

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION,

Petitioner

v.

OPTIMUM IMAGING TECHNOLOGIES LLC,

Patent Owner

Case IPR2024-00924

Patent No. 7,612,805

PATENT OWNER RESPONSE

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	THE '805 PATENT CLAIMS NOVEL AND NON-OBVIOUS SYSTEMS AND METHODS FOR CORRECTING ABERRATIONS IN A DIGITAL CAMERA.....	2
A.	BACKGROUND TO THE FIELD OF TECHNOLOGY	2
B.	THE '805 PATENT	4
C.	LEVEL OF ORDINARY SKILL	6
D.	CLAIM CONSTRUCTION	7
1.	“database management system” and “database”	7
III.	GROUND 1 FAILS	14
A.	OVERVIEW OF WATANABE	14
B.	CLAIM 9	19
1.	Claim 9[a].....	19
a.	“digital signal processor” (DSP).....	21
b.	“application specific integrated circuit” (ASIC)	24
c.	“database management system” (DBMS)	29
2.	Claim 9[b]	30
a.	Watanabe’s CPU 57 – not circuit 56 - executes a correction process	31
b.	Watanabe’s CPU executes distortion correction OR peripheral light intensity correction.....	35
3.	Claim 9[d]	37
4.	Claim 9[f]	37
a.	Petitioner’s proposed modifications to Watanabe fail	38

C.	CLAIM 24	41
IV.	GROUND 2 FAILS	41
A.	OVERVIEW OF RUSS	41
B.	THE PROPOSED COMBINATION OF WATANABE+RUSS	41
C.	CLAIM 1	44
1.	Claim 1[h]	45
2.	Claim 1[i]	45
a.	“user specified special effects function”	46
D.	CLAIMS 2 AND 3	50
E.	CLAIM 18	50
F.	CLAIMS 19 AND 20	50
V.	GROUND 3 FAILS	50
A.	OVERVIEW OF TAKANE	50
B.	THE PROPOSED COMBINATION OF TAKANE+WATANABE	54
1.	The proposed modification changes Takane’s principle of operation	55
2.	A POSA would not be motivated to store correction parameters in the external ROM 22 as opposed to in the correction circuits 56/58.	57
3.	Petitioner does not explain how Takane+Watanabe would work	60
4.	Laub’s deposition testimony contradicts Petitioner’s allegations	61
C.	CLAIM 9	64
1.	Claim 9[a]	64
a.	“digital signal processor” (DSP)	64
b.	“application specific integrated circuit” (ASIC)	66
c.	“database management system” (DBMS)	67

2.	Claim 9[b]	68
3.	Claim 9[d]	68
4.	Claim 9[f]	68
	d. Petitioner’s proposed modifications to Takane fail	69
D.	CLAIM 24	70
VI.	GROUND 4 FAILS	71
A.	THE PROPOSED COMBINATION OF TAKANE+WATANABE+RUSS	71
B.	CLAIM 1	72
1.	Claim 1[h]	72
2.	Claim 1[i]	73
3.	Claim 1[j]	75
C.	CLAIMS 2 AND 3	75
D.	CLAIM 18	76
E.	CLAIMS 19 AND 20	76
VII.	SECONDARY CONSIDERATIONS OF NON-OBVIOUSNESS	76
A.	LONG-FELT NEED	76
B.	CANON LITIGATION	78
VIII.	CONCLUSION	80

<u>PATENT OWNER'S LIST OF EXHIBITS</u>	
EX. 2001	RESERVED
EX. 2002	Global Dossier Patent Family for U.S. Pub. No. 20050280877 (Watanabe), accessed at https://globaldossier.uspto.gov/result/publication/US/20050280877/118382 on August 9, 2024
EX. 2003	Extract from the Register of European Patents for EP1608140 (Watanabe foreign counterpart), accessed at https://register.epo.org/application?number=EP05253548&Ing=en&tab=doclist on August 13, 2024
EX. 2004	RESERVED
EX. 2005	Written submission in preparation to/during oral proceedings, submitted during prosecution of EP1608140 on April 5, 2011
EX. 2006	RESERVED
EX. 2007	RESERVED
EX. 2008	RESERVED
EX. 2009	RESERVED
EX. 2010	RESERVED
EX. 2011	RESERVED
EX. 2012	U.S. Patent No. 8,451,339 (“the ’339 Patent”)
EX. 2013	RESERVED
EX. 2014	RESERVED

EX. 2015	Email from Petitioner's counsel to Patent Owner's counsel, dated September 4, 2024
EX. 2016	Laub Expert Declaration on U.S. Patent No. 10,873,685, originally submitted in IPR2024-00923 as EX. 1003
EX. 2017	RESERVED
EX. 2018	Laub Expert Declaration on U.S. Patent No. 8,451,339, original submitted in IPR2024-00925 as EX. 1003
EX. 2019	RESERVED
EX. 2020	Laub Deposition Transcript regarding IPR2024-00923, IPR2024-00924, and IPR2024-00925, dated February 5, 2025
EX. 2021	Printout of Website titled "Digital Photo Professional" accessed at https://en.canon-cna.com/support/consumer_products/software/digital-photo-professional.html?softwareid=tcm:257-1328049&os=all on February 24, 2025
EX. 2022	Printout of Website titled "Canon EOS Rebel T6s First Impressions Review" accessed at https://www.reviewed.com/cameras/content/canon-eos-rebel-t6s-first-impressions-review on February 24, 2025
EX. 2023	Printout of Website titled "Canon T6s Review" accessed at https://www.imaging-resource.com/PRODS/canon-t6s/canon-t6sA.HTM on February 24, 2025
EX. 2024	Printout of Website titled "Canon EOS Rebel T6s Review" accessed at https://www.pcmag.com/reviews/canon-eos-rebel-t6s on February 24, 2025
EX. 2025	Printout of Website titled "Canon T6s (EOS 760D)" accessed at https://www.kenrockwell.com/canon/t6s.htm on February 24, 2025
EX. 2026	Printout of Website titled "EOS Rebel T6s" subtitled "Overview" accessed at

	https://www.cla.canon.com/cla/en/support/consumer/cameras/eos_cameras/eos_rebel_t6s# on February 24, 2025
EX. 2027	Printout of Website titled “EOS Rebel T6s” subtitled “Specifications” accessed at https://www.cla.canon.com/cla/en/support/consumer/cameras/eos_cameras/eos_rebel_t6s#specificationsTab on February 24, 2025
EX. 2028	Canon EOS Rebel T6s Instruction Manual accessed at https://gdlp01.c-wss.com/gds/4/0300018244/04/eos-rebel_t6s-760d-im4-en.pdf on February 24, 2025
EX. 2029	Printout of Website titled “Canon DIGIC 6 Processor and New 18Mp APS-C CMOS Sensor Arrives” accessed at https://thenewcamera.com/canon-digic-6-processor-and-new-18mp-aps-c-cmos-sensor-arrives/ on February 24, 2025
EX. 2030	Printout of Website titled “Canon EOS 80D Review” accessed at https://photographic-central.blogspot.com/2017/10/canon-eos-80d-review.html#google_vignette on February 24, 2025
EX. 2031	Printout of Website titled “More About the EOS 80D (Part 2) – Technology” accessed at https://snapshot.canon-asia.com/article/eng/more-about-the-eos-80d-part-2-technology on February 24, 2025
EX. 2032	Printout of Website titled “First Impressions Review: Using the Canon PowerShot G16” accessed at https://www.dpreview.com/reviews/first-impressions-review-using-the-canon-powershot-g16#:~:text=The%20DIGIC%206%20processor%20delivers,to%20a%20lot%20of%20people on February 24, 2025
EX. 2033	Printout of Website titled “EOS Rebel T6s” subtitled “Features” accessed at https://www.cla.canon.com/cla/en/support/consumer/cameras/eos_cameras/eos_rebel_t6s#featuresTab on February 24, 2025
EX. 2034	Printout of Website titled “Technology Used in Digital SLR Cameras” accessed at

	https://global.canon/en/technology/support14.html#:~:text=When%20light%20enters%20the%20camera,data%20based%20on%20the%20signal on February 24, 2025
EX. 2035	Printout of Website titled “5 Things Made Possible with DIGIC Image Processor” accessed at https://snapshot.canon-asia.com/article/eng/5-things-made-possible-with-digic-image-processor on February 24, 2025
EX. 2036	Printout of Website titled “Settings Configured in [Camera Settings]” accessed at https://cam.start.canon/en/S003/manual/html/UG-02_CameraSetting_0020.html on February 24, 2025
EX. 2037	Printout of Website titled “2019 camera market share: Canon 45.4%, Sony 20.2%, Nikon 18.6%, Fuji 4.7%, Panasonic 4.7%” accessed at https://nikonrumors.com/2020/08/14/2019-camera-market-share-canon-45-4-sony-20-2-nikon-18-6-fuji-4-7-panasonic-4-7.aspx/ on February 24, 2025
EX. 2038	Printout of Website titled “Digital Camera Market Share 2020: Only Canon, Sony and Fujifilm Grow” accessed at https://www.fujirumors.com/digital-camera-market-share-2020-only-canon-sony-and-fujifilm-grow/ on February 24, 2025
EX. 2039	Printout of Website titled “The latest digital camera global market share (2021)” accessed at https://nikonrumors.com/2022/11/22/the-latest-digital-camera-global-market-share-2021.aspx/ on February 24, 2025
EX. 2040	Printout of Website titled “Digital Camera Market Share 2022: Canon Dominates Ahead of Sony and Nikon, Fujifilm 4 th ” accessed at https://www.fujirumors.com/digital-camera-market-share-2022-canon-dominates-ahead-of-sony-and-nikon-fujifilm-4th/ on February 24, 2025
EX. 2041	Printout of Website titled “How Canon and Sony Market Shares Display a Troubling Trend” accessed at https://www.thephoblographer.com/2024/09/23/canon-and-sony-market-shares-display-a-troubling-trend/ on February 24, 2025

EX. 2042	Printout of Website titled “Trendspotting: Canon, followed by the rest (digital camera market share 2024)” accessed at https://www.starkinsider.com/2024/09/trendspotting-canon-followed-by-the-rest-digital-camera-market-share-2024.html on February 24, 2025
EX. 2043	Canon Litigation Document – HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY
EX. 2044	Declaration of Dr. Omid Kia – HIGHLY CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY
EX. 2045	CV of Dr. Omid Kia
EX. 2046	Joint Protective Order
EX. 2047	Redlined version of the Joint Protective Order (compared to Default Protective Order)
EX. 2048	Executed Acknowledgements

I. INTRODUCTION

Petitioner challenges claims 1-3, 9, 18-20, and 24 of Patent No. 7,612,805 (“‘805 Patent”). Petition, 2. Challenged claims 1, 9, 18, and 24 are independent.

Patent Owner (“PO”) respectfully submits that Petitioner fails to meet its burden to establish obviousness for at least four reasons.

First, the Watanabe reference has many deficiencies and does not meet the limitations of the challenged claims. Petitioner also relies on the combination of Takane and Watanabe which fails for at least the same reasons. Russ does not cure these deficiencies.

Second, the proposed modifications/combinations are replete with hindsight bias. Petitioner relies on the testimony of Leonard Laub (“Laub”) who opined on what a person ordinarily skilled in the art **could** do, not what that person **would** do.

Third, both Petitioner and Laub fail to clearly explain **how** the proposed modifications/combinations are supposed to work.

Fourth, there are strong secondary considerations showing non-obviousness of the claimed inventions.

II. THE '805 PATENT CLAIMS NOVEL AND NON-OBVIOUS SYSTEMS AND METHODS FOR CORRECTING ABERRATIONS IN A DIGITAL CAMERA

A. BACKGROUND TO THE FIELD OF TECHNOLOGY

The '805 Patent claims priority to a provisional application filed July 11, 2006. EX.1001, code (60).¹

At the time of invention, a person ordinarily skilled in the art ("POSA") would understand that all digital cameras are designed to capture images by focusing light through a lens which usually includes an aperture that adjusts the amount of light reaching the sensor. EX.2044, ¶37.

A POSA would understand that the materials used to manufacture a lens affect the size, weight, price, and performance of a particular lens. EX.2044, ¶38. An image captured through a lens will have certain optical aberrations. *Id.* The nature and degree of the optical aberrations may be affected by the quality of the glass, lens coatings, and other materials used to manufacture the lens; as well as the capture settings of the camera including focal length, focusing distance, and

¹ The relevant time of invention is July 11, 2006. Neither Petitioner nor Laub identified any limitations of the claims that allegedly lack written description support. Laub did not analyze the correct time of invention. EX.2044, ¶¶34-36; EX.1003, ¶¶50, 52, 56.

aperture value. *Id.* A POSA would understand that even the highest quality and most expensive lenses are unable to capture “perfect” images and there will always be certain optical aberrations in images captured by digital cameras. EX.2044, ¶39; *see also* EX.2044, ¶¶40-41 (discussing optical versus digital aberrations).

A POSA would understand that, historically, post-production digital editing software (*e.g.*, Adobe Photoshop) was used to correct optical and digital aberrations. EX.2044, ¶42. However, as disclosed in the common specification, using post-production software was time-consuming, expensive, and requires considerable skill. *Id.*; EX.1001, 6:33-44.

A POSA would be familiar with a digital signal processor (“DSP”) generally. EX.2044, ¶43. This is a term of art and refers to a specific type of hardware component. *Id.* As discussed below, the claimed DSP must be capable of specific functionality.

A POSA would be familiar with an application specific integrated circuit (“ASIC”) generally. EX.2044, ¶44. This is a term of art and refers to a specific type of hardware component. *Id.* As discussed below, the claimed ASIC must be capable of specific functionality.

An ASIC is not an “off-the-shelf” component. EX.2044, ¶45; *contra* Petition, 14; Paper 10, 18. An ASIC is a custom designed integrated circuit, designed for a specific application as the name itself states. EX.2044, ¶45. In the

digital camera industry, ASICs are usually proprietary and specific to the camera manufacturer and for example, a product line. *Id.* The research/design/development process is complex and expensive. *Id.* A POSA would not simply take discrete circuits and stick them together to form an integrated circuit, let alone an application specific integrated circuit. *Id.*

B. THE '805 PATENT

The '805 Patent claims systems and methods that perform in-camera aberration correction using novel and non-obvious combinations of hardware and software. EX.1001, Abstract (“A system is disclosed for the automated correction of optical and digital aberrations in a digital imaging system.”)

“Though every major advance in photography has solved an important problem, there are still remaining photographic problems to be solved in order to meet the goals of *optimizing optical imaging quality* while *increasing simplicity and efficiency* and *lowering cost*.” EX.1001, 3:13-17 (emphasis added).

“The present system dramatically improves image quality. This digital imaging system eliminates, or minimizes, post-production processes. In addition, the system presents substantial cost savings as well as time savings relative to existing digital imaging systems because of the automation of integrated in-camera optical and digital corrections of aberrations.” EX.1001, 7:13-20.

