

IPR2024-00960
Patent 7,486,807

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
U.S. Patent No. 7,486,807

PATENT OWNER'S SUR-REPLY

Petitioner's reply fails to overcome the deficiencies underlying the Petition as set forth in the Patent Owner Preliminary Response ("POPR"). *First*, Petitioner misrepresents Patent Owner's argument by stating "the POPR seems to require that the 'object' be the face image itself." Paper 7 ("Reply") at 1. Patent Owner did not limit the object to a face. Rather, Patent Owner supported its arguments with citations to specific embodiments described in the specification, many of which are presented in the context of the object being a face. *See, e.g.*, Paper 6 at 4-6, 15-16.

Second, Petitioner argues that the '807 patent contradicts Patent Owner's arguments with cherry-picked and unexplained quotes from the '807 patent. Petitioner refers to the '807 patent's references to "patterns," "a written datum," or "face area mosaic characteristics datum" to argue that Patent Owner's argument regarding the claimed "object" is inconsistent with the '807 patent. Reply at 1-2. These citations, however, actually support Patent Owner's argument. Patent Owner asserts that the "object" must be either the image of the object itself *or a representation of the object*. POPR at 16. A representation of an object encompasses the "patterns," "written datum," and "face area mosaic characteristics datum" described in the specification. For example, the specification states that the "written datum" represents the "extract[ed] characteristics of the face area very accurately and effectively." EX1001 at 2:25-27. This is consistent with one of the '807 patent's stated goals: to identify the same objects across multiple pictures. *See*

EX1001 at 8:60-67. In the context of face similarity detection, the specification describes that the system “check(s) whether or not a similar face image to the detected face image is contained [in the image].” *Id.* at 8:61-63. Having accurate data describing specific, extracted characteristics facilitates this functionality. Accordingly, there is no inconsistency between Patent Owner’s arguments regarding what the “object” is and what the ’807 patent teaches.

Third, Petitioner fails in its attempts to extend Stubler’s “regional metadata” (e.g., the location or a textual description of an object) to fit in the ’807 patent’s claimed “object.” As discussed above, one of the goals of the ’807 is to identify the same object across multiple images. The ’807 patent achieves this by saving either an image of the object or a representation of the object through, for example, an accurate representation of extracted characteristics of the object, which allows the system to identify such similarities. This contrasts sharply with Stubler’s disclosure of simply identifying the presence, location, or color of a region. Stubler provides only limited textual information about a detected object, such as its location or color, and provides only high-level identifying information such as “grass” or “sky.” Neither the Petition nor Stubler explain how such high-level textual information can be used to identify *the same object* across multiple images, as recited in the ’807 patent. The Reply attempts to mask this shortcoming by invoking Stubler’s reference to a “region representation.” But neither Stubler, the

Petition, nor the Reply explain what a “region representation” *is* or how a POSITA would understand that vague term to teach the claimed invention.

Fourth, the Reply incorrectly asserts that Stubler’s region metadata is “later used to ‘determin[e] . . . facial similarity’ between a later acquired image and the stored regional features, like the ’807 patent.” Reply at 3 (citing Stubler at [0034], [0037], and [0040]). This quotation and description of Stubler is both misleading and incorrect. It is misleading because the quotation omits Stubler’s preceding statement that the region metadata “may need to be processed for similarity.” Stubler at [0034]. Neither the Petition nor the Reply explains how the fact that Stubler contemplates that some other person could utilize region metadata in a different way to determine facial similarity renders the claims of the ’807 patent obvious. Further, Stubler’s description of region metadata in paragraph [0040] makes clear that the information contained in the region metadata is nothing more than a high-level textual description of the category of object contained in the image. Stubler at [0040]. At best, Stubler’s disclosure of region metadata simply indicates whether an image includes *a face* (or grass, or sky, etc.), but lacks sufficient additional information to determine *which face*. Accordingly, Stubler’s disclosure of region metadata does not disclose “an image storing section for storing the image which is supposed to be classified and retrieved together with . . . *an object of the image being previously contained in the database.*”

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Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(4), the undersigned certifies that on November 8, 2024, a copy of PATENT OWNER'S SUR REPLY was served in its entirety by electronic mail on Petitioner's counsel at the following addresses indicated in Petitioner's Mandatory Notices:

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