

Filed: October 24, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

138 EAST LCD ADVANCEMENTS LIMITED,
Patent Owner.

IPR2024-00958
U.S. Patent 8,482,638

**PETITIONER'S SUR-REPLY TO OPPOSITION TO PATENT OWNER'S
REVISED NON-CONTINGENT MOTION TO AMEND**

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Ex. 1003	Declaration of Dr. Robert Stevenson (“Stevenson”)
Ex. 1004	CV of Dr. Robert Stevenson
Ex. 1005	U.S. Patent Application Publication No. 2008/0218611 to Parulski et al. (“Parulski”)
Ex. 1006	South Korean Patent Publication No. 10-2007-0046010 to Safonov (“Safonov”)
Ex. 1007	Certified Translation of South Korean Patent Publication No. 10-2007-0046010 to Safonov (“Safonov”) ¹
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Ex. 1010	U.S. Patent No. 7,643,082 to Onozawa (“Onozawa”)
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Ex. 1015	<i>Longitude Licensing Ltd. v. Google LLC</i> , No. 3:23-cv-03046-VC, Dkt. 1 (N.D. Cal. June 21, 2023)

¹ Citations to Safonov are made to the certified English translation.

Exhibit	Description
Ex. 1016	<i>Longitude Licensing Ltd. v. Google LLC</i> , No. 3:23-cv-03046-VC, Dkt. 50 (N.D. Cal. Nov. 15, 2023)
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Ex. 1018	U.S. Patent No. 7,659,923 to Johnson (“Johnson”)
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Ex. 1025	Thomas Porter & Tom Duff, <i>Compositing Digital Images</i> , 18 Computer Graphics No. 3, July 1984
Ex. 1026	Jue Wang & Michael F. Cohen, <i>Image and Video Matting: A Survey</i> , 3 Foundations and Trends in Computer Graphics, and Vision 2, 2008
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I. INTRODUCTION

The Board should deny Patent Owner's Revised Non-Contingent Motion to Amend (Paper 22, "RevMTA") because substitute claims 7, 8, and 10-12 are unpatentable. Patent Owner does not dispute any of Petitioner's showings of obviousness except for the phrase "superimposing ... by mixing pixel values of the partial image with pixel values of the main image" in limitation [7e(i)[4]]. *See generally* Paper 33 ("Reply"). But Patent Owner does not dispute that alpha blending describes superimposing images by mixing pixel values and was well known in the art. Instead, Patent Owner disputes whether the combinations in Petitioner's Opposition (Paper 26, "Opp. RevMTA") would use alpha blending.

Petitioner's expert provided three declarations with extensive testimony explaining how a POSITA would have understood the prior art references and motivations to combine those references using alpha blending. Petitioner's expert's three declarations remain unrebutted because Patent Owner provides only unsupported attorney argument. *Elbit Sys. of Am., LLC v. Thales Visionix, Inc.*, 881 F.3d 1354, 1359 (Fed. Cir. 2018) (explaining that "[a]ttorney argument is not evidence' and cannot rebut" expert testimony that explained how a POSITA would have understood the prior art (citation omitted)).

For Ground 1, Patent Owner argues that Safonov would not be combined with Parulski because Safonov uses filtering to create the two new images that are

alpha blended together with the original image. RevMTA 18-22. This is wrong because Safonov is relied on for its use of alpha blending, which is well known in the art, to provide the same improvements as Parulski desires. Opp. RevMTA 15.

For Ground 2, Patent Owner argues that Johnson's blending is not alpha blending or mixing. Petitioner's unrebutted expert testimony explains why a POSITA would have understood Johnson's "blend[ing]" one image "into" another describes alpha blending and mixing pixels. Stevenson 3rd ¶156; Johnson, 3:62-65. There is no evidence to support that Johnson's blending would have been interpreted differently than the blending discussed in the '638 patent when describing mixing pixels to achieve a composite image.

For Ground 3, Patent Owner refers back to its arguments in Grounds 1 and 2, which fail for the same reasons, and Patent Owner improperly attacks the references individually, not the combinations.

For Ground 4, Patent Owner does not dispute that Parulski and Hoshino render obvious substitute claims 7, 8, and 10-12. Patent Owner only argues Hoshino is not prior art. But Patent Owner has not met its burden to show that the '638 patent is entitled to the Japanese priority application's filing date because it failed to provide a properly certified translation. *See* Paper 34 ("MTE"). Hoshino is prior art, rendering claims 7, 8, and 10-12 unpatentable.