The claims recite specific hardware with specific functionality. EX.2044, ¶51. The specific hardware includes, for example, a digital camera mechanism, an optical lens mechanism, a digital sensor, a microprocessor, a DSP, and an ASIC. *Id.* For example, the specification explains that “[d]igital filtration is performed by employing the **DSP hardware** as well as specific software in order to attain specific aberration corrections.” *Id.*; EX.1001, 31:1-3 (emphasis added). The specification also explains that an ASIC is hardware. EX.2044, ¶51; EX.1001, 12:2-5. This is consistent with the petition’s characterization of an ASIC as “dedicated hardware”. Petition, 12 (citing EX.1081, “Ralston”, 7:48-8:23). This is also consistent with Ralston’s characterization of an ASIC as “fixed hardware”. EX.1081, 8:5-16.

The inventor of the ‘805 Patent realized the claimed technology efficiently balances competing considerations including space, cost, time, and power in camera design. EX.2044, ¶52. As recognized by Laub, there is a balance between “cost and manufacturing efficiencies” in camera design. EX.1003, ¶111; EX.2020, 20:16-21:8. Laub testified that, for example, computation time would be considered by a POSA as a factor when designing a camera, “if there is a consideration for how quickly a finished result can be delivered.” EX.2020, 24:5-8.

In general, a POSA designing a camera would always want a smaller, less expensive, faster, and more powerful camera, but how to balance these competing

considerations is complex. EX.2044, ¶53. The claimed technology provides a novel and non-obvious solution to this problem. *Id.* In particular, the claimed in-camera aberration correction systems and methods provide an efficient distribution of the workload using the claimed hardware and software. *Id.*

C. LEVEL OF ORDINARY SKILL

In prior litigation, the district court found that a POSA would have had “an electrical engineering degree and three years of relevant experience.” EX.1027, 6. The Board should adopt the district court’s definition at least for consistency in the different forums. *See also* EX.2044, ¶¶17, 20.²

Both Petitioner and Laub ignored the district’s court’s POSA definition. Petition, 5; EX.1003, 154. Petitioner’s proposed POSA definition is unbounded regarding what constitutes a related field and unbounded regarding the amount of experience/research. EX.2044, ¶20.

² PO’s expert’s opinions do not change under either POSA definition. EX.2044, ¶20.

D. CLAIM CONSTRUCTION

Petitioner identified terms/phrases that need not be expressly construed in this proceeding. Petition, 6-7; Paper 10, 14; EX.2044, ¶¶54-58.³

1. “*database management system*” and “*database*”

PO submits that the terms “database manage system” (“DBMS”) and “database” should be given their plain and ordinary meaning in the context of the ‘805 Patent. EX.2044, ¶59.

Laub opined that a DBMS is “software used to create, store, retrieve, change, manipulate, sort, format and print... information in a database.” EX.1003, ¶172. The basic premise of Laub’s definition is generally consistent with the plain and ordinary meaning of DBMS, except that the meaning of “print” is unclear in the context of the ‘805 Patent. EX.2044, ¶60. PO does not offer Laub’s definition as an express construction for DBMS because the plain meaning is sufficient and would be understood by a POSA in the context of the ‘805 Patent. *Id.*

In the Institution Decision, the Board preliminarily interpreted claim 9 of the ‘805 Patent to equate “database management system” and “database” due to

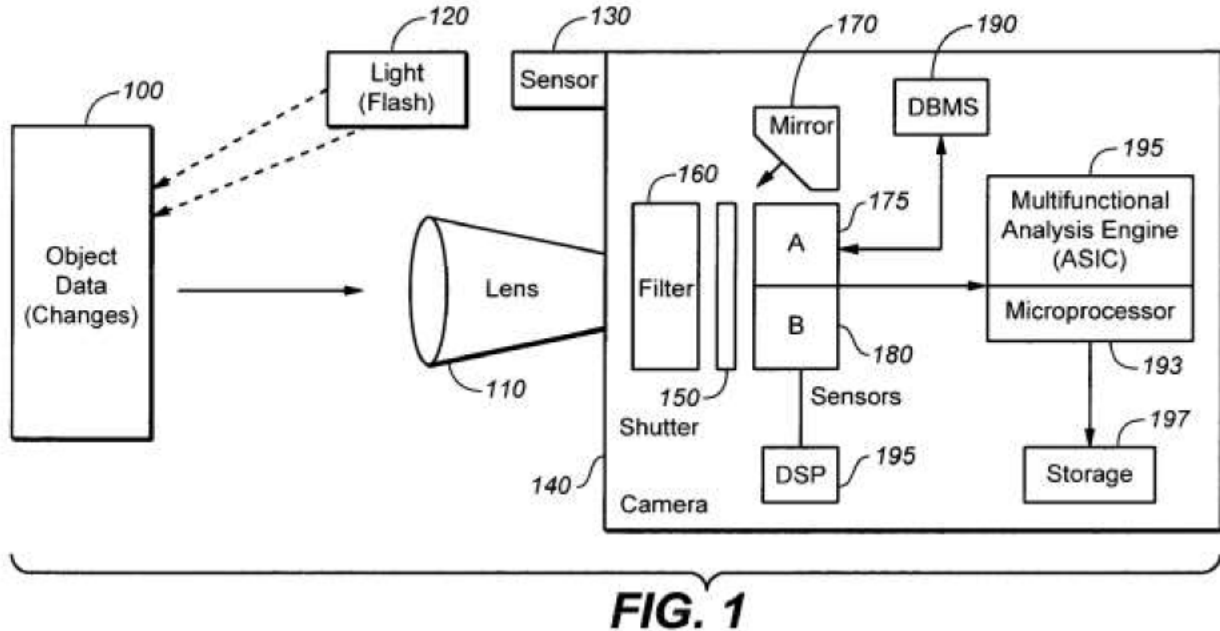
³ PO reserves all rights regarding the correct constructions for these terms/phrases.

antecedent basis. Paper 10, 21.⁴ PO addresses the Board’s preliminary analysis of claim 9 as discussed herein.

The use of the claimed DBMS/database is not merely executing code, running on a main CPU, to access a fixed look-up table of parameters as discussed herein with respect to for example Watanabe. EX.2044, ¶62. A POSA would understand that the DBMS operates in conjunction with the database as discussed herein. *Id.*

In the Institution Decision, the Board reviewed FIG. 1 of the ‘805 Patent and specifically referred to reference number 190 identifying “DBMS”. Paper 10, 3. A POSA would understand that DBMS is the acronym for database management system which operates with database 190. EX.2044, ¶63.

⁴ The Board preliminarily found that Petitioner’s contentions that “Watanabe’s tables comprise a database” and that “Watanabe describes using a database” were sufficient to meet the reasonable likelihood standard of showing that Watanabe teaches a DBMS. Paper 10, 21. PO respectfully disagrees as discussed herein.



EX.1001, FIG. 1.

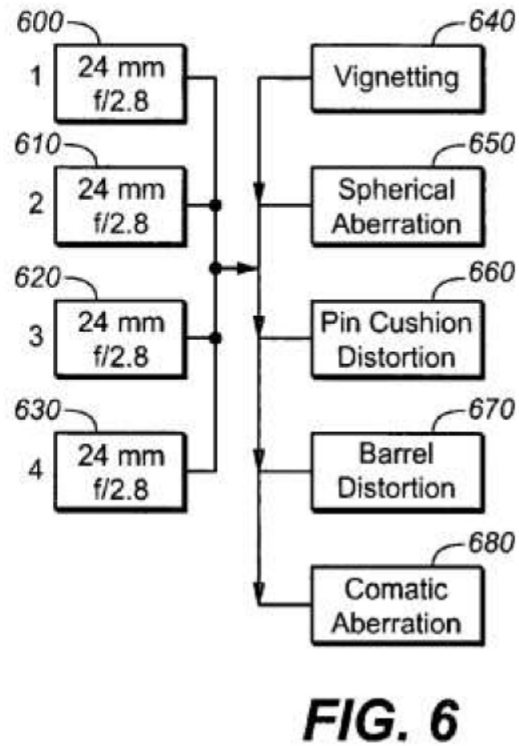
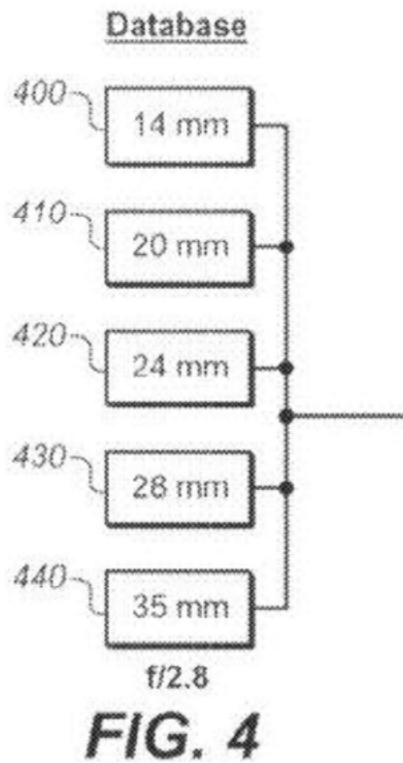
In the specification, reference number 190 describes “a database”. EX.1001, 29:65-66 (“A database (190) is connected to at least one sensor (A or B) as well.”). Although the same reference number 190 is used for DBMS in the figure and database in the description, a POSA would understand that a DBMS is used to organize/manage/update the database. EX.2044, ¶64. A POSA would understand that the DBMS and the database may be located on the same hardware component. *Id.*

The specification also describes for example:

- “[T]he camera identifies a specific lens and refers to a database that matches the lens type with the specific aberrations.” EX.1001, 10:49-51.

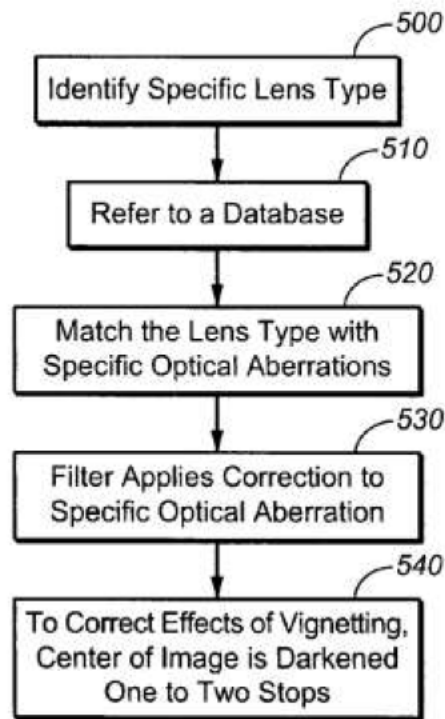
- “The in-camera digital process works by identifying a specific lens and comparing the lens pattern to an internal database.” EX.1001, 10:63-65.
- “[E]ach lens with a unique optical formula will have specific aberrations, the corrections for which will be accessible in a database.” EX.1001, 11:13-15.
- “The dynamics of correcting multiple simultaneous aberrations may be complex, but since the number and type of aberrations are constrained to a specific lens type, a centralized database may be accessed with specific corrections for each respective aberration.” EX.1001, 12:32-37.
- “For a fixed focal length lens, the camera refers to a database of information to provide information to correct specific types of aberrations; for a zoom lens, the camera's database contains multiplex information for each focal length in each respective zoom lens type.” EX.1001, 26:24-29.

FIG. 4 shows an exemplary “database” with a list of several different wide angle lenses, each with f/2.8 apertures. EX.1001, 30:38-41. FIG. 6 also shows an exemplary “database” configured for “several different types of 24 mm f/2.8 lenses (600 to 630) with different optical configurations” and the specification explains that “[t]he database is accessed to provide the multi-objective optimization solution for correcting several different optical aberrations for each specific lens formula.” EX.1001, 30:51-59.



EX.1001, FIGS. 4, 6.

FIG. 5 also shows an exemplary “digital corrective process” where “[a]fter a specific lens type is identified (500) and a database is referenced (510), the lens type is matched with the specific optical aberrations (520).” EX.1001, 30:44-47.

**FIG. 5**

The specification also describes that though multiple aberrations may be corrected simultaneously, it is possible to omit a specific correction in order to induce a particular creative effect. *See, e.g.*, EX.1001, 12:21-27.

The specification also describes the database is updatable:

- “[S]oftware files are periodically downloaded to the camera in order to update the camera settings and the database system.” EX.1001, 28:44-46.
- For example, “as the camera manufacturer provides new lenses for the camera, it becomes necessary to load new updated settings to accommodate corrections for the new lenses.” EX.1001, 28:46-49.

- As another example, “as the camera requires new software updates with improved algorithms to further optimize the corrective functions of both the optical and digital mechanisms, the camera will automatically accept these.” EX.1001, 28:49-52.

The specification explains that the updatable database is a “particularly important” feature to both the manufacturer and the user. EX.1001, 28:53-56 (“This feature is particularly important to both manufacturer and user because the ability to update software capability periodically will protect a user from needing to upgrade major hardware such as with a lens replacement.”)

Because the database may contain many different lens types (that the camera owner may utilize, add, or remove from their inventory) and many different aberration corrections for each lens type, and because the database may be used to correct multiple simultaneous aberrations, and because the database is updatable, **the database is used with a DBMS to organize/manage/update the information.** EX.2044, ¶71. This is similar to Laub’s opinion that a DBMS would be understood as being used to create, store, retrieve, change, manipulate, sort, and format information in the database. EX.1003, ¶172. This is also similar to Petitioner’s statement that “[t]he DBMS is software interfacing between an application and a database but is not itself a database.” IPR2024-00925, Petition at 18 (PTAB May 20, 2024).

The claims expressly recite a DBMS, and in context of the ‘805 Patent, a POSA would understand that the claimed database is updatable. EX.2044, ¶72.

