41B7E97191C0A8A559B2FDCB04D716741 47746456BC576A069877AEB26D15
NPL2_Expert_Declaration_IPR2023-00778.pdf	D7BBA171DC4C48341BFB8D181422C95CF0EF65DC93919DE2 EB2B61DE097BA40B38CB33D43E773974C4CF9CF79B5F1F721 0747739177C7201B4CB8D5E86C89EBE

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

JASON A. FITZSIMMONS
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July 19, 2023

Attn: Central Reexamination Unit
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Confirmation No. 2917
Art Unit: 3992
Attn: Ex Parte Reexam

Re: Reexamination of U.S. Patent No. 8,223,117 B2
Control No. 90/019,119; Filed: October 7, 2022
For: **METHOD AND APPARATUS TO CONTROL DISPLAY
BRIGHTNESS WITH AMBIENT LIGHT CORRECTION**
Our Ref: 5173.001RPOO

Commissioner:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement;
2. Form PTO/SB/08a (1 sheet) listing 7 documents (**US1-US6** and **FP1**);
3. Form PTO/SB/08b (1 sheet) listing 4 documents (**NPL1-NPL4**);
4. Copies of **FP1** and **NPL1-NPL4**; and
5. Certificate of Service.

The above-listed documents are filed electronically.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency or credit any overpayment to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Jason A. Fitzsimmons #65,367/

Jason A. Fitzsimmons
Attorney for Patent Owner
Registration No. 65,367

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Ex Parte Reexamination of

Confirmation No.: 2917

U.S. Patent No.: 8,223,117

Art Unit: 3992

Control No.: 90/019,119

Examiner: LAROSE, COLIN M

Filed: October 7, 2022

Atty. Docket: 5173.001RPO0

Title: **METHOD AND APPARATUS TO CONTROL DISPLAY BRIGHTNESS WITH AMBIENT LIGHT CORRECTION**

Information Disclosure Statement

Mail Stop "*Ex Parte* Reexam"

Attn: Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

Listed on accompanying IDS Forms PTO/SB/08a equivalent and PTO/SB/08b equivalent are documents that may be considered material to patentability in this reexamination as defined in 37 C.F.R. §§ 1.56(b) and 1.555(b). Copies of the listed documents are provided in compliance with the requirements of 37 C.F.R. §§ 1.97 and 1.98, and with M.P.E.P. § 2280.¹

In accordance with 37 C.F.R. § 1.97, the filing of this IDS should not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b). Further, the Patent Owner has listed publication dates on the attached IDS Forms based on information presently available to the undersigned.

¹ According to M.P.E.P. § 2280, the exception for providing copies noted in 37 C.F.R. § 1.98(d) is not applicable to *ex parte* or *inter partes* reexamination proceedings. Accordingly, copies of non-patent literature and other non-exempt classes of material are provided.

However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

The Patent Owner reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. Further, this statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present reexamination does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Copies of documents **FP1** and **NPL1-NPL4** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2)(ii), no copies of U.S. patents and patent application publications cited as documents **US1-US6** on the attached IDS Forms are submitted.

A concise explanation of the relevance of the non-English language document(s) appears below in accordance with 37 C.F.R. § 1.98(a)(3):

1. Document **FP1** (JP H6308891) from IPR2023-00778 is submitted herewith with a certified English-language translation attached.

Notification of Existence of Concurrent Proceedings

Pursuant to 37 C.F.R. § 1.565(a) and M.P.E.P. § 2282, Patent Owner hereby informs the Office of concurrent proceedings. Patent Owner hereby informs the Office of Patent Trial and Appeal Board of the proceeding below, which involves the '117 patent:

Case No.	Patent No.	Date filed	Status
IPR2023-00778	8,223,117	March 28, 2023	Pending: Pre-Institution Phase

Patent Owner submits herewith documents from the above-listed *inter partes* review proceeding.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this reexamination that the documents cited herein have been considered.

It is not believed that any fees are required with submission of this IDS. (*See* M.P.E.P. § 2202.) However, if necessary, the U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Jason A. Fitzsimmons #65,367/

Jason A. Fitzsimmons
Attorney for Patent Owner
Registration No. 65,367

Date: July 19, 2023

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Washington, D.C. 20005-3934
(202) 371-2600

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				<i>Complete if Known</i>	
				Control Number	90/019,119
				Filing Date or 371(c) Date	October 7, 2022
				First Named Inventor	FERGUSON, Bruce R.
				Art Unit	3992
				Examiner Name	LAROSE, COLIN M
Sheet	1	of	1	Attorney Docket Number	5173.001RPO0

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

Examiner initials*	Cite No. 1	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T6
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	FP1	JP H6308891 A	11-04-1994	Yoko Shimomura		✓

20588418.1

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.¹ Applicant's unique citation designation number (optional).² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible.⁶ Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Control Number	90/019,119
				Filing Date or 371(c) Date	October 7, 2022
				First Named Inventor	FERGUSON, Bruce R.
				Art Unit	3992
				Examiner Name	LAROSE, COLIN M
Sheet	1	of	1	Attorney Docket Number	5173.001RPO0

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	NPL1	Petition for <i>Inter Partes</i> Review, <i>Nintendo Co., Ltd. v. Polaris PowerLED Technologies, LLC</i> , Case No. IPR2023-00778 (P.T.A.B. March 28, 2023)	
	NPL2	Declaration of R. Jacob Baker (Exhibit 1002), <i>Nintendo Co., Ltd. v. Polaris PowerLED Technologies, LLC</i> , Case No. IPR2023-00778 (P.T.A.B. March 28, 2023)	
	NPL3	Excerpts from Philip Kerman, <i>ActionScripting in FLASH</i> (2001) ("Kerman")	
	NPL4	Excerpts from Gary Rosenzweig, <i>Using Macromedia Director 8</i> (2000) ("Rosenzweig")	

20588466.1

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.