Accordingly, the Board should reject Patent Owner's arguments and find

substitute claims 7, 8, and 10-12 unpatentable.

II. GROUND 1: SUBSTITUTE CLAIMS 7, 8, AND 10-12 ARE UNPATENTABLE OVER PARULSKI AND SAFONOV

Safonov discloses alpha blending two images, which Patent Owner acknowledges is “superimposing ... by mixing pixel values.” *See generally* RevMTA. Patent Owner also does not dispute that Parulski discloses all other requirements of [7e(i)[4]], including combining a partial image with a main image to create a composite, augmented, or enhanced image. Opp. RevMTA 6-11; Paper 1 (“Pet.”) 24-26, 56-59; Paper 19 (“Opp. MTA”) 3-10; Stevenson 3rd ¶¶72-87.

Patent Owner incorrectly argues that Parulski teaches “that portions of a first image are *completely* ‘replaced’ by portions of a second image” and, therefore, a POSITA would not have considered alpha blending to create the composite image. Reply 2-3, 5, 10 (citation omitted). These arguments fail for at least four reasons.

First, Patent Owner provides no evidence, such as citations to Parulski or expert testimony, to support its arguments or rebut Dr. Stevenson’s testimony. Second, Petitioner does disagree. Parulski never uses “complete” when describing its replacement, and Dr. Stevenson explained why a POSITA would have understood Parulski’s replacement to at least render obvious using alpha blending. Opp. RevMTA 4-16; Stevenson 3rd ¶¶72-88; Stevenson ¶¶93-103. Third, Patent Owner’s position is contrary to its prior position that Parulski’s “replac[ement]” is

“generic” and does not disclose a “specific method.” RevMTA 18. Fourth, as Dr. Stevenson’s un rebutted testimony confirms, a POSITA would have been motivated to improve Parulski’s replacement by using alpha blending (disclosed in Safonov), and a POSITA would have looked to alpha blending to achieve the replacement because it was a well-known technique to combine images. Stevenson ¶¶94-103, 169-179; Stevenson 3rd ¶¶72-87. Alpha blending also would have been used to create a smooth transition between the sub-image and main image when combined. Stevenson ¶¶93-98, 168-170; Stevenson 3rd ¶76.

Patent Owner incorrectly argues that Safonov’s alpha blending is a result of a “feedback loop” on a single image because Safonov’s detail image (D_s) and digital image (D_h) are created by passing an original source image through bilateral filters. Reply 4. Patent Owner then incorrectly concludes that Safonov “does not teach using alpha blending to mix pixel values for the purpose of combining portions of one image with corresponding portions of another image.” Reply 3. But Patent Owner does not dispute that Safonov teaches alpha blending and that alpha blending superimposes images by mixing pixels. *See generally* RevMTA. Patent Owner is also wrong on Safonov. Safonov discloses alpha blending at least two separate images—detail image (D_s) and digital image (D_h)—with each other and with the source image, as shown in formula (4). Opp. RevMTA 14-15 (citing Safonov 7-11, Prelim. Guidance 13). How Safonov generates these separate

images is irrelevant because the combination relies on Parulski for generating the claimed main and partial images for combining. Opp. RevMTA 15; Pet. 54-59. Safonov discloses using alpha blending to improve dynamic ranges or contrast of images by blending high-contrast images (D_s , D_h) with each other and the source image, which is also a goal of Parulski when generating the enhanced composite image. Opp. RevMTA 15; Safonov 7-8. Safonov's alpha blending coefficients, α_s and α_h , correspond to values between 0 and 1, which results in mixing pixel values from both images. Safonov 7-8; Stevenson 3rd ¶¶74-75. Even if determined by a "feedback loop" (which Patent Owner cites no support for), Safonov teaches "superimposing ... by mixing pixel values of" two images to create the final, enhanced image through this alpha blending. Safonov 7; Stevenson 3rd ¶¶74-75.