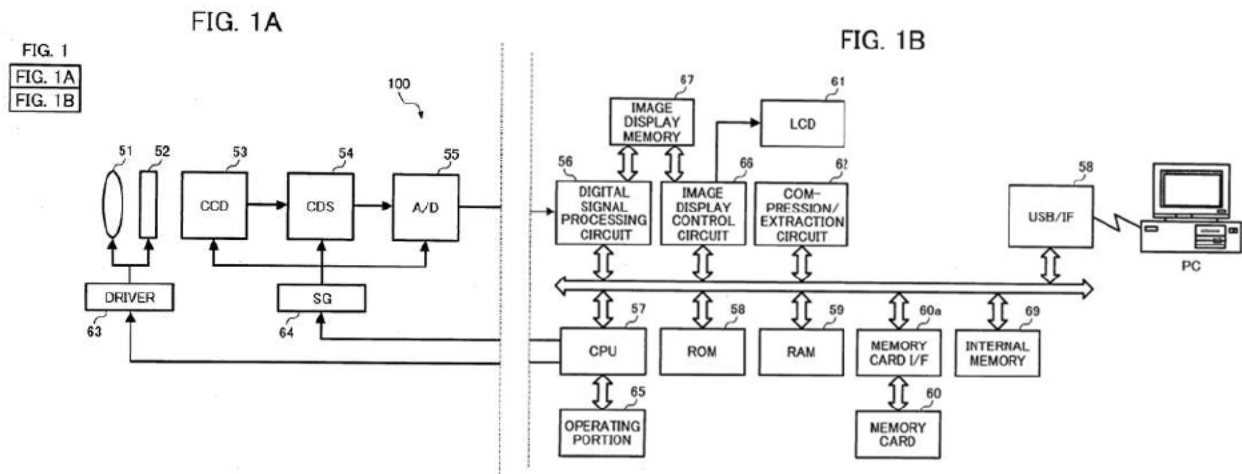
Updating the database is one of the functions performed by the DBMS. *Id.*

Using a DBMS allows flexibility, updatability, and scalability of the data in the database. EX.2044, ¶73. The claimed DBMS/database is unconventional as further discussed herein and the inventor recognized the functional benefits of the claimed DBMS/database including flexibility, updatability, and scalability as discussed herein. *Id.* A POSA reading the specification would understand that the claimed DBMS facilitates organizing/managing/updating the data in the database in a more efficient way to achieve compactness of data, without unnecessarily duplicating data in tables and increasing the memory requirements. *Id.* Furthermore, the ability to organize/manage/update a database with the DBMS allows continued efficient organization/management of data as new and/or updated data is introduced. *Id.*

III. GROUND 1 FAILS

A. OVERVIEW OF WATANABE

Petitioner relies on the first embodiment of Watanabe that is related to a “digital still camera.” EX.1005, [0040], [0042]. With respect to FIGS. 1A-1B, Watanabe discloses a digital still camera 100. EX.1005, [0035].



EX.1005, FIGS. 1A, 1B.

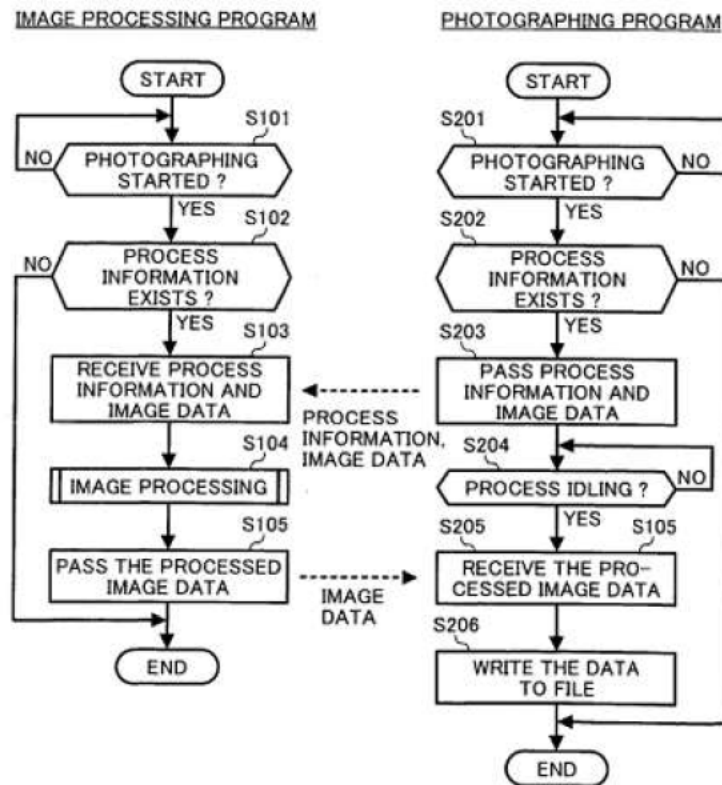
Operating portion 65 includes buttons for selecting a function by the operator, *e.g.*, a release button used at the time of photographing. EX.1005, [0041].

ROM 58 stores a control program that includes an “imaging processing program” and a “photographing program.” EX.1005, [0042].⁵ The CPU 57 executes both programs. EX.1005, [0060].

FIG. 4 of Watanabe shows the steps performed by the “imaging processing program” versus the “photographing program.”

⁵ CPU 57 “controls operation of each part of the digital still camera... by way of an [sic -a] photographing program.” EX.1005, [00042]. CPU 57 “processes image data by way of an image processing program.” *Id.*

FIG. 4



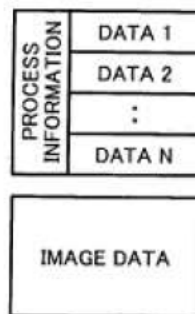
When the release button is pushed (S101 and S201), and when process information exists (S102 and S202), the image data is produced and transferred together with the process information from the photographing program to the image processing program (S103 and S203). EX.1005, [0058], [0061].

The image processing program executes an image process on the image data in accordance with the process information (S104). EX.1005, [0062].

The processed image data is then transferred from the image processing program to the photographing program (S105). EX.1005, [0062]. The processed image data is then recorded (S206). EX.1005, [0063].

With respect to FIG. 2, Watanabe explains that “various data (data 1-data N) are added to image data as process information.” EX.1005, [0046]. For example, information of a lens type, a focusing point, and a zoom position may correspond to data 1, data 2, and data 3, respectively. EX.1005, [0047], FIG. 3.

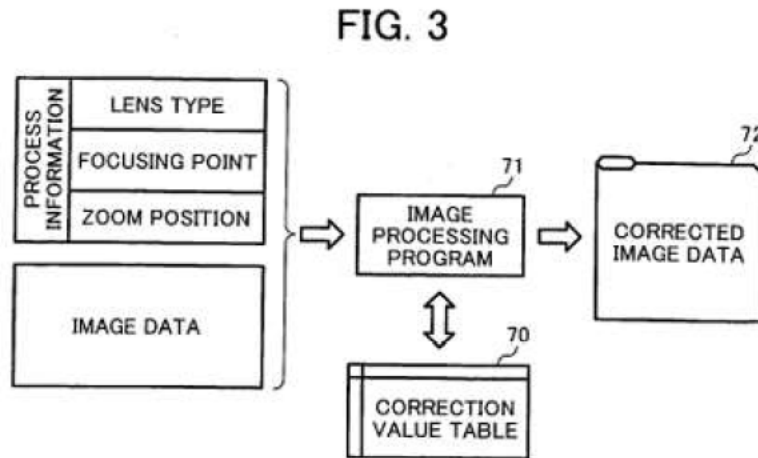
FIG. 2



With respect to FIG. 3, Watanabe discloses tables 70 with correction values, prepared in advance, for each lens type. EX.1005, [0047]. The CPU 57 determines a table according to lens type (data 1) and then determines the correction values according to the focusing point (data 2) and zoom position (data 3). EX.1005, [0047]. Thus, the image process performed by the image processing program,

discussed above with respect to FIG. 4, step 104, is selected based on data 1-data 3.

EX.1005, [0047].



In the context of Watanabe, the patentee expressly distinguished the process information of the first embodiment (identifying capture conditions) and the process information of the second embodiment (identifying aberrations). EX.1005, FIGS. 3, 6, 11, 13; EX.2005, 2-3.⁶ Watanabe teaches identification of capture conditions should be used with a look-up table (in the relied-upon first

⁶ The second embodiment of Watanabe relates to a multifunction printer 101.

EX.1005, [0067], FIG. 5. The second embodiment of Watanabe does not disclose at least the use of a DSP or a DBMS/database as claimed in the '805 Patent.

EX.2044, ¶88.

embodiment), while identification of aberrations should not use a look-up table (in the second embodiment). *Id.*

B. CLAIM 9

PO uses the same claim annotations as Petitioner for convenience of review. Petition, 77-79. PO respectfully submits that a POSA would not perform the proposed modifications as discussed herein. Petitioner is using hindsight bias.

1. *Claim 9[a]*

Petitioner relies on Watanabe's digital camera 100 of FIGS. 1A and 1B, including for example lens 51, CCD 53, A/D converter 53, CPU 57, and digital signal processing circuit 56. A POSA would understand these are hardware components of Watanabe's digital camera 100. EX.2044, ¶92. Indeed, Laub referred to this disclosure in Watanabe as "a digital camera **hardware** implementation." EX.1003, ¶130 (emphasis added).

Petitioner relies on modifications to Watanabe's disclosed digital camera 100 as discussed herein. Laub opined for example that "Watanabe does not specify how the hardware components of digital camera 100 are implemented". EX.1003, ¶149. **This is not correct.** Watanabe discloses a complete hardware diagram of digital camera 100 in FIGS. 1A and 1B. EX.2044, ¶95. A POSA would be familiar with the hardware components disclosed in Watanabe and a POSA reading Watanabe

would understand the hardware capabilities and required resources. *Id.* A POSA would have understood that modifying these hardware components would affect at least the size, weight, and power-requirements of the modified camera, as well as speed and processing capabilities of the modified camera, and a POSA cannot ignore the impact of these modifications. *Id.*

Laub opined for example that “Watanabe does not limit such a hardware implementation to discrete versus integrated components” (EX.1003, ¶131) and that “Watanabe’s schematic arrangements ... could be adapted or modified without issue” (EX.1003, ¶133). **This is not correct.** Watanabe expressly discloses discrete components. EX.2044, ¶94. Watanabe discloses the use of a simple circuit 56 with limited functionality in the context of a closed, self-contained system. EX.2044, ¶119. Laub is using hindsight bias.

Laub opined for example that “Watanabe’s hardware and processes are easily programmable to perform a multitude of different tasks”. EX.1003, ¶236 (citing EX.1005, [0038]). **This is not correct.** The cited paragraph 38 of Watanabe does not suggest that the disclosed hardware has the expanded capabilities or unlimited resources supporting Petitioner’s proposed modifications as discussed herein. EX.2044, ¶96. Each of Petitioner’s proposed modifications is hindsight. Laub also fails to show a POSA would have made the proposed modifications with a reasonable expectation of success and/or predictable results in the context of

Watanabe. EX.2044, ¶97. Just because a POSA “could” do so, in hindsight, does not show that a POSA “would” do so. Petitioner fails to meet its burden.

PersonalWeb Techs., LLC v. Apple, Inc., 848 F.3d 987, 994 (Fed. Cir. 2017);

Belden Inc. v. Berk-Tek LLC, 805 F.3d 1064, 1073 (Fed. Cir. 2015).

As discussed herein, Laub repeatedly testified that a POSA “could” perform various modifications, in hindsight, but Laub fails to explain why a POSA “would” do so upon reading Watanabe. EX.2044, ¶97. Laub fails to consider the competing considerations in camera design discussed above. *Id.* Laub also fails to explain the requisite motivation for a POSA to modify Watanabe’s system as proposed. *Id.*

a. “digital signal processor” (DSP)

Claim 9[a] recites “a digital signal processor”. Petitioner relies on Watanabe’s digital signal processing circuit 56. Petition, 10-11; Paper 10, 18.

A POSA would understand that Watanabe’s digital signal processing circuit 56 is a hardware component. EX.2044, ¶99. Interpreting a circuit to be a functional block contradicts the common understanding of a POSA of the word “circuit” which refers to hardware.⁷ *Id.* Laub testified that Watanabe’s digital signal

⁷ Laub agreed that the word “circuit” refers to an electrical or electronic circuit.

EX.2020, 31:8-18.

processing circuit 56 is a “functional block.” EX.2020, 166:3-11. **This contradicts the common understanding of a POSA.** EX.2044, ¶99. A POSA reading Watanabe would understand that the circuit 56 has limited functionality, that is just sufficient for its purpose in the context of Watanabe’s system, with certain interface requirements as dictated by the figure. *Id.* A POSA would further understand the various input and output requirements dictated by the type of data that is discussed in Watanabe. *Id.* Petitioner fails to explain that a POSA would be motivated to modify Watanabe’s circuit 56 to meet the claimed DSP. *Id.*

Laub agreed that a DSP “generally was well-known.” EX.2020, 27:7-15. Laub admitted that “the specification of the patent presumes that a person reading that patent would understand what is referred to when the phrase ‘digital signal processor’ is used.” EX.2020, 28:17-29:10. However, Laub opined that anything that processes digital signals is a DSP. EX.1003, ¶¶142, 146. Laub repeatedly confirmed during deposition that his analysis of a DSP was “anything that processes a signal in a digital manner.” EX.2020, 27:16-28:12; *see also* EX.2020, 56:14-15. **Laub’s analysis is not correct.** DSP is a term of art and refers to a specific type of hardware. EX.2044, ¶100. The claims recite DSP hardware with specific functionality. *Id.*

Petitioner fails to establish that Watanabe’s circuit 56 corresponds to a DSP as claimed. EX.2044, ¶101. For example, Petitioner fails to show that Watanabe’s

circuit 56 has flexible programming or uses software as opposed to fixed functionality hard-coded into the circuit itself. *Id.* Laub admits that a POSA would understand differences between a DSP and an ASIC based on flexible programming using software. EX.1003, ¶157. Laub testified that a “DSP is capable of being programmed in any of a variety of ways. So the DSP is flexible in terms of programs provided to it.” EX.2020, 52:15-53:11.

Petitioner states that “a DSP provides known advantages where a programmable upgrade in processing function (such as image optimization) may be desirable” and that “DSPs provide upgrade benefits as compared to ASICs based on software programming.” Petition, 12. Petitioner also states that “a POSITA would recognize that while lens aberrations were known, optimization schemes may require the flexible programming of a DSP.” *Id.*

Petitioner relies on EX. 1081 (“Ralston”) which distinguishes a DSP from an ASIC based on the flexible programming of a DSP. *See* EX.2044, ¶103; EX.1081, 7:65-8:1 (explaining software running on DSP can be modified/upgraded), 8:1-5 (explaining implementing complex, repetitive functions as software is disadvantageous due to overall processor resource and power consumption requirements), 8:5-10 (explaining ASICs as fixed hardware that reduces overall power consumption); 8:10-16 (explaining ASIC requires longer and more

expensive design cycles, includes risk of expensive product recalls if errors in fixed silicon and inability to upgrade silicon functions).

Laub stated his opinions do not address whether Watanabe's circuit 56 is capable of being flexibly programmed. EX.2020, 58:15-59:3. In view of a POSA's knowledge of a DSP, Petitioner fails to show that Watanabe's circuit 56 corresponds to the claimed DSP.

b. “application specific integrated circuit” (ASIC)

Claim 9[a] recites “an application specific integrated circuit”. Petitioner does not identify any component(s) of Watanabe allegedly corresponding to the claimed ASIC. Petition, 10-14.

During deposition, Laub would not answer whether ASIC is or is not a term of art. EX.2020, 46:15-50:10. As discussed above, ASIC is a term of art and refers to a specific type of hardware. EX.2044, ¶106. This is also consistent with the knowledge of a POSA including as described in the Ralston reference discussed above. *Id.*; *see also* EX.2044, ¶107 (discussing custom designed integrated circuit and fixed functionality hard-coded into the circuit itself).

