

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,

Petitioner,

v.

138 EAST LCD ADVANCEMENTS LIMITED,

Patent Owner.

Case No. IPR2024-00960

Patent 7,486,807

**PETITIONER'S PRE-INSTITUTION REPLY TO
PATENT OWNER'S PRELIMINARY RESPONSE**

Despite Patent Owner's Preliminary Response (Paper 6, "POPR") stating that Patent Owner "does not believe that any claim terms require express construction," the POPR's arguments hinge on its position that "objects [of the image] are face^[1] 'images' or representations of face 'images.'" POPR 16. The POPR then argues that Stubler's disclosures do not meet either part of this definition. POPR 10-19. Those arguments, however, are contradicted by the '807 patent. Moreover, Stubler's regional metadata (relied on in the Petition (Paper 1, "Pet.)) is a stored "object of the image," even under Patent Owner's construction, because it includes a "representation of" a face image.

I. The '807 Patent Contradicts Patent Owner's Argument, and Stubler's "Metadata" Can Be the Claimed "Object of the Image"

Despite advancing a two-part construction, the POPR seems to require that the "object" be the face image itself. POPR 14-16 ("Claim 1 ... requires that the object itself be saved."). But the '807 patent contradicts this, explaining that the "stored" "objects" can be data characterizing, describing, or otherwise identifying the object shown in the image (e.g., a face in the image). Ex. 1001, 6:47-8:9, 8:25-28 (describing detecting object using "*patterns for the face images are stored in*

¹ The POPR's definition requiring "face" objects is unworkable because the '807 patent explicitly states that "the present invention is *not limited*" to a face. Ex. 1001, 13:12-20 (emphasis added).

advance” or performing a “*frequency analysis* ... for the image pattern”) (emphases added), 11:35-38, 11:59-67; *see also* 2:22-33 (describing “*extract[ing]* *characteristics* of the face area ... *as a written datum*” and “face area mosaic *characteristics datum*” to store for comparison—e.g., “objects” of the image). The ’807 patent explains that the stored “object” is information that identifies the object in the image—not necessarily, as Patent Owner suggests, an extracted image of the object. Ex. 1001, 3:52-8:9, 8:25-27 (“*patterns for* the face image are stored in advance” (emphasis added)), 11:35-38 (same); POPR 10-16. Thus, the claimed stored “object of the image” can be data, patterns, or characteristics about an object shown in an image—or, in the POPR’s words, “metadata.” POPR 11. Claim 1 confirms this because the “object acknowledging section” searches for the “object in [an] inputted image” using the stored “object” information (e.g., “pattern”).

The POPR’s position that “objects” are “not simply metadata, such as *a description* or a location *of a face*” fails to explain what the “object” *is*. POPR 16 (emphases added). The POPR acknowledges, however, that Stubler’s regional features correspond to, e.g., detected “skin color” and a “detected face” (POPR 12-13), but fails to explain why these cannot be the stored “objects” when they identify the object in the image, like the ’807 patent’s disclosure that the stored “object” can be “patterns,” “frequency analys[e]s,” “written datum,” or “characteristic datum” that identifies the image object, as explained above.

II. Stubler's Regional Features Are at Least "Representations of Face Images" under Patent Owner's Construction

Patent Owner argues that Stubler's regional metadata is "a *location* or a *description* of an object." POPR 16. But the '807 patent explains that the stored "objects" are descriptions of the object shown in the image, as explained above. The POPR acknowledges that the "object" can instead be a "representation[]" of the object shown in an image, and its citations to the '807 patent are admittedly an "exemplary embodiment" that cannot limit the claims. POPR 15-16.

Stubler's region features or region metadata (claimed "object of the image," Pet. 15, 20) "are *extracted* (236) in order to build *a region representation*" of, for example, a "face" or other object of an image. Ex. 1005, ("Stubler") [0030], [0038] (emphases added), FIG. 4; Ex. 1003 ("Stevenson") ¶131. This "representation" of, e.g., a face is stored in a database and later used to "determine[e] ... facial similarity" between a later-acquired image and the stored regional features, like the '807 patent. Stubler, [0034], [0037], [0040]; Stevenson ¶¶81-82, 116-118, 170-173. Indeed, as the POPR seems to tacitly acknowledge, the "location and size" or "chromatic color space" of a face specify the particular face of a stored image that is later compared to subsequently-acquired images—thus rendering them stored "objects" or "representations of" the object they identify. POPR 12-13.

III. Conclusion

Patent Owner's arguments should be rejected and trial instituted.

Date: November 1, 2024

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **Petitioner's Reply to Patent Owner's Preliminary Response** was served electronically via email on November 1, 2024, in its entirety on the following:

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Patent Owner has consented to service by email.

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