

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARASHI VISION (U.S.) LLC (D/B/A INSTA360)
Petitioner,

v.

GOPRO, INC.
Patent Owner.

Patent No. 10,015,413

Inter Partes Review No. IPR2024-00984

**PETITIONER'S OPPOSITION TO PATENT OWNER'S
MOTION TO STRIKE**

The Reply introduced no new theory. It merely elaborated on the theories set forth in the Petition (Paper 2), and are responsive to GoPro's and its expert's arguments in its Response (Paper 25, 27). This is permitted by the Federal Circuit and Trial Practice Guide. *Chamberlain Grp., Inc. v. One World Techs., Inc.*, 944 F.3d 919, 925 (Fed. Cir. 2019) ("Parties are not barred from elaborating on their arguments on issues previously raised."); *Ericsson Inc. v. Intellectual Ventures I LLC*, 901 F. 3d 1374, 1380 (Fed. Cir. 2018) (error to disregard reply arguments that "merely expand on a previously argued rationale as to why the prior art disclosures are insubstantially distinct from the challenged claims"); Consolidated Trial Practice Guide, 73 ("A party also may submit rebuttal evidence in support of its reply.").

I. THE PALM TREO ARGUMENTS AND EVIDENCE PROPERLY ELABORATED ON UNREVISED GROUND 4 AND RESPONDED TO GOPRO'S ARGUMENTS

Insta360 did not revise Ground 4 nor did it raise a new issue with respect to the Palm Treo. Meulen itself states its device may be a "Palm® Treo™ smartphone[]." (EX1007, 2:12.) And GoPro acknowledged in its Response that Meulen's wireless device may be a Palm Treo. (POR, 10.) Thus, the Palm Treo arguments and evidence cannot be new, because Meulen is not new.

Indeed, the Petition described Meulen's disclosures as capturing images with an aspect ratio different than the display *in the context of a Palm Treo device*.

(Petition, 82 (citing EX1007, Figure 1 (showing Palm Treo device), Abstract, 1:55-58 (“media content having an aspect ratio and/or resolution that is different from the aspect ratio and/or resolution of the display”), 85, 86, 88.) The Palm Treo evidence, along with Meulen’s specific reference to the Palm Treo, elaborates on the Petition’s discussions of Meulen’s disclosures. (Reply, 7.) For example, EX1022 elaborates on the Petition’s discussion of Meulen’s “display [] hav[ing] an aspect ratio of 1:1 with a resolution of 320×320.” (Petition, 89; Reply, 7.) The Federal Circuit has made clear that “[p]arties are not barred from elaborating on their arguments on issues previously raised.” *Chamberlain Grp., Inc.*, 944 F.3d at 925.

Further, the Palm Treo arguments and evidence are directly responsive to the Response arguments. *Belden Inc. v. Berk-Tek LLC*, 805 F.3d 1064, 1080 (Fed. Cir. 2015); *Apple Inc. v. Andrea Elecs. Corp.*, 949 F.3d 697, 706-7 (Fed. Cir. 2020) (“the petitioner in an inter partes review proceeding may introduce new evidence after the petition stage if the evidence is a legitimate reply to evidence introduced by the patent owner.”) (citations omitted).

The Response argued that Meulen’s wireless device did not display images captured by its built-in camera. (POR, 15.) The Response also argued that there was no need for Meulen to perform aspect ratio conversion. (POR, 16.) Insta360’s evidence was offered in direct response to GoPro’s flawed arguments to show that

Meulen's wireless device displayed images captured by its built-in camera and needed aspect ratio conversion. (Reply, 6-7.) Thus, the Palm Treo arguments and evidence provided a detailed explanation as a proper rebuttal to the flawed arguments in the Response.

Finally, GoPro's reliance on *Advanced Display Systems, Inc. v. Kent State University*, 212 F. 3d 1272, 1282 (Fed. Cir. 2000) is misplaced because Ground 4 is an obviousness ground, and Insta360 did not make any incorporation by reference arguments.

II. THE SUB-SAMPLING ARGUMENT IS NOT A NEW THEORY

The '413 claims require non-uniform shifting of pixel positions. The Petition argued that Meulen-Chao renders obvious the challenged claims of the '413 patent and explained that Meulen's image compression and/or scaling performs shifting of pixels positions. (Petition, 90-92.) The Petition pointed to the Table 1 embodiment as an example of Meulen's image compression and/or scaling (Petition, 90), which Meulen describes as "compris[ing] software to perform sample-rate conversion." (EX1007, 6:48-49.)

GoPro disputed this in its Response, arguing that Meulen's compression does not involve shifting because its compression *only* uses polyphase filtering. (POR, 11, 30.) Insta360 directly rebutted GoPro's polyphase filtering arguments by explaining that Meulen's image compression and/or scaling process involves

sample-rate conversion. (Reply, 13 (citing EX1007, 5:23-29).) Insta360 further explained that sample-rate conversion involves techniques, other than polyphase filtering, such as sub-sampling that involves shifting pixel positions—the shifting of pixel positions that the Petition was referring to. (Reply, 13.) Thus, the sub-sampling argument is merely an elaboration on the arguments previously raised in the Petition. *Rembrandt Diagnostics, LP v. Alere, Inc.*, 76 F.4th 1376, 1384 (Fed. Cir. 2023) (“a reply may be proper if it is responsive and simply expands on previously raised arguments.”).

III. THE CAMERA ARGUMENTS AND EVIDENCE PROPERLY ELABORATED ON INSTA360’S UNREVISED GROUNDS 1 AND 3, AND RESPONDED TO GOPRO’S ARGUMENTS

The Petition’s original theory was Fleming “within a camera” (Ground 1) and Obara-Liu “within a camera” (Ground 3). (Motion 5.) And the Reply raises no new grounds—especially not GoPro’s mischaracterized “Canon camera modified by Fleming or Obara” ground—prior art references, or combinations.

The camera evidence is not new, rather it confirms and reinforces the Petition’s original theory that it would have been obvious for the processor(s) of Fleming or Obara to be within a camera because digital cameras at the time of the ’413 patent had a need to perform aspect ratio conversion. (Petition, 28, 72.) This is different from GoPro’s cited *Interactive Communications Int’l, Inc. v.*

Blackhawk Network Inc. case, which concerned a new reference to teach a claim limitation. IPR2023-01235, Paper 34 at 54-55 (Feb. 6, 2025).

Moreover, the camera arguments and evidence are directly responsive to GoPro's Response. The Federal Circuit has long recognized that a petitioner "may introduce new evidence after the petition stage if the evidence is a legitimate reply to evidence introduced by the patent owner." *Anacor Pharms., Inc. v. Iancu*, 889 F.3d 1372, 1380-82 (Fed. Cir. 2018). Here, GoPro argued that camera designers at the time of the '413 patent did not contemplate performing aspect ratio conversion by the camera's processor(s). (POR, 62.) Its expert similarly testified that there is no such evidence and there would have been major design problems. (EX1015, 87:9-89:2.) Insta360's Reply arguments and evidence were offered to explain why GoPro and its expert's arguments, including its reasonable expectation of success arguments, were wrong. Thus, there is no basis to strike this argument or evidence.

IV. CONCLUSION

For the above reasons, the Board deny should deny GoPro's motion to strike.

IPR2024-00984

Dated: September 3, 2025

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Certificate of Service (37 C.F.R. § 42.6(e)(4))

I hereby certify that the attached PETITIONER’S OPPOSITION TO
PATENT OWNER’S MOTION TO STRIKE was served on the below date via e-
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