Neither the petition nor the Laub declaration clearly identify the alleged ASIC in Watanabe. EX.2044, ¶108. During deposition, **Laub could not identify the alleged ASIC in Watanabe.** EX.2020, 76:3-77:20; 78:2-80:5; 80:17-81:11;

83:4-21. Laub confirmed that the DSP and the ASIC are not the same thing.

EX.2020, 77:21-78:1. Laub confirmed he is **not** relying on Watanabe's circuit 56 implemented in a particular way as corresponding to the claimed ASIC. EX.2020, 82:14-18. Laub confirmed he is **not** relying on Watanabe's CPU as corresponding to the claimed ASIC. EX.2020, 83:1-3. Laub confirmed it is **not** his opinion that a POSA would have implemented the CPU and DSP of Watanabe as a system-on-chip. EX.2020, 82:10-13; *see also* EX.2020, 84:6-12.

In the Institution Decision, the Board stated that “we understand that Petitioner is arguing that it would have been obvious to add an ASIC to Watanabe's system.” Paper 10, 19. However, during deposition, **Laub repeatedly confirmed he did not opine that a POSA reading Watanabe would have added an ASIC into Watanabe's system.** EX.2020, 82:19-22; 84:22-85:14.⁸

⁸ Also, Petitioner does not explain which tasks would be offloaded from the alleged DSP to the ASIC or why a POSA would do so. EX.2044, ¶118-119. Petitioner does not explain how the modified system of Watanabe would work. *Id.* Petitioner's suggestion to offload digital filtration to the ASIC also contradicts Petitioner's analysis of, for example, claim 9[f] which relies on Watanabe's circuit 56, the alleged DSP, to perform digital filtration. *Id.*

Thus, Petitioner fails to meet its burden with respect to the claimed ASIC.

See also EX.2044, ¶¶111, 120.

- i. Petitioner’s proposed modification to implement an ASIC and DSP in combination with a CPU/microprocessor fails

Petitioner alleges that “it would have been obvious to implement an ASIC and DSP in combination with a CPU/microprocessor.” Petition, 14; EX.1003, ¶160. However, Petitioner’s proposed modification is unclear at least because **Petitioner does not identify the alleged ASIC in Watanabe.** EX.2044, ¶112. Petitioner does not explain how the proposed modification would work or why a POSA would make the proposed modification. *PersonalWeb Techs.*, 848 F.3d at 994. Additionally, as noted above, Laub confirmed it is **not** his opinion that a POSA would have implemented the CPU and DSP of Watanabe as a system-on-chip. EX.2020, 82:10-13; *see also* EX.2020, 84:6-12.

During deposition, Laub repeatedly answered “no” to questions regarding what a POSA “would” do. EX.2044, ¶113. Laub explained his opinions addressed the knowledge of a POSA and what “could” be done or “would be useful”, but **not** what “would be used” in the context of a particular reference. *See, e.g.*, EX.2020, 117:1-118:9 (“POSITAs would have had several reasons to use those teachings. None of this compels the POSITA, and none of those, no specific one of those, is --

would reach to the word "would" that you have been continually using, which is why you have heard so many no's from me."); EX.2020, 131:8-20 ("these are ways that were available as choices, implementation choices, to a POSITA"); EX.2020, 137:3-19 (explaining that "'would be useful' is different from 'would be used.'"). Therefore, Petitioner fails to establish that a POSA **would have** made the proposed modifications. *PersonalWeb Techs.*, 848 F.3d at 994. Petitioner does not explain why a POSA reading Watanabe **would have** implemented an ASIC and Watanabe's CPU 57 and circuit 56 in an integrated system-on-chip. EX.2044, ¶114.

As discussed above, Watanabe discloses CPU 57 and circuit 56 as discrete components. EX.1005, [0035], FIG. 1B; EX.2044, ¶114. PO submits that a POSA would not have been motivated to implement Watanabe's CPU 57 and circuit 56 in an integrated system-on-chip. EX.2044, ¶114. A POSA would understand that a system-on-chip is usually designed for a very specific purpose. *Id.* However, Watanabe's CPU 57 and circuit 56 serve different purposes and perform multiple different functions. *Id.*

Watanabe discloses that CPU 57 "controls operation of each part of the digital still camera... by way of an [sic – a] photographing program." EX.1005, [0042]. Therefore, it would not have been obvious to implement CPU 57 and circuit 56 as a system-on-chip. EX.2044, ¶114. The CPU 57 does not only control circuit 56. *Id.* CPU 57 processes and executes programs stored in ROM and RAM.

EX.1005, [0039]. CPU 57 also controls each part of the system according to the photographing program. *Id.*, [0059]. If the proposed modification were made, the overall efficiency of the camera would be reduced as a CPU would still be required to control other functions within the camera. EX.2044, ¶114. There would be slower communication and less efficient memory sharing between CPU 57 and the other camera components. *Id.* Therefore, a POSA would not be motivated to combine Watanabe's CPU 57 and circuit 56 as an integrated system-on-chip. *Id.*

In his declaration, Laub relied on a RISC processor in an exemplary system-on-chip in Texas Instruments TMS320C8x. EX.1003, ¶¶149-150. Laub offered no opinions on whether Watanabe's CPU is a reduced instruction set (RISC) computer. EX.2020, 35:9-22. In deposition, Laub clarified that he has "made no such proposal" that the CPU of Watanabe would be a RISC processor in the proposed modification of Watanabe. EX.2020, 38:20-39:1. Laub testified that a RISC would have been known to a POSA and that a POSA "could very well have chosen to use" a RISC in order to implement Watanabe. EX.2020, 36:14-38:19. Thus, Laub testified that a POSA "could" have done so, but did not opine or explain that a POSA would have done so. EX.2044, ¶115.

Petitioner fails to explain how the alleged benefits of a system-on-chip would be applicable to Watanabe's modified system. EX.2044, ¶116. Petitioner fails to explain how the proposed modification would have been routine or within

the ordinary skill of a POSA and that a POSA would have been motivated to make the proposed modification upon reading Watanabe. *Id.* Petitioner is using hindsight bias. *Id.*

Moreover, even if a POSA were to redesign Watanabe's camera, implementing Watanabe's CPU and DSP as an integrated system-on-chip is not one of only two alternatives. EX.2044, ¶117. Petitioner is using hindsight bias. *Id.* Petitioner does not explain why a POSA would have selected this particular proposed implementation. *Id.*⁹ Petitioner does not explain how the modified system of Watanabe would work.

c. “database management system” (DBMS)

Claim 9[a] recites “a database management system”. Petitioner relies on Watanabe's control program that allows the CPU 57 to access tables 70. Petition, 15-16. Petitioner fails to establish that Watanabe's control program accessing tables 70 corresponds to the DBMS as claimed.

Watanabe's tables 70 are “prepared in advanced” and include predetermined correction values for a distortion aberration. EX.1005, [0006], [0047]. There is no

⁹ For example, Petitioner does not address the other components disclosed in Watanabe (*e.g.*, circuit 66, circuit 62, ROM 58, RAM 59). EX.2044, ¶117.

disclosure that Watanabe's control program creates, stores, changes, manipulates, sorts, formats, or prints information in tables 70 under Laub's definition of DBMS. EX.2044, ¶122. There is no disclosure that Watanabe's control program organizes/manages/updates the information in tables 70 as would be understood by a POSA. *Id.*

As discussed above, a POSA would understand that the use of the claimed DBMS/database is not merely executing code, running on a main CPU, to access a fixed look-up table of parameters as described in Watanabe. EX.2044, ¶¶123-125.

A POSA reading Watanabe would understand that tables 70 are stored in read-only memory (ROM) 58. EX.2044, ¶125; EX.1005, [0039]. Watanabe only discloses fixed tables that are prepared in advance. EX.2044, ¶125. Watanabe's tables 70 are not updatable and are not organized/managed/updated by Watanabe's control program. *Id.* For example, Watanabe does not disclose the tables can be updated for new lenses. *Id.* Watanabe highlights one of the problems the '805 Patent was designed to avoid. *Id.* For at least these reasons Watanabe fails to disclose or render obvious the claimed DBMS/database. *Id.*

2. Claim 9[b]

At minimum, Petitioner fails to meet its burden for claim 9[b] because Petitioner fails to identify the alleged ASIC and/or to address any role the alleged

ASIC would play in applying digital filtration. EX.2044, ¶¶127-128. The parties do not dispute that “using” the ASIC and the DSP as recited in claim 9[b] should have its plain meaning. Petition, 6; EX.1027, 37-39 (explaining that each of the ASIC and DSP play a role).

Petitioner relies on Watanabe’s circuit 56 as allegedly performing digital filtration to correct an optical image aberration as claimed. Petition, 17-18, 22-23. For at least the reasons discussed herein, Petitioner fails to show that Watanabe’s circuit 56 corresponds to the claimed DSP. *See infra*, section III.B.1.a.

Additionally, Petitioner’s characterization of Watanabe’s circuit 56 is incorrect. EX.2044, ¶¶129-143. A POSA reading Watanabe would understand that Watanabe’s CPU, not circuit 56, performs the aberration correction. *Id.*

a. Watanabe’s CPU 57 – not circuit 56 - executes a correction process

Watanabe expressly discloses that “CPU 57 executes... a correction process on image data...” EX.1005, [0042]. Watanabe also discloses that “RAM 59 temporarily stores data *to be processed by the CPU 57*”. EX.1005, [0039] (emphasis added).

Watanabe discloses that CPU 57 “processes image data by way of an image processing program.” EX.1005, [0042]. Watanabe further discloses that “CPU 57 executes the image processing program” including step 104 for “image processing”

shown in FIG. 4. EX.1005, [0060]; *see also* FIG. 3 (image processing program 71 accessing correction value table 70). The CPU 57 also executes step 105 to pass the processed image data to the photographing program. EX.1005, [0058], [0062].

A POSA reading Watanabe would understand that it is Watanabe's CPU 57 that performs aberration correction, not circuit 56.¹⁰ EX.2044, ¶132. Watanabe relies heavily on CPU 57 which has more functionality and more processing power, than circuit 56. *Id.* Watanabe's heavy dependence on the CPU 57 is contrary to the claimed inventions of the '805 Patent that efficiently distribute the workload by using the claimed DSP for specific functions. *Id.*

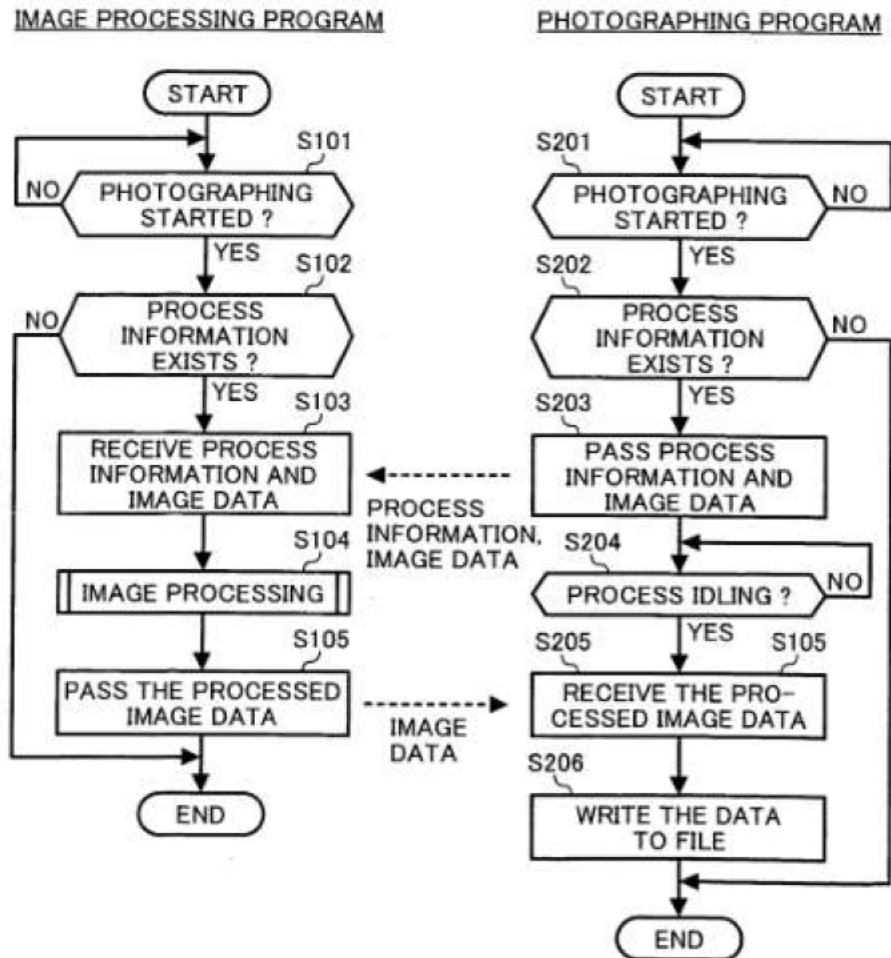
Watanabe does not disclose that circuit 56 corrects an aberration by applying digital filtration, or that circuit 56 corrects an aberration using the correction values in tables 70. EX.2044, ¶133. Watanabe does not disclose Watanabe's CPU 57 passing correction values to Watanabe's circuit 56. EX.2044, ¶134. Watanabe expressly teaches away from transmitting process data "between

¹⁰ This understanding is consistent with the second embodiment of Watanabe as well. EX.2044, ¶132. With respect to the second embodiment, Watanabe expressly discloses "the CPU 80 executes a distortion aberration correction process and a peripheral light intensity correction process according to the image correction processing program 71." EX.1005, [0070].

apparatuses” because the process becomes “complicated”. EX.1005, [0008].

Instead, Watanabe teaches the image processing program and the photographing program can be executed in a single component, the CPU 57. EX.2044, ¶134. The photographing program passes process information and image data to the image processing program (steps 103, 203), the image processing program performs image processing (step 104), and the image processing program passes the processed image data to the photographing program (steps 105, 205), **all of which is done within the CPU 57.** *Id.*; EX.1005, FIG. 4.

FIG. 4



Petitioner misinterprets Watanabe's one sentence disclosure that "the digital signal processing circuit 56 sorts out the image data inputted from the A/D converter 55 into color-difference data and brightness data, and executes various process, correction and a data process for image compressing/extracting." EX.1005, [0038]; EX.2044, ¶135. This sentence does not disclose that Watanabe's circuit 56 performs aberration correction to image data based on the process information. *Id.* Nor does this sentence disclose that Watanabe's circuit 56 obtains

correction values from tables 70. *Id.* Regardless of whatever “correction” may be performed by Watanabe’s circuit 56, there is no disclosure that circuit 56 performs the functions of the claimed DSP. *Id.*

Claim 9[b] specifically refers to correcting “the aberrations from the optical lens mechanism.” Therefore, any digital corrections that may be performed by Watanabe’s circuit 56 do not meet this claim limitation. EX.2044, ¶136 (discussing for example gamma correction and other digital corrections that may be performed).