Patent Owner incorrectly argues that a "POSITA would not have found it obvious to use Safonov's alpha blending" with Parulski because "the very alpha coefficients used in Safonov depend on the filtering operation (within Safonov's feedback loop) performed on a single source image." Reply 4, 11. But the origin of Safonov's alpha coefficients is immaterial to the combination. Petitioner relies on Safonov's alpha blending teaching to improve dynamic range desired by Parulski, not its coefficient selection process. Opp. RevMTA 6-7, 15. To the extent Patent Owner is arguing that Safonov could not be bodily incorporated into Parulski, courts have long rejected that argument. *In re Keller*, 642 F.2d 413, 425 (CCPA

1981). The claims also do not require specific alpha coefficient selection nor does the '638 patent disclose how to select alpha coefficients. *See generally* Ex. 1001. Safonov teaches its alpha blending using values between 0 and 1 for highlights and shadow regions to create a composite image for the same purpose as Parulski—to improve the dynamic range of the composite image (e.g., to improve contrast in highlights or shadows). Opp. RevMTA 7-9. Alpha blending was indisputably well known, dating back to at least the 1980s, as a way to combine two images by mixing pixels and determining the coefficients would have been well within a POSITA's skill. Opp. RevMTA 8; Pet. 24-27, 56-59; Stevenson 3rd ¶76.

Patent Owner argues that Petitioner fails to “explain ‘how any specific combination would operate or read on the asserted claims.’” Reply 7. This is wrong. The Petition and both Oppositions explain how the combination of Parulski and Safonov would operate and read on the claims. Opp. RevMTA 4-16; Pet. 54-59; Opp. MTA 3-10. Parulski discloses creating a composite image that enhances or augments a portion of a main image with a partial sub-image to create a composite image. Alpha blending (disclosed by Safonov) would have been used to mix pixels of the sub-image and main image to provide improved dynamic range, contrast, sharpness, or color in Parulski's enhanced portion of the main image. Opp. RevMTA 7-9; Stevenson 3rd ¶¶76, 78. A POSITA also would have used alpha blending to smooth the boundary between the partial and main images in the

enhanced image. Opp. RevMTA 11; Stevenson 3rd ¶76.

Patent Owner wrongly argues that the citations to Dr. Stevenson’s declarations and Exhibits 1009 (Yadav²), 1025 (Porter), and 1026 (Video Matting) are “unexplained” and “insufficient to establish a motivation to modify the cited references.” Reply 6-7. But the citations to Dr. Stevenson’s third declaration (Ex. 1024) explain the Opposition’s arguments, providing factual support based on Parulski, Safonov, and Dr. Stevenson’s expert opinion. Stevenson 3rd ¶¶76-85. The citations to Yadav, Porter, and Video Matting provide support for the Opposition’s and Dr. Stevenson’s explanations. Dr. Stevenson explains the Porter and Video Matting references (*id.* ¶76), which he then relies on elsewhere for the same propositions. Petitioner’s Opposition to RevMTA states “the very purpose of alpha blending is to use the ‘alpha channel’ to mix pixels from two images such as the resulting pixel represents the combination of the two pixels in the replaced area at the overlapping portions,” and cites Dr. Stevenson’s 3rd declaration ¶78, which quotes Yadav, thereby supporting the statement in the Opposition. Opp. RevMTA

² Yadav is prior art under 35 U.S.C. § 102(e) as of its filing date for disclosing a POSITA’s knowledge and motivations to combine for obviousness. *See Lynk Labs, Inc. v. Samsung Elecs. Co.*, 125 F.4th 1120, 1126-27 (Fed. Cir. 2025); *id.* at 1136-37 (applying § 102(e) reference for obviousness and motivation).

7-8. Regarding the citations on Opposition to RevMTA, page 8, Porter and Video Matting are relied on for alpha blending being known since the 1980s, and the date identified (1984) supports that proposition.

Patent Owner's reliance on *Gracernote, Inc. v. Iceberg Industries LLC*, IPR2013-00552, Paper 6 at 22 (Mar. 7, 2014), does not support its argument. Reply 6-7. *Gracernote* is neither analogous nor does it require that every citation include a full explanation. In *Gracernote*, the petitioner's asserted grounds proposed combinations with "two or more" from a list of secondary references but did not explain how the references met the claim elements, which exact combination was proposed, or any motivation for combining the references. *Gracernote*, IPR2013-00552, Paper 6 at 22. Here, Yadav, Porter, and Video Matting are background showing the POSITA's knowledge, not a combination reference for modifying Parulski. They establish the basic notion that alpha blending was known to POSITAs for combining two images by mixing pixels since the 1980s.

Patent Owner incorrectly argues that "***nothing in Safonov*** indicates that the alpha blending algorithm disclosed is usable to minimize or hide edges from multiple images," and that it is hindsight. Reply 8 (emphasis added). The Supreme Court expressly rejected this argument that the reference itself must provide the express motivation, explaining instead that the motivation may come from the POSITA's knowledge or other material. *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S.

398, 418 (2007). Dr. Stevenson’s unrebutted testimony provides this motivation.