Watanabe further confirms that it was conventional thinking to use CPU-intensive processes to perform aberration correction, which is opposite to the claimed inventions of the ‘805 Patent. EX.2044, ¶137.

b. Watanabe’s CPU executes distortion correction OR peripheral light intensity correction

Watanabe discloses two different correction processes, neither of which is performed by circuit 56, the alleged DSP.

Watanabe discloses distortion correction using a distortion rate formula. EX.1005, [0006], [0050]-[0053]. As disclosed, this distortion rate formula would not correct peripheral light intensity correction. EX.2044, ¶138.

Watanabe discloses peripheral light intensity correction based on the cosine fourth law. EX.1005, [0007], [0054]-[0056]. As disclosed, the correction based on the cosine fourth law would not correct distortion. EX.2044, ¶139.

Watanabe's distortion correction and peripheral light intensity correction are different correction processes. EX.2044, ¶¶138-139. Laub agreed that the correction values for distortion aberration correction are not the same as the correction values for peripheral light intensity correction. EX.2020, 90:15-19. A POSA reading Watanabe would understand these are different correction processes with different correction values. EX.2044, ¶¶141-142.

Watanabe discloses "an image process such as distortion aberration correction *or* peripheral light intensity correction can be executed." EX.1005, [0064](emphasis added). Watanabe discloses "a predetermined correction process" is executed "in conformity with the process information". EX.1005, [0042], [0058]. At step 104 of FIG. 4, the image processing program of Watanabe does not perform **both** distortion correction and peripheral light intensity correction. EX.2044, ¶142.

There is no disclosure in Watanabe that a hard-coded digital signal processing **circuit** 56 could perform more than one correction process. EX.2044, ¶143. The fact that Watanabe discloses two different correction processes further shows that the corrections are performed by Watanabe's CPU 57, not circuit 56. *Id.*

3. Claim 9[d]

Claim 9[d] recites “database”. Petitioner relies on Watanabe’s tables 70. Petition, 15. Watanabe describes that tables 70 are prepared in advance. EX.1005 at [0047]. As discussed above, Petitioner does not show that Watanabe’s tables 70 are updatable and a POSA would understand that the use of the claimed DBMS/database is not merely executing code, running on a main CPU, to access a fixed look-up table of parameters as described in Watanabe. EX.2044, ¶144.

4. Claim 9[f]

PO incorporates the above discussion of claim 9[b]. *See infra*, section III.B.2. Watanabe’ circuit 56 does not correct optical aberrations. EX.2044, ¶145.

Claim 9[f] recites the DSP “selects a specific procedure...”. Petitioner states that Watanabe’s CPU identifies specific corrections to the aberrations by database lookup. Petition, 20. Laub opined that “it was known to select and load algorithms from memory” and that “Watanabe’s microprocessor would ‘obtain’ the correction algorithm by accessing the database using information identifying the algorithm, then ‘forward[ing]’ the algorithm to the DSP so that it could apply the filter and correct the aberration.” EX.1003, ¶¶199-200. During deposition, Laub confirmed that the CPU performs the selection. EX.2020, 73:3-11; *see also* EX.2020, 64:5-64:19, 71:13-73:11. Thus, Petitioner fails to show that Watanabe’s circuit 56, the alleged DSP, meets claim 9[f]. EX.2044, ¶¶146-147.

Watanabe is heavily dependent on CPU-intensive processes as discussed above and for at least this reason any proposed modification to Watanabe to have Watanabe's circuit 56 perform the selection would change the principle of operation of Watanabe. EX.2044, ¶147.

a. Petitioner's proposed modifications to Watanabe fail

Petitioner fails to show how and why a POSA would modify Watanabe's circuit 56, the alleged DSP, to perform the selection.

Petitioner states that there were two known alternatives: (1) storing the algorithm as executable code in Watanabe's circuit 56 or (2) storing the algorithm in some other memory and loading the algorithm into the circuit 56 as needed. Petition, 22. **This is not correct.** There are not only "two" alternatives. EX.2044, ¶151. The algorithm could be hard-coded into the circuit. *Id.* A POSA would have understood Watanabe's circuit 56 is a hard-coded circuit. EX.2044, ¶¶149-151. A POSA would have understood that using a hard-coded circuit, such as circuit 56, provides for fast computation.¹¹ *Id.*

¹¹ Laub testified that computation time would be considered by a POSA as a factor when designing a camera, "if there is a consideration for how quickly a finished result can be delivered." EX.2020, 24:5-8.

Both proposed alternatives rely on modifications to Watanabe. EX.2044, ¶¶149-151. Watanabe does not disclose that circuit 56 includes software comprising executable code. *Id.* Watanabe does not disclose that circuit 56 is configured to access correction values tables 70. EX.2044, ¶155. There is no suggestion that a POSA would load an algorithm into circuit 56 “as needed”. EX.2044, ¶151. Even so, Laub admits that Watanabe’s CPU would select the algorithm. *E.g.*, EX.2020, 73:3-11.

Watanabe expressly distinguishes prior art “where process data need[s] to be transmitted between apparatuses” because “the process becomes complicated.” EX.1005, [0008]. Therefore, a POSA reading Watanabe would not be motivated to have Watanabe’s CPU pass process information to circuit 56; and a POSA would not be motivated to have Watanabe’s CPU 57 select correction values/algorithms and pass them to circuit 56 for processing. EX.2044, ¶151. As discussed above, the selection and processing is all done by Watanabe’s CPU 57. *Id.*

Petitioner fails to establish that Watanabe’s circuit 56, the alleged DSP, would perform the selection even if modified.

In conclusory fashion, Petitioner states that Watanabe’s circuit 56 “would ‘select’ the algorithm by accessing the database for information identifying the

algorithm (or the algorithm itself) so that it could apply and correct the aberration.” Petition at 23. This contradicts Laub’s analysis discussed above. *See, e.g.*, EX.1003, ¶¶199-200. Petitioner relies on a further modification to Watanabe and a POSA would not have been motivated to make this modification. EX.2044, ¶¶154-155. This modification changes Watanabe’s principle of operation. Petitioner does not explain how this modification would work. Petitioner fails to meet its burden.

Petitioner cites nothing in Watanabe to suggest that Watanabe’s circuit 56 has access, or is configured to access, Watanabe’s tables 70. EX.2044, ¶155. Petitioner provides no motivation for a POSA to modify Watanabe to do so. *Id.* Petitioner is using hindsight bias. *Id.* It is Watanabe’s CPU 57 that determines a table according to lens type (data 1) and determines the correction values according to the focusing point (data 2) and zoom position (data 3). EX.1005 at [0047]. As discussed above, Laub testified that Watanabe’s CPU selects the image process to perform. *See, e.g.*, EX.2020, 73:3-11. Petitioner also cites nothing in Watanabe to suggest that Watanabe’s circuit 56 has access, or is configured to access, some other memory storing filtration algorithms. EX.2044, ¶155.

C. CLAIM 24

PO incorporates the above discussion of claim 9. *See infra*, section III.B.

Petitioner fails to meet its burden at least with respect to claims 24[a], 24[b], 24[g], and 24[h]. EX.2044, ¶¶156-160.

Additionally, Petitioner's analysis is inconsistent. For claim 9[f], Petitioner argues Watanabe's circuit 56 performs the selection. Petition, 23. For claim 24[h], Petitioner argues Watanabe's CPU performs the selection. Petition, 29.

IV. GROUND 2 FAILS

A. OVERVIEW OF RUSS

Russ' textbook "presents an extensive collection of image processing tools, so that the user of computer-based systems can both understand those methods provided in packaged software, and program those additions that may be needed for particular applications." EX.1054, Introduction. Russ is nearly 700 pages of generic discussion regarding image processing. EX.2044, ¶161.

B. THE PROPOSED COMBINATION OF WATANABE+RUSS

Petitioner ignores that Russ teaches the use of an external computer to perform image processing, including the use of a fast Fourier transform. EX.2044, ¶¶162-163. For example, Russ teaches:

- "All the image processing and the creation of the resulting figures included in this book were performed on an Apple Macintosh® computer." EX.1054,

Acknowledgments.

- “When the first space probe pictures were obtained and the need for this type of correction was first appreciated, it required lengthy computations on moderate sized computers to apply them. It is now possible to implement such corrections on desktop machines in times measured in seconds, so that they can be practically applied to routine imaging needs.” EX.1054, 131.
- “With digital cameras, as discussed in Chapter 1, the normal procedure is to acquire a single image using an appropriate exposure time, and then transfer the digitized values to the computer” EX.1054, 138.
- “[I]t is much easier (and more controllable) to use a computer to perform the transform and to apply any desired masks.” EX.1054, 288.
- “It is also easier to perform measurements on the frequency-domain representation using the computer.” EX.1054, 288.
- “Considering the speed with which a spatial-domain image can be recorded, the frequency transform calculated, and interactive or automatic measurement performed, the computer is generally the tool of choice.” EX.1054, 288.

Russ does not teach in-camera aberration correction as claimed in the ‘805 Patent. Russ instead teaches the use of an external computer. Russ further teaches that the use of an external computer is easier and more controllable, making a computer the tool of choice. EX.1054, 288.

A POSA reading Russ would not be motivated to incorporate Russ’ teachings into a camera, let alone Watanabe’s camera. EX.2044, ¶165. Petitioner fails to establish that Watanabe’s system could implement the functionality discussed in the cited portions of Russ. *Id.* More specifically, Petitioner fails to

establish that Watanabe's circuit 56, the alleged DSP, could implement the functionality discussed in the cited portions of Russ. *Id.* Petitioner is using hindsight bias.

A POSA would understand that FFT-based image processing as described in Russ requires high computing power capable of performing substantial amount of arithmetic calculations. EX.2044, ¶166. A POSA would understand that Watanabe's circuit 56 is not capable of FFT-based image processing as described in Russ. *Id.*

Laub testified that he did not offer opinions incorporating specific teachings of Russ (e.g. specific filters) into Watanabe's system. EX.2020, 96:7-100:5. For example, Laub testified that "[a] POSITA, reading Watanabe in view of Russ, would see that the color-enhancement procedures detailed in Russ ***can be applied*** to the digital imaging system, and that Watanabe's color difference data ***would be useful*** in performing color enhancement." *Id.* (emphasis added). Laub expressly stated that "***'would be useful' is different from 'would be used.'***" EX.2020, 137:3-19.

Laub testified that he is **not** relying on the fact that a POSA "would" apply a particular filter as disclosed in Russ. EX.2020, 98:18-99:2; *see also* EX.2020,98:1-8 (no opinions regarding a proposed combination of Watanabe and Russ). Laub did

not explain that any of the specific procedures in Russ would be applied. EX.2044, ¶166.

Laub admitted specifically with respect to claims 2 and 3, that he reviewed the limitations and after reviewing the limitations, he then went and found that disclosure in Russ. EX.2020, 104:15-106:15. This is pure hindsight bias. EX.2044, ¶167.

Petitioner fails to explain how and why a POSA would utilize the algorithms in Russ to be implemented in a completely different system (Watanabe) than what Russ discloses. EX.2044, ¶167. Petitioner fails to establish that it would have been within the ordinary skill of a POSA to combine the references or that a POSA would have a reasonable expectation of success in doing so. *Id.* Petitioner fails to establish that the proposed combination would have yielded predictable results. *Id.* Petitioner is using hindsight bias. *Id.*

C. CLAIM 1

PO incorporates the above discussion of claim 9. *See infra*, section III.B. Petitioner fails to meet its burden at least with respect to claims 1[a], 1[c], 1[e], 1[g], 1[h], 1[i], and 1[j]. EX.2044, ¶¶169-188. Russ does not cure these deficiencies and Petitioner does not argue otherwise. *Id.*

Below, PO submits additional reasons why Petitioner fails to meet its burden in Ground 2.

1. Claim 1[h]

Petitioner does not identify the alleged ASIC in Watanabe+Russ. EX.2044, ¶173. Petitioner’s analysis for claim 1[h] does not explain how Watanabe+Russ meets this claim limitation. Petition, 34. At no point does Petitioner identify an alleged ASIC or address the role performed by any alleged ASIC. EX.2044, ¶174.

2. Claim 1[i]

There is nothing in Watanabe or Russ to suggest that Watanabe’s circuit 56, the alleged DSP, is capable of applying a FFT. EX.2044, ¶¶175-179.

Moreover, Petitioner argues that an ASIC would be used for labor-intensive operations such as FFT. Paper 10, 18-19.¹² Therefore, it is inconsistent for Petitioner to argue that the alleged DSP of Watanabe would be modified to perform

¹² Petitioner argues that “[a] POSITA understood that ASICs relieved other processing elements of an image processing system of labor intensive image processing tasks and were faster and consumed less power for repetitive tasks” while Russ explains that, for sharpening, “[t]he entire process is iterative and highly computer-intensive.” Petition, 12; EX.1054, 324.

FFT processing. EX.2044, ¶180. Petitioner fails to explain how or why a POSA would be motivated to make the proposed modification. *Id.*

Petitioner fails to establish why or how a POSA would have modified Watanabe to perform FFT generally, or modified Watanabe's circuit 56 to perform FFT specifically. EX.2044, ¶181. Petitioner fails to explain how and why modifying Watanabe's circuit 56 to perform FFT was within the ordinary skill of a POSA at least because of the processing power required for FFT. *Id.* Petitioner fails to establish that the proposed modification to Watanabe's circuit 56 would have been routine and Petitioner fails to address how the proposed modification would affect, for example, the power consumption of the modified digital camera. *Id.*

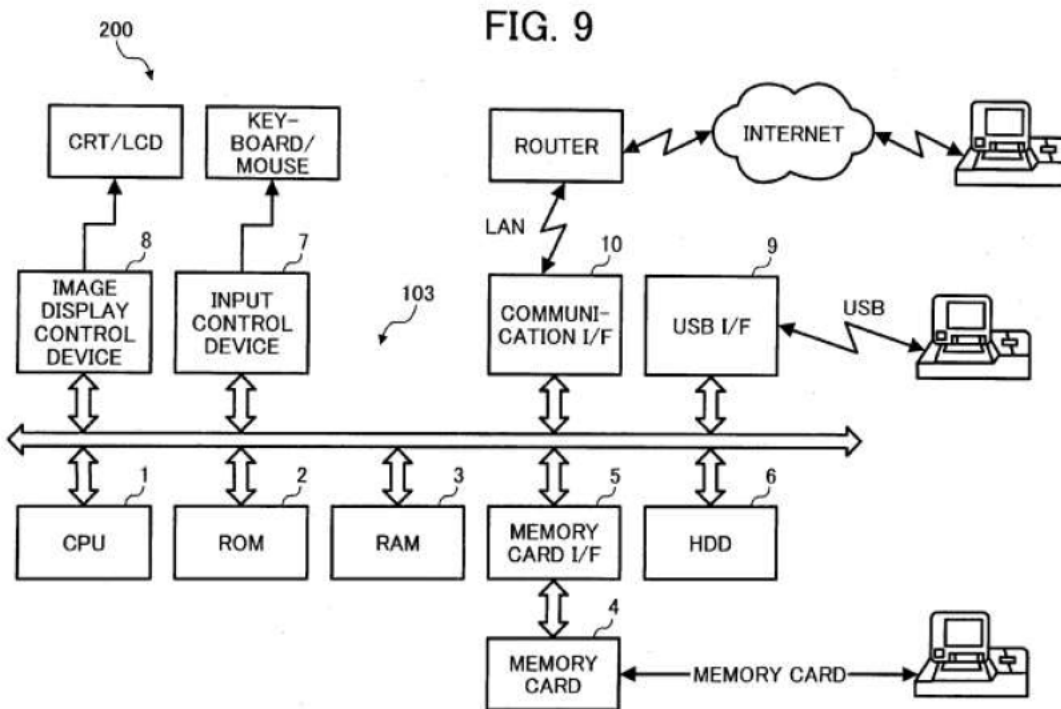
Russ does not disclose using FFT to transform a data file in order to satisfy a user specified special effects function as recited in the claims. EX.2044, ¶183. The combination of Watanabe+Russ does not meet this limitation. *Id.*

a. “user specified special effects function”

Petitioner argues that “Watanabe teaches that its processes can be implemented by a user”. Petition, 35. There is nothing in the cited portion of Watanabe at [0041] to suggest that a user can specify a special effects function in Watanabe's system using buttons in operating portion 65 to meet claim 1[i]. EX.2044, ¶183. Petitioner also cites to Watanabe at [0083]. Petition, 35. However,

this citation refers to a different embodiment of Watanabe shown in FIG. 9 below.

EX.2044, ¶183. As discussed below, the alternative embodiment of FIG. 9 does not show that Watanabe+Russ meets claim 1[i].

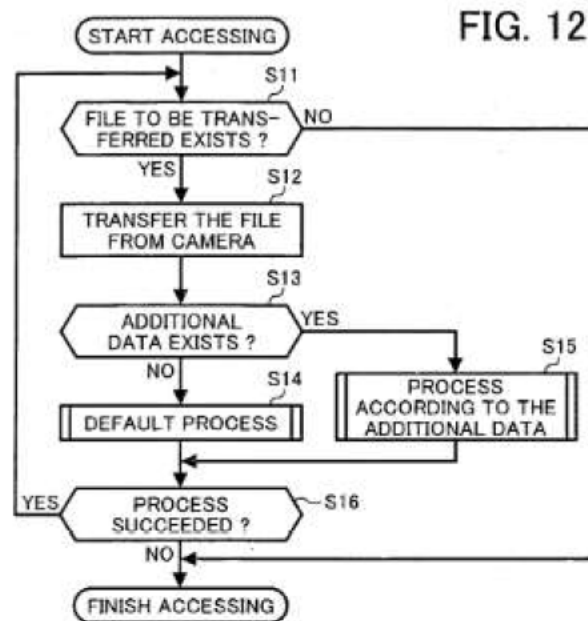


EX.1005, FIG. 9.

As disclosed, FIG. 9 describes “when an image processing apparatus loads an image from an image recording device.” EX.1005, [0081]. The image processing apparatus is “capable of transferring image data and additional data to and from a digital still camera.” EX.1005, [0082]. “[I]n this example, a personal computer as *[sic-is]* an image processing apparatus.” *Id.* FIG. 9 shows, for

example, keyboard/mouse connected to the image processing apparatus, i.e., personal computer. EX.2044, ¶184.

In this embodiment of FIG. 9, as further shown in FIG. 12, the personal computer processes the data. EX.2044, ¶185. “[T]he file is transferred from the camera, and whether additional data exist or not is confirmed in step S13, in the case no additional data exists, then a predetermined default process is executed in step S14, and in the case additional data exist, then a process according to the additional data are executed in the step S15.” EX.1005, [0091].



EX.1005, FIG. 12.

As further explained, “[i]nformation relating to a lens characteristic is stored as *additional data*, and based on this information a distortion aberration correction process and/or a peripheral light intensity correction process are performed in

accordance with the operation flow described later.” EX.1005, [0085](emphasis added). FIG. 11 shows “a case where a lens characteristic, a focusing point and a zoom position at the time of recording are treated as additional information.” EX.1005, [0090].¹³

Thus, in this alternative embodiment of FIG. 9, the user may enter “additional data” such as the focusing point and a zoom position at the time of recording. EX.2044, ¶187. This disclosure relates to a different embodiment of Watanabe. *Id.* The processing is performed by the external computer and this disclosure does not show that Watanabe+Russ meets claim 1[i]. *Id.*

¹³ FIG. 13 shows a second example of additional data “where a correction value and a process type of correction for an image are treated as additional information.” EX.1005, [0092]. The process type is distortion aberration correction or peripheral light intensity correction. EX.2044, ¶186. As discussed above regarding the second embodiment of Watanabe, this type of process information does not use a look-up table. EX.2044, ¶186.

D. CLAIMS 2 AND 3

PO incorporates the above discussion of claim 1. *See infra*, section IV.C. Laub admitted to using hindsight bias in his analysis of claims 2 and 3. EX.2020, 104:15-106:15. Petitioner fails to meet its burden. EX.2044, ¶¶189-192.

E. CLAIM 18

PO incorporates the above discussion of claim 1. *See infra*, section IV.C. Petitioner fails to meet its burden at least with respect to claims 18[a], 18[b], 18[c], 18[e], 18[f], 18[h], and 18[i]. EX.2044, ¶¶193-200. Russ does not cure these deficiencies and Petitioner does not argue otherwise. *Id.*

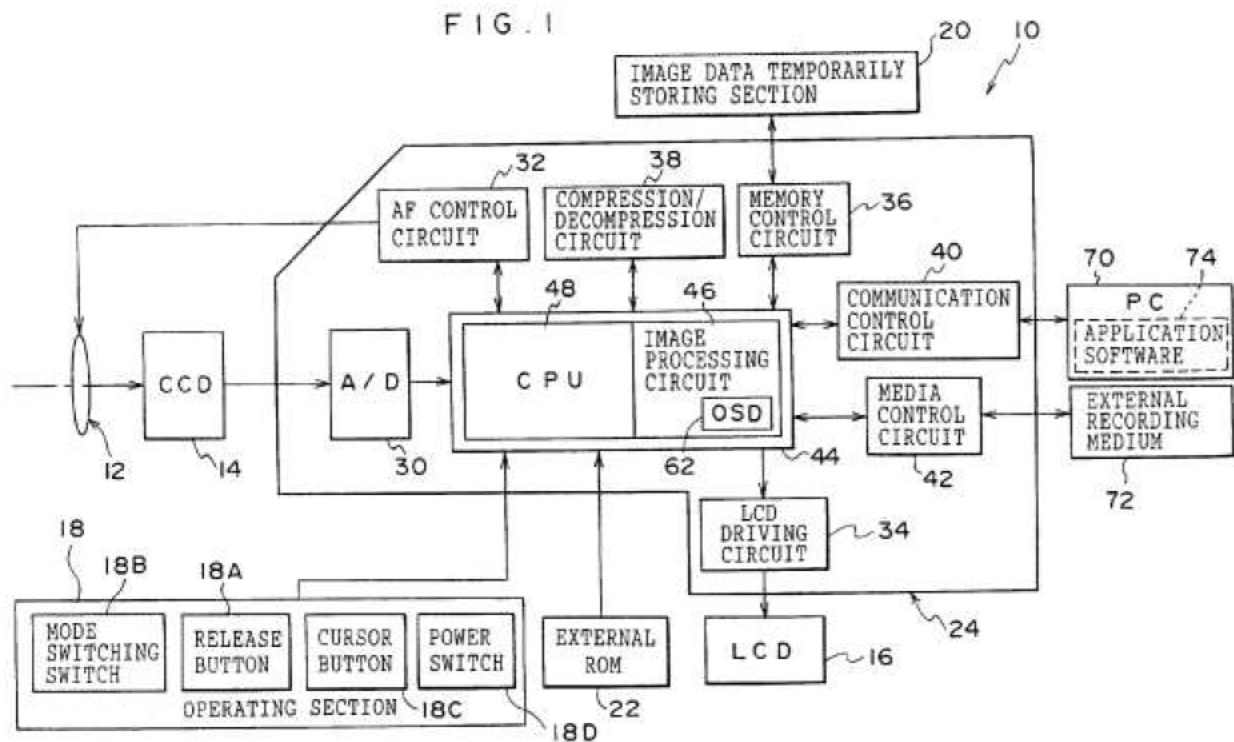
Additionally, Petitioner's analysis for claim 1[g] (DSP selection) and claim 18[f] (microprocessor selection) is inconsistent as discussed above. Petition, 23, 33, 42.

F. CLAIMS 19 AND 20

PO incorporates the above discussion of claims 2 and 3. *See infra*, section IV.D. Petitioner fails to meet its burden. EX.2044, ¶¶201-202.

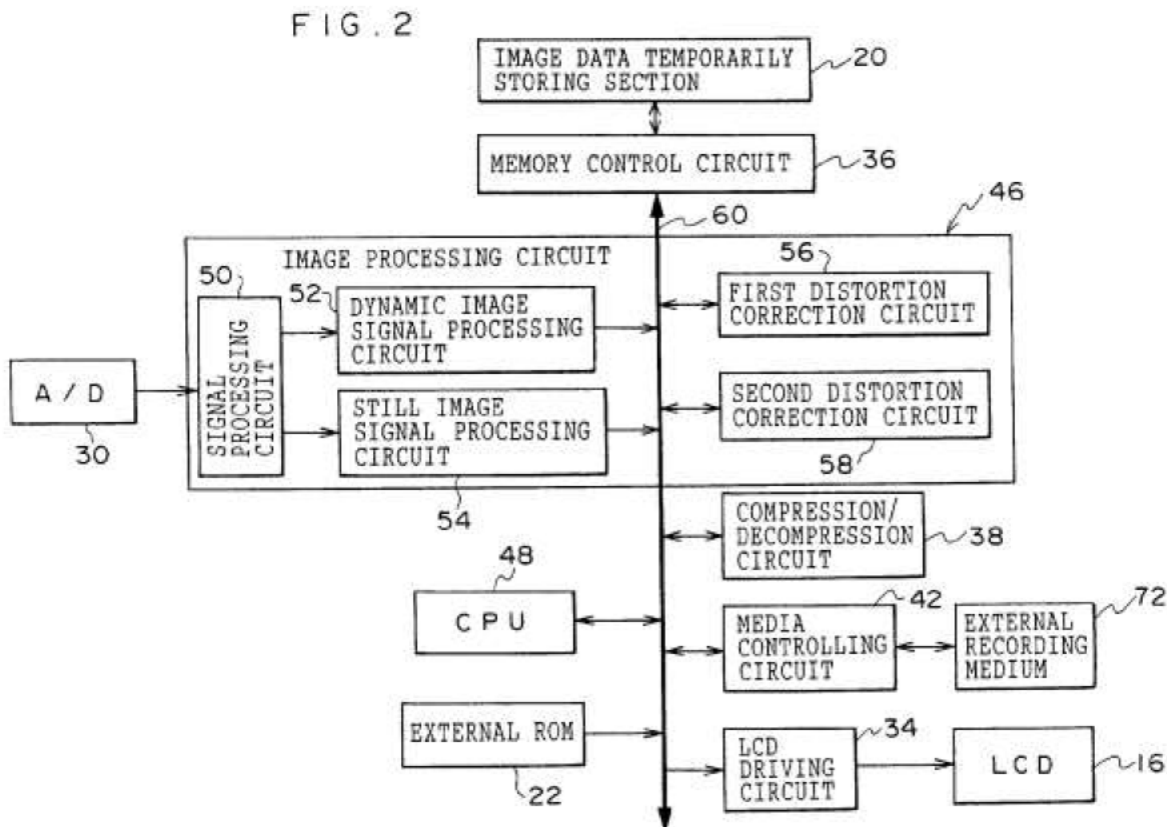
V. GROUND 3 FAILS**A. OVERVIEW OF TAKANE**

Takane's FIG. 1 shows a digital camera 10 including image processing circuit 46.



EX.1009, FIG. 1

Takane's imaging processing circuit 46 is further shown in FIG. 2:



EX.1009, FIG. 2

Takane discloses the signal processing circuit 50 inputs digital image data from the A/D converter, processes the data, *e.g.*, white balance adjustment, gamma correction, sharpness correction, and converts the RGB data into a YC signal.

EX.1009, [0044]. The output of circuit 50 is connected to the dynamic image signal processing circuit 52 and the still image signal processing circuit 54.

EX.1009, [0044]-[0045]. The signal processing circuit 52/54 converts the gradation such that the image size becomes a predetermined image size set in advance.

EX.1009, [0047]. Then, the data is input to the first distortion correction circuit 56 or the second distortion correction circuit 58. EX.1009, [0053].

Takane expressly distinguishes the functionality of the first distortion correction circuit 56 from the second distortion correction circuit 58.

The first distortion correction circuit 56 can carry out processing at a low correction accuracy. EX.1009, Abstract, [0061], [0115]. The first distortion correction 56 carries out processing when the release button 18A is depressed halfway for a “preview display.” EX.1009, [0091], [0117].

“The correction accuracy is intentionally lowered, and the processing time can be shortened and the circuit structure of the first distortion correction circuit 56 can be made simple.” EX.1009, [0061]. For example, in the described embodiment, “only the distortion in the horizontal direction is corrected at the first distortion correction circuit 56.” EX.1009, [0062]; *see also* EX.1009, [0080], [0102].

The second distortion correction circuit 58 can carry out processing at a high correction accuracy. EX.1009, Abstract. The second distortion correction 58 carries out processing when the release button 18A is fully depressed at the time of “actual photographing.” EX.1009, [0092], [0117].

The parameters stored in the second distortion correction circuit 58 give priority to the quality of each image and provide a high correction accuracy.

EX.1009, [0063]. Unlike the first distortion circuit 56, the second distortion circuit 58 will correct optical distortion in both the horizontal and vertical directions.

EX.1009, [0094].

B. THE PROPOSED COMBINATION OF TAKANE+WATANABE

In the proposed combination of Takane+Watanabe, Petitioner alleges that Takane would be modified to store the correction parameters in a table in Takane's ROM 22 and that Takane's software would retrieve the correction parameters and load them into the distortion correction circuits at the time of image capture.¹⁴

Petition, 47-48, 52; EX.2044, ¶¶215-217. A POSA would not have been motivated to modify Takane based on the teachings of Watanabe as proposed. *Id.*

Petitioner relies on Takane's digital camera shown in FIGS. 1 and 2, including for example lens 12, CCD 14, A/D converter 30, CPU 48, and image processing circuit 46. A POSA would understand these are hardware components of Takane's digital camera 10. EX.2044, ¶211.

Laub opined that "Takane does not describe how distortion correction circuits 56 or 58 are implemented." EX.1003, ¶312. **This is not correct.** Takane

¹⁴ Petitioner expressly states that in Takane+Watanabe, "Takane is modified...".

Petition, 47.

discloses complete hardware diagrams in FIG. 1 and FIG. 2. EX.2044, ¶212. A POSA would be familiar with the hardware components disclosed in Takane and a POSA reading Takane would understand the hardware capabilities and required resources. *Id.* A POSA would have understood that modifying these hardware components would affect at least the size, weight, and power-requirements of the modified camera and a POSA cannot ignore the impact of these modifications. *Id.*

Laub opined that “Takane leaves the camera’s data storage and retrieval techniques to the implementer.” EX.1003, ¶284. **This is not correct.** Takane expressly discloses that the correction parameters are set in advance and stored in the correction circuits 56/58 themselves. EX.1009, [0054],[0059]; EX.2044, ¶219.

The proposed modification would change Takane’s principle of operation. Takane teaches storing correction parameters in circuits 56 and 58 and does not use a separate table as disclosed in Watanabe. EX.2044, ¶¶220-221. A POSA would not be motivated to modify Takane based on Watanabe as proposed. *Id.* Storing the parameters in tables in Takane’s ROM 22 would be inefficient and change Takane’s principle of operation. *Id.*

1. The proposed modification changes Takane’s principle of operation

Petitioner agrees that Takane discloses polynomial coefficients (correction parameters). Petition, 45. As discussed herein, Takane expressly discloses that the

correction parameters are “stored in advance” in the correction circuits 56/58 themselves. EX.1009, [0054] (“Parameters expressing a polynomial... are stored in advance in each of the first distortion correction circuit 56 and the second distortion correction circuit 58.”), [0059] (“[T]he parameters... are set in advance...”); EX.2044, ¶228.

Takane teaches away from storing the correction parameters in a separate table, and modifying Takane to store the correction parameters in a separate table would change Takane’s principle of operation. EX.2044, ¶225.

Takane expressly teaches away from prior art that uses a table of correction amounts that require a large storage capacity, which reduces the work region and increases costs. EX.1009, [0007]. Takane also distinguishes prior art that stores the correction parameters (the coefficients of the polynomial) in a separate table. EX.1009, [0008]. Takane instead teaches storing the correction parameters in the correction circuits 56/58 in advance. EX.2044, ¶222. Therefore, Petitioner’s proposed combination of Takane+Watanabe changes Takane’s principle of operation. EX.2044, ¶229.

A POSA would understand that because the correction parameters are stored in the circuits 56/58 “in advance”, the correction parameters are stored in the circuits 56/58 before the time of image capture. EX.2044, ¶¶217-218. For example, a POSA reading Takane would understand that the image size and/or focal length is

designated by the user in advance, before the time of image capture, and the correction parameters are stored in the correction circuits 56/58 in advance, before the time of image capture. EX.2044, ¶218. The correction parameters are selected based on the designated image size and/or focal length. EX.2044, ¶218; EX.1009, [0060].

Takane discloses that the user can designate/set various image capture parameters such as image size or focal length before the time of image capture. EX.2044, ¶¶226-227; EX.1009, [0034] (“a cursor button 18C operated in order to set various parameters”), [0047] (“a predetermined image size set in advance”), [0048] (“a predetermined image size which is set in advance”), [0049] (“an image size designated by the photographer in advance”). These image capture parameters are different from the correction parameters (polynomial coefficients) used by distortion correction circuits 56/58. *Id.*

2. A POSA would not be motivated to store correction parameters in the external ROM 22 as opposed to in the correction circuits 56/58.

Takane’s ROM 22 is described as an external ROM. EX.1009, FIG. 1, [0052]. Takane discloses “an external ROM 22 in which various programs, parameters, conversion tables and the like are stored in advance.” EX.1009, [0033]. However, the parameters stored in Takane’s ROM 22 are **not** the correction

parameters stored in the correction circuits 56/58. EX.2044, ¶230. The parameters stored in Takane's ROM 22 relate to image capture parameters. *Id.*

For example, Takane explains the ROM 22 stores bitmap data “in advance” to be “superposed” on the subject and displayed on the LCD 16. EX.1009, [0070], [0071]. These image capture parameters do relate to image processing, but the image capture parameters are not the same as the correction parameters stored in circuits 56/58. EX.2044, ¶230. For example, focal length is an image capture parameter and the focal length may be “superposed” on the image. EX.2044, ¶230; EX.1009, [0090]. Further, focal length is an image capture parameter and the correction parameters are selected based on the focal length. EX.2044, ¶230; EX.1009, [0060].

Instead of using the external ROM 22 to store correction parameters, Takane explains that correction parameters are set in advance and stored in the correction circuits themselves. EX.2044, ¶231; EX.1009, [0054].

Petitioner argues a POSA would be motivated to use external ROM 22 for “simplified and streamlined access.” Petition, 47. However, Takane's correction parameters are already stored in circuits 56 and 58 and moving the correction parameters to an external ROM would **not** provide simplified and streamlined access for circuits 56 and 58. EX.2044, ¶232.

A POSA would understand that storing the parameters in tables in Takane's ROM 22 would require more processing power, more memory space, increase costs, and be highly inefficient. EX.2044, ¶223. A POSA would not be motivated to make the proposed modifications. *Id.* Petitioner is applying hindsight bias using the claims of the '805 Patent as a roadmap. *Id.*

Laub testified that, for example, computation time would be considered by a POSA as a factor when designing a camera, "if there is a consideration for how quickly a finished result can be delivered." EX.2020, 24:5-8. **A POSA reading Takane would understand that storing the correction parameters in the circuits 56/58 speeds up computation time.** EX.2044, ¶224. A POSA reading Takane would not be motivated to slow down computation time. *Id.* Takane repeatedly refers to speed as a consideration. *See, e.g.,* EX.1009, [0012], [0014], [0015], [0016], [0017]; [0021], [0022], [0061], [0062].

To the extent Petitioner is suggesting to add additional correction parameters or additional correction algorithms to Takane based on the teachings of Watanabe, that is not clearly set forth in the petition. Even so, a POSA reading Takane would not be motivated to add additional correction parameters or additional correction algorithms for processing by the first distortion correction circuit 56, the alleged DSP. EX.2044, ¶¶233-234. Takane's first distortion correction circuit 56 purposefully uses fewer parameters and provides lower accuracy. *Id.*

3. *Petitioner does not explain how Takane+Watanabe would work*

Petitioner also does not clearly specify the alleged “database” and DBMS teachings of Watanabe that would be incorporated into Takane. For example, Petitioner does not explain how Watanabe’s process information would be used with respect to Takane’s correction parameters. EX.2044, ¶¶235-236.

Watanabe discloses a photographing program that appends the process information (lens type, focusing point, zoom position) to the image data and an image processing program that determines a table and then a correction value. *Id.* Takane does not disclose separate imaging processing versus photographing programs, the transfer of process information, or the reference to tables for correction values. *Id.* Instead, Takane simply stores correction parameters in Takane’s correction circuits 56/58. *Id.*

Petitioner does not explain how the alleged DBMS/database teachings of Watanabe would be incorporated into Takane’s system or how Takane+Watanabe would work. Petitioner fails to meet its burden. *PersonalWeb Techs.*, 848 F.3d at 994.

A POSA would not have been motivated to make the proposed modifications for at least the reasons discussed herein. *Id.* Petitioner also fails to establish that it would have been within the ordinary skill of a POSA to combine the references’

teachings or that a POSA would have a reasonable expectation of success in doing so. EX.2044, ¶238. Petitioner fails to establish that the proposed combination would have yielded predictable results. *Id.* Petitioner is using hindsight bias. *Id.*

4. Laub's deposition testimony contradicts Petitioner's allegations

In view of Laub's deposition testimony, the proposed combination of Takane+Watanabe is not supported and not explained. EX.2044, ¶247. Petitioner fails to show a rational basis for the proposed modification and Laub's deposition testimony directly contradicts the allegations in the petition. *Id.* Laub could not explain the proposed modification or the motivation for the proposed modification during deposition. *Id.* Both Petitioner and Laub fail to show that a POSA would have been motivated to make the combination as proposed. *Id.*

During deposition, Laub testified that he has “not proposed a modification” to Takane. EX.2020, 109:9-12. When questioned if Laub is relying on a modified system of Takane based on Watanabe's teachings of a database, Laub answered “that is wrong”. EX.2020, 138:15-19. **This testimony directly contradicts the petition.** Petition, 47 (“Takane is modified with the table teachings of Watanabe ...”).

Laub appears to suggest that a POSA would use Watanabe's teachings to “implement” – “not modify” – storing parameters in tables comprising a database.

EX.2020, 111:4-12; *see also* EX.2020, 117:8-9 (“It’s not a modification; it is a – an implementation”). **However, Laub could not explain the proposed “implementation.”** EX.2044, ¶240.

Laub testified that Takane+Watanabe does not store the correction parameters in Takane’s ROM 22. EX.2020, 114:19-115:3. **This testimony directly contradicts Laub’s declaration.** EX.1003, ¶293 (“Thus in Takane in view of Watanabe, Takane’s system uses Watanabe’s tables (database) to organize and store parameters for optical distortion correction for each image size, lens, focal length, and zoom position in Takane’s ROM 22.”). When asked if the parameters are not stored in Takane’s ROM 22, Laub acknowledged that was a contradiction of paragraph 293 of his declaration. EX.2020, 115:13-18.

Laub refused to answer whether in Takane+Watanabe, the parameters “would” be stored in Takane’s ROM 22. EX.2020, 115:19-22, 116:1-118:9. **Laub fails to support that a POSA would be motivated to make the modification proposed in the petition.** EX.2044, ¶242.

Laub confirmed it is not his opinion that a POSA would modify Takane to store correction parameters in Takane’s ROM 22 instead of the circuits themselves. EX.2020, 109:4-8, 110:6-112:3. Laub testified that Takane+Watanabe does not store the correction parameters in Takane’s ROM 22 in addition to storing those

parameters in Takane's circuits 56/58. EX.2020, 114:4-9. **Again, Laub could not explain the proposed "implementation".** EX.2044, ¶243.

Laub's inconsistent testimony fails to support Petitioner's reliance on Takane+Watanabe. EX.2044, ¶244. Laub could not explain the proposed modification to Takane in Takane+Watanabe. *Id.* Laub could not confirm where the correction parameters are stored in Takane+Watanabe. *Id.* Laub could not explain why a POSA would be motivated to change the principle of operation of Takane, given that Takane expressly teaches storing the correction parameters in the circuits themselves. *Id.*

Laub testified that Watanabe's database "is something that *could* be used by a POSITA as a way to implement Takane." EX.2020, 118:5-7 (emphasis added). However, Laub did not opine that a POSA "would" have done so. Laub testified that "none of this [knowledge] compels the POSITA, and none of those, no specific one of those [teachings]... would reach to the word 'would' that you have been continually using, which is why you have heard so many no's from me". EX.2020, 117:1-118:9. **Laub fails to support that a POSA would be motivated to make the modification proposed in the petition.** EX.2044, ¶246.

C. CLAIM 9

1. Claim 9[a]

a. “digital signal processor” (DSP)

Throughout the analysis of claim 9, it is clear that Petitioner is relying on Takane’s first distortion correction circuit 56 as allegedly corresponding to the claimed DSP. Petition, 52 (analyzing 9[a]), 53-57 (analyzing 9[b]), 59 (analyzing 9[f]), 60-61 (analyzing 9[i]). Laub confirmed in deposition that he is relying on Takane’s first distortion correction circuit 56 as corresponding to the claimed DSP. EX.2020, 127:11-20.

A POSA would understand that Takane’s circuit 56 is a hardware component. EX.2044, ¶250. Interpreting a circuit to be a functional block contradicts the common understanding of a POSA of the word “circuit” which refers to hardware.¹⁵ *Id.*

Laub agreed that a DSP “generally was well-known.” EX.2020, 27:7-15. Laub admitted that “the specification of the patent presumes that a person reading that patent would understand what is referred to when the phrase ‘digital signal processor’ is used.” EX.2020, 28:17-29:10. However, Laub opined that any of

¹⁵ Laub agreed that the word “circuit” refers to an electrical or electronic circuit. EX.2020, 31:8-18.

Takane's circuits that process digital signals could be regarded as DSPs. EX.1003, ¶310.¹⁶ **This is not correct.** DSP is a term of art and refers to a specific type of hardware. EX.2044, ¶251. The claims recite DSP hardware with specific functionality. *Id.*

Petitioner fails to establish that Takane's circuit 56 corresponds to a DSP as claimed. EX.2044, ¶251. For example, Petitioner fails to show that Takane's circuit 56 has flexible programming or uses software as opposed to fixed functionality hard-coded into the circuit itself. *Id.* As discussed above, Petitioner, Laub, and EX.1081 ("Ralston") distinguish a DSP from an ASIC based on the flexible programming of a DSP. EX.2044, ¶¶251-254; Petition, 12; EX.1003, ¶¶157, 319; EX.2020, 52:15-53:11; EX.1081, 7:65-8:16. Neither Petitioner nor Laub addressed whether Takane's circuit 56 is capable of being flexibly programmed. EX.2044, ¶255. In view of a POSA's knowledge of a DSP, Petitioner fails to show that Takane's circuit 56 corresponds to the claimed DSP. *Id.*

Indeed, Takane expressly discloses that for the circuit 56, "[t]he correction accuracy is intentionally lowered, and the processing time can be shortened and the

¹⁶ Laub repeatedly confirmed during deposition that Petitioner's analysis of a digital signal processor was "anything that processes a signal in a digital manner." EX.2020, 27:16-28:12; *see also* EX.2020, 56:14-15.

circuit structure of the first distortion correction circuit 56 can be made *simple*.”

EX.1009, [0061] (emphasis added). For at least this additional reason, Petitioner fails to show that Takane’s circuit 56 corresponds to the claimed DSP. EX.2044, ¶256.

b. “application specific integrated circuit” (ASIC)

Petitioner does not clearly identify the component(s) of Takane that allegedly corresponds to the claimed ASIC. Petition, 49-52. It is not clear if Petitioner is relying on the disclosure of Takane or suggesting to add an ASIC to the proposed combination of Takane+Watanabe. EX.2044, ¶257.

During deposition, Laub could not identify which component was relied upon in Takane+Watanabe as the claimed ASIC. EX.2020, 121:7-126:4. Laub could not confirm whether he was relying on Takane’s main controlling section 24 implemented as a one-chip LSI or whether he was relying on Takane’s image processing circuit 46. *Id.* Therefore, Petitioner fails to establish that Takane discloses the claimed ASIC.¹⁷ EX.2044, ¶258.

¹⁷ This lack of clear identification is also particularly relevant to claim 1[h] and claim 18[c] discussed below.

Laub confirmed he was relying on Takane as disclosed. EX.2020, 121:12-122:12. **Thus, Laub is not suggesting a POSA would add an ASIC to Takane+Watanabe.** EX.2044, ¶259.¹⁸

For at least these reasons, Petitioner fails to show that Takane+Watanabe discloses or renders obvious the claimed ASIC. EX.2044, ¶261.

c. “database management system” (DBMS)

Petitioner relies on Watanabe’s DBMS teachings in Takane+Watanabe. Petition, 52-53. PO incorporates the discussion of claim 9[a] and the alleged DBMS in Watanabe in Ground 1 herein. *See infra*, section III.B.1.

PO disagrees with Petitioner’s allegations regarding Takane+Watanabe for at least the reasons discussed above regarding the proposed combination of

¹⁸ Also, Petitioner does not explain which tasks would be offloaded from the alleged DSP to the ASIC or why a POSA would do so. EX.2044, ¶260. Petitioner does not explain how the modified system of Takane+Watanabe would work. *Id.* Petitioner’s suggestion to offload digital filtration to the ASIC also contradicts Petitioner’s analysis of, for example, claim 9[f] which relies on Takane’s circuit 56, the alleged DSP, to perform digital filtration. *Id.*

Takane+Watanabe. EX.2044, ¶264. Takane expressly discloses that the correction parameters are stored in advance in Takane's circuit 56. EX.1009, [0054].

2. Claim 9[b]

Petitioner relies on Takane's first distortion correction circuit 56 as allegedly correcting optical distortion. Petition, 53. Petitioner fails to identify the alleged ASIC in Takane+Watanabe and Petitioner also fails to address any role the alleged ASIC would play in applying digital filtration. EX.2044, ¶¶265-267.

3. Claim 9[d]

Petitioner relies on Watanabe's database teachings in Takane+Watanabe. PO incorporates the discussion of claim 9[d] and the alleged database in Watanabe in Ground 1 herein. *See infra*, section III.B.3.

PO disagrees with Petitioner's allegations for at least the reasons discussed above regarding the proposed combination of Takane+Watanabe. EX.2044, ¶269. Takane expressly discloses that the correction parameters are stored in advance in Takane's circuit 56. EX.1009, [0054].

4. Claim 9[f]

PO disagrees with Petitioner's allegations for at least the reasons discussed above regarding the proposed combination of Takane+Watanabe. EX.2044, ¶270.

Takane expressly discloses that the correction parameters are stored in advance in Takane's circuit 56. EX.1009, [0054].

Petitioner argues that Takane's microprocessor executes software that identifies correction parameters and that that Takane's software selects "optimal parameters" for a particular lens, at a particular focal length. Petition, 55-56, 59, 64-65.

Petitioner fails to show that Takane's circuit 56, the alleged DSP, performs selection as recited in the claims. EX.2044, ¶¶271-272. Petitioner is relying on a modification of Takane. *Id.* Petitioner's proposed modification changes the principle of operation of Takane. *Id.*

d. Petitioner's proposed modifications to Takane fail

Petitioner fails to show how and why a POSA would modify Takane's circuit 56, the alleged DSP, to perform the selection.

Petitioner alleges there are two known alternatives (1) storing the algorithm as executable code in the DSP or (2) storing them in other memory and loading them into the DSP as needed. Petition, 58. For at least the reasons discussed above regarding claim 9[f] in Ground 1, there are not only two alternatives. *See infra*, section III.B.4.

Takane's correction parameters (the coefficients of the polynomial) are used in a hard-coded algorithm in the circuit. EX.2044, ¶275-278. As discussed above, Takane teaches away from storing corrections in a separate table (EX.1009 at [0007]-[0008]) and instead discloses storing the correction parameters in the correction circuits. *Id.*

Both proposed alternatives rely on modifications to Takane. *Id.* There is no suggestion in Takane that circuit 56 includes software comprising executable code. *Id.* And Petitioner admits that it is Takane's microprocessor that performs the selection. *Id.* Thus, Petitioner fails to establish that Takane's circuit 56, the alleged DSP, would perform the selection.

D. CLAIM 24

PO incorporates the above discussion of claim 9. *See infra*, section V.C. Petitioner fails to meet its burden at least with respect to claims 24[a], 24[b], 24[g], and 24[h]. EX.2044, ¶¶279-283.

Additionally, Petitioner's analysis of claim 9[f] (DSP selection) and 24[h] (microprocessor selection) is inconsistent as discussed above.

VI. **GROUND 4 FAILS**

A. THE PROPOSED COMBINATION OF TAKANE+WATANABE+RUSS

Petitioner entirely fails to address the proposed combination of Takane+Watanabe+Russ in Ground 4. Petition at 65-73. For example, Petitioner provides no motivation to combine in the petition. *See id.*¹⁹ Petitioner fails to meet its burden for obviousness. EX.2044, ¶287.

Laub relied on the same reasoning addressed in Ground 2. PO incorporates the discussion regarding the proposed combination of Watanabe+Russ in Ground 2 herein. *See infra*, section IV.B. Russ performs image processing on an external computer, not in a camera. EX.2044, ¶285. Additionally, Laub uses hindsight bias. EX.2044, ¶¶285-289.

Neither Petitioner nor its expert explain how the techniques in each reference actually work or why a POSA would have been motivated to implement

¹⁹ Petitioner only cites to the expert declaration, EX.1003, ¶¶377-382. Petition, 65.

There is no explanation of this evidence in the petition which would amount to improper incorporation by reference. *Cisco Sys., Inc. v. C-Cation Techs., LLC*, IPR2014-00454, Paper 12 (PTAB Aug. 29, 2014)(informative). Incorporation would also cause the petition to exceed the permissible word count.

the specific teachings in a specific way in the proposed combination. EX.2044, ¶286. As discussed above, a POSA would not add additional processing techniques to Takane's circuit 56, which is specifically designed for low correction accuracy. *Id.*; EX.1009, [0061].

B. CLAIM 1

PO incorporates the above discussion of claim 9. *See infra*, section V.C. Petitioner fails to meet its burden at least with respect to claims 1[a], 1[c], 1[e], 1[g], 1[h], 1[i], and 1[j]. EX.2044, ¶¶290-316. Russ does not cure these deficiencies and Petitioner does not argue otherwise. *Id.*

Below, PO submits additional reasons why Petitioner fails to meet its burden in Ground 4.

1. Claim 1[h]

Petitioner does not identify the alleged ASIC in Takane+Watanabe+Russ. EX.2044, ¶294. Petitioner's analysis for claim 1[h] does not explain how Takane+Watanabe+Russ meets this claim limitation. Petition, 66. At no point does Petitioner identify an alleged ASIC or address the role performed by any alleged ASIC. EX.2044, ¶295.

Additionally, Petitioner fails to explain the alleged modification to Takane+Watanabe to "employ an ASIC". Petition at 66. Petitioner cites to the Laub

declaration; however, the Laub declaration does not explain the alleged modification either. EX.1003, ¶387. The expert declaration refers only to “modifying Watanabe” and even then, does not explain the alleged modification. *Id.*; EX.2044, ¶296.

2. Claim 1[i]

Petitioner does not address Takane’s circuit 56, the alleged DSP, in its analysis of claim 1[i]. Petition, 67-68.²⁰

There is nothing to suggest that Takane’s circuit 56 is capable of applying a FFT. EX.2044, ¶¶297-302. Takane expressly discloses that “[t]he correction accuracy is intentionally lowered, and the processing time can be shortened and the **circuit structure** of the first distortion correction circuit 56 can be made **simple**.” EX.1009, [0061] (emphasis added). A POSA reading Takane would not be motivated to modify Takane’s circuit 56 to apply a FFT. EX.2044, ¶313. Petitioner is using hindsight bias.

²⁰ Petitioner appears to have copied its analysis of claim 1[i] and 1[j] from Ground 2 in Ground 4. PO incorporates its responsive discussion herein. *See infra*, section IV.2.

Moreover, Petitioner argues that an ASIC would be used for labor-intensive operations such as FFT. Paper 10, 18-19. Therefore, it is inconsistent for Petitioner to argue that the alleged DSP of Takane+Watanabe would be modified to perform FFT. EX.2044, ¶304. Petitioner fails to explain how or why a POSA would be motivated to make the proposed modification. *Id.*

Petitioner fails to establish why or how a POSA would have modified Takane+Watanabe to perform FFT generally, or modified Takane's circuit 56 to perform FFT specifically. EX.2044, ¶305. Petitioner fails to explain how and why modifying Takane's circuit 56 to perform FFT was within the ordinary skill of a POSA at least because of the processing power required for FFT. *Id.* There is no evidence that the proposed modifications would have been routine. *Id.*

Russ does not disclose using FFT to transform a data file in order to satisfy a user specified special effects function as recited in the claims. EX.2044, ¶306. The combination of Takane+Watanabe+Russ does not meet this limitation. *Id.*

Petitioner refers to Watanabe for alleged user specified special effects function. Petition, 67. For at least the reasons discussed above, PO disagrees with Petitioner's analysis. Additionally, Petitioner does not suggest modifying Takane based on Watanabe's camera buttons or other selections. EX.2044, ¶307.

Laub appears to identify individual disclosures in each of the references, without explaining how they would be combined to arrive at the claims of the '805 Patent. EX.1003, ¶¶388-391; EX.2044, ¶308.

Petitioner fails to meet its burden.

3. Claim 1[j]

PO incorporates the above discussion of claim 1[i]. *See infra*, section VI.B.2. Petitioner does not address Takane's circuit 56, the alleged DSP, in its analysis of claim 1[j]. Petition, 68-69. Petitioner fails to meet its burden. EX.2044, ¶¶309-316.

C. CLAIMS 2 AND 3

Petitioner's conclusory analysis for claims 2 and 3 is not sufficient to meet Petitioner's burden. EX.2044, ¶¶317-325.²¹

²¹ Petitioner appears to have copied its analysis of claims 2 and 3 from Ground 2 in Ground 4. PO incorporates its responsive discussion herein. *See infra*, section IV.D.

D. CLAIM 18

PO incorporates the above discussion of claim 1. *See infra*, section VI.B. Additionally, Petitioner's analysis of claim 1[g] and claim 18[f] is inconsistent as discussed above.

E. CLAIMS 19 AND 20

PO incorporates the above discussion of claims 2 and 3. *See infra*, section VI.C.

VII. SECONDARY CONSIDERATIONS OF NON-OBVIOUSNESS**A. LONG-FELT NEED**

Laub admits the well-known problems related to optical aberrations and the competing considerations in camera design to try to solve those problems.

EX.2044, ¶332; EX.1003, ¶¶79, 82, 111, 114.

Historically, aberration correction was done on an external computer as discussed above regarding Adobe Photoshop and/or Russ. EX.2044, ¶333. However, this requires significant time, cost, and expertise as discussed above. *Id.* Additionally, conventional cameras stored and transferred compressed images (JPEG) which are inherently degraded in terms of image quality when compared to RAW images, which means the post-production editing was performed on an already degraded compressed image. *Id.*

Conventional wisdom taught against adding significant hardware needed to perform the processing as described in the claims due to limitations of size, weight, power, cost, and mobility and a POSA would not think to arrive at the claimed technology because aberration correction was conventionally done on an external computer. EX.2044, ¶334.

A POSA would have understood the long-felt need for improved image quality by way of aberration correction, but there were significant engineering challenges in achieving in-camera aberration correction as claimed in the '805 Patent. EX.2044, ¶335. The claimed technology solves this long-felt need and does so by efficiently balancing competing considerations of size, weight, power, cost, and mobility in the camera itself. *Id.* The claimed technology recites hardware and software that provides in-camera aberration correction capabilities and uniquely balances limited space, power consumption, and expense of a desirable digital camera. *Id.* By efficiently performing in-camera aberration correction within the image processing pipeline within the camera, the result is far improved image quality, even when compared to post-production editing. *Id.* The claimed technology enables in-camera aberration correction with the use of multiple different lenses with multiple different camera systems. *Id.* This is extremely beneficial in solving the known problems facing many photographers, engineers, and camera manufacturers. *Id.*

Further, using a DBMS/database as claimed in a compact self-contained device, such as a digital camera, is by itself unconventional because without the express teachings of the ‘805 Patent, the POSA would not look to implement the features of a DBMS in such a device. EX.2044, ¶336. Furthermore, the ability to organize/manage/update a database allows continued efficient organization/management of data as new data is introduced. *Id.*

It is unconventional for a POSA to consider access to a DBMS within the image processing pipeline of a compact self-contained device. EX.2044, ¶337. A POSA would conventionally take all efforts to make this processing portion of the device as efficient as possible and adding a DBMS would initially be thought of as unnecessary overhead. *Id.* The teachings of the ‘805 Patent enable a POSA to understand that the correction data can be retrieved from and updated within an organized database and processed efficiently within the image processing pipeline. *Id.*

The long-felt need for the claimed technology is evidence of non-obviousness. EX.2044, ¶338.

B. CANON LITIGATION

In prior litigation, Canon Inc. (“Canon”) was accused of infringing the ‘805 Patent and related Patent No. 8,451,339 (“’339 Patent”). Canon filed IPRs against

the ‘805 and ‘339 Patents and also filed a declaratory judgment action against related Patent Nos. 10,873,685 and 10,877,266 (“‘685 Patent” and “‘266 Patent”, respectively). EX.2044, ¶¶339-341.

Among the various accused infringing products, the Canon EOS Rebel T6s was a very popular Canon product. EX.2044, ¶¶343, 345. Reviews of this product touted the advanced capabilities including the in-camera aberration correction features. *Id.*; EXS.2022-2025.

PO’s expert performed an analysis of exemplary claim 9 of the ‘805 Patent and the Canon EOS Rebel T6s, based on public information; and opined that the Canon EOS Rebel T6s incorporated the claimed technology. EX.2044, ¶¶344, 346, 347; EXS.2026-2036.

PO’s expert also found that Canon consistently held approx. 45-48% market share of the digital camera industry from 2019-2024. EX.2044, ¶348; EXS.2037-2042.

After nearly two years of litigation between PO and Canon,

EX.2044, ¶349; EX.2043.

In view of Canon's market share, litigation investigation and investment, and

 represents further evidence of non-obviousness.

VIII. CONCLUSION

For at least the reasons set forth herein, PO respectfully requests that the challenged claims be confirmed patentable.

Respectfully submitted,

Date: February 26, 2025

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CERTIFICATE OF COMPLIANCE

This Patent Owner Response (“POR”) consists of 13,956 words, which is no more than 14,000 words, excluding table of contents, table of authorities, certificate of service, this certificate, or table of exhibits. The POR complies with the type-volume as mandated in 37 C.F.R. § 42.24. In preparing this certificate, counsel has relied on the word count of the word-processing system used to prepare the paper (Microsoft Word).

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned hereby certifies the PATENT OWNER RESPONSE and all exhibits thereto were served on the undersigned date via email, as authorized by Petitioner, at the following email addresses:

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