Regardless, Dr. Stevenson *also* explains (independent of the edge-smoothing motivation) that Safonov’s and Parulski’s disclosures provide a motivation why a POSITA would have used alpha blending to improve the dynamic range, contrast, or sharpness to achieve the final, composite image. Opp. RevMTA 7-11;

Stevenson 3rd ¶¶76-85.

III. GROUNDS 2 AND 3: SUBSTITUTE CLAIMS 7, 8, AND 10-12 ARE UNPATENTABLE OVER PARULSKI AND JOHNSON OR PARULSKI, JOHNSON, AND SAFONOV

For Grounds 2 and 3, Patent Owner argues that Johnson’s disclosed “blending” to “replace[]” part of a first image with part of a second image does not disclose the claimed “superimposing ... by mixing pixel values.” Reply 9-10, 11. But Patent Owner provides no support other than attorney argument for why Dr. Stevenson’s testimony on this point is flawed.

Patent Owner tries to support its argument by arguing that Johnson does not use the words “mixing” and “pixel.” Reply 9. This is flawed. The prior art does not need to use the same words as the claims to disclose a claim limitation. *In re Gleave*, 560 F.3d 1331, 1334 (Fed. Cir. 2009). The “dispositive question” is “whether one skilled in the art would reasonably understand or infer from a prior art reference that every claim element is disclosed in that reference.” *Eli Lilly & Co. v. L.A. Biomed. Rsch. Inst.*, 849 F.3d 1073, 1074-75 (Fed. Cir. 2017) (citation

omitted). Here, Dr. Stevenson explained why a POSITA would have understood Johnson's "blending" to be alpha blending, and Patent Owner has not shown any error in that understanding. Stevenson 3rd ¶ 156; Opp. RevMTA 18. Patent Owner acknowledges that alpha blending is superimposing by "mixing pixel values." *See* RevMTA 6-7, 18. The '638 patent also contradicts Patent Owner's argument because the two disclosures of "mixing" pixels are in the context of alpha blending. Ex. 1001, 4:1-7, 7:21-27.

Patent Owner incorrectly argues that Johnson's "effectively replace[]" means "complete" replacement and that Johnson uses "blend[]" as a synonym for "combin[e]" to mean non-mixed replacement. Reply 9-10. But Johnson does not use the word "combine," and Dr. Stevenson explains that a POSITA would have understood that "effectively replace" includes mixing pixels. Opp. RevMTA 18; Stevenson 3rd ¶156. Johnson states that it "blend[s] into the base image to create the blended [composite] final image 82," which a POSITA would have understood this to be superimposing by mixing pixels. Johnson, 3:40-50; Stevenson 3rd ¶156; Ex. 1001, Abstract, 1:54-67, 11:21-29 (describing "blending" as "combin[ing]").

Patent Owner also incorrectly argues that "[i]f the pixel values of the two images were mixed" in Johnson, "then the image would show a mixed image in which the eyes are *both* open and closed." Reply 10. But for alpha coefficients "close to 1" (e.g., Safonov 7), the partial image with the open eyes would be nearly

opaque and the closed eyes would not be visible, whereas coefficients “close to zero” (e.g., Safonov 7-8) at the outside edges of the replacement region would show the main image. Regardless, amended claim 7 does not require *all* pixels of the partial image and main image with coefficients between 0 and 1. At a minimum, a POSITA would have been motivated to use alpha blending at least at the edges where the main image and sub-image meet to create a smooth transition between the two images. Pet. 23-24, 55-57; Opp. MTA 7-8; Opp. RevMTA 7.

Patent Owner incorrectly argues that Petitioner did not provide a motivation to combine Parulski and Johnson. Reply 10. This is a new argument and mischaracterizes the record. Patent Owner did not dispute in its RevMTA that a POSITA would have been motivated to combine Parulski and Johnson to use alpha blending, despite the Board finding a reasonable likelihood that Parulski and Johnson render obvious alpha blending in substitute claims 7, 8, and 10-12. RevMTA 22-23; Prelim. Guidance 6, 17-18; Opp. RevMTA 17-19.

Patent Owner incorrectly argues that Dr. Stevenson’s testimony on motivation to combine Parulski and Johnson is unexplained and deficient. Reply 10-11. But Dr. Stevenson provides three pages of extensive testimony, supported by Johnson, Safonov, and further supportive Exhibits 1009, 1025, and 1026 to support his opinions, including an annotated figure showing how a POSITA would have understood the resultant blended composite image. Stevenson 3rd ¶¶156-165.

For Ground 3, Patent Owner refers back to its prior arguments for Grounds 1 and 2. Reply 11. Patent Owner newly argues that a POSITA would not have been motivated to combine the Ground 3 references, contrary to the Board's Preliminary Guidance. RevMTA 22-23; Prelim. Guidance 6, 17-18; Opp. RevMTA 19-22. These arguments fail for the reasons discussed above for Grounds 1 and 2.

IV. GROUND 4: SUBSTITUTE CLAIMS 7, 8, AND 10-12 ARE UNPATENTABLE OVER PARULSKI AND HOSHINO

Patent Owner does not dispute that Parulski and Hoshino render obvious substitute claims 7, 8, and 10-12. RevMTA 23-25; Reply 11-12. Patent Owner disputes only whether Hoshino is prior art. As explained in Petitioner's Motion to Exclude, Patent Owner failed to properly certify the accuracy of the translation of the Japanese priority application, which results in exclusion. *See* MTE.

Accordingly, Patent Owner has not established that substitute claims 7-12 are entitled to a priority date of December 25, 2009. Instead, the priority date for the substitute claims is December 22, 2010, the filing date of the '638 patent. Hoshino is prior art under 35 U.S.C. § 102(e). Opp. RevMTA 22-23.

V. CONCLUSION

The Board should deny Patent Owner's Revised Motion to Amend.

Respectfully submitted,

Dated: October 24, 2025

/Kevin D. Rodkey/

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CLAIMS APPENDIX

The substitute claims presented by Patent Owner have been reproduced below with element numbering:

Claim Number	Claim Elements
7	[7Preamble] A digital camera having a focusing function and a focal length varying function of a main lens, the digital camera comprising:
	[7a] a main imaging unit configured to generate a main image by performing a photoelectric conversion from a subject obtained via the main lens;
	[7b] a sub-imaging unit configured to generate a sub-image by performing a photoelectric conversion from the subject obtained via a sub-lens;
	[7c] a focal length acquiring unit configured to acquire the focal length of the main lens;
	[7d] a magnification setting unit configured to set a level of magnification on the basis of the focal length;
	[7e] [7e(i)] a composite image generating unit configured to [1] determine a cutout region in the sub-image, [2] cut out a partial image from the cutout region, [3] magnify at the level of magnification at least one of the main image and the

Claim Number	Claim Elements
	sub-image, and [4] generate a composite image by superimposing the partial image on the main image by mixing pixel values of the partial image with pixel values of the main image, [7e(ii)] wherein the generation of the composite image occurs after at least one of the main image and the sub-image is magnified at the level of magnification;
	[7f] an image display unit configured to display the composite image; and
	[7g] wherein the magnification setting unit is configured to set the level of the magnification in order to match substantially a size of the main image and a size of the sub-image.
8	The digital camera according to claim 7, wherein the sub-lens is a pan-focus lens.
9	The digital camera according to claim 7, wherein the magnification setting unit is configured to set the level of the magnification in a correction mode in which a predetermined magnification rule applies in setting the level of the magnification, and the digital camera further includes an instruction receiving unit configured to receive an instruction to change the level of the magnification such that difference between the size of the main image and the size of the

Claim Number	Claim Elements
	sub-image in the composite image is less than or equal to a predetermined amount in the correction mode, and a correcting unit configured to correct the magnification rule by using amount to change the level of the magnification as amount of correction in the correction mode, when the focal length of the main lens is in predetermined length.
10	[10Preamble] The digital camera according to claim 7, further comprising
	[10i] A focusing amount acquiring unit configured to acquire amount [sic] of the focusing, wherein
	[10ii] misalignment of the composite image decreases as the composite image is in focus with the subject on the basis of the amount and a predetermined cutout rule.
11	The digital camera according to claim 10, wherein the predetermined cutout rule is based on a principle of triangulation based on an interval between the main lens and the sub-lens, and distance from the digital camera to the subject on the basis of the amount.
12	The digital camera according to claim 7, wherein the main image of the object is captured from a different angle from the sub-image of the subject.

CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that the foregoing **Petitioner's Sur-Reply to Opposition to Patent Owner's Revised Non-Contingent Motion to Amend** contains twelve pages or less, excluding those portions identified in 37 C.F.R. § 42.24(c), as measured by the word-processing system used to prepare this paper.

Dated: October 24, 2025

/Kevin D. Rodkey/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **Petitioner's Sur-Reply to Opposition to Patent Owner's Revised Non-Contingent Motion to Amend** was served on October 24, 2025, via email directed to counsel of record for the Patent Owner at the following